

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
Respondent,) No. 100873-2
)
vs.)
) STATEMENT OF
MICHAEL SCOTT) ADDITIONAL
REYNOLDS, JR,) AUTHORITIES
)
Petitioner.)
_____)

Pursuant to RAP 10.8, the State of Washington respectfully provides the following additional authority, argument, and citation to briefing:

In State v. Ritchie, No. 82920-3-I, __ Wn. App. 2d __, 520 P.3d 1105, 1120-22 (Dec. 5, 2022), the Court of Appeals rejected a cruel punishment challenge to a life-without-parole sentence for a third “strike” of second-degree assault. In the process, the court rejected Ritchie’s attempt to use the State’s

offer of a lesser sentence during plea bargaining as evidence that his life-without-parole sentence was inappropriate:

The State's interest at the plea bargaining stage is not necessarily to obtain a sentence that it believes to be the most just but, rather, to “persuade the defendant to forgo his right to plead not guilty.” Bordenkircher v. Hayes, 434 U.S. 357, 364, 98 S. Ct. 663, 54 L. Ed. 2d 604 (1978). It has long been accepted that “a State may encourage a guilty plea by offering substantial benefits” including a greatly reduced sentence, “in return for the plea.” Corbitt v. New Jersey, 439 U.S. 212, 219, 99 S. Ct. 492, 58 L. Ed. 2d 466 (1978). To hold that a sentence was cruel simply because the State had once offered a lower sentence as part of a guilty plea offer “would contradict the very premises that underlie the concept of plea bargaining itself.” Bordenkircher, 434 U.S. at 365, 98 S.Ct. 663. Ritchie's decision to decline the plea offer was his choice, and his decision does not render his sentence unconstitutionally cruel.

Id. at 1121.

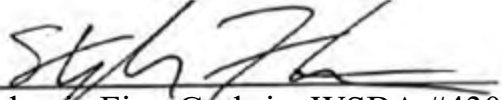
Reynolds similarly suggests that the State's pre-trial offer to not prove that his attempted first-degree robbery at age 17 qualifies as a “strike” if Reynolds pled guilty supports his contention that his life-without-parole sentence is unconstitutional. Br. of Appellant at 8, 20; Reynolds's

Supplemental Br. at 7. This Court should apply the same reasoning as in Ritchie to reject that argument.

The body of this statement contains 313 words, in compliance with the 350-word limit set out in RAP 10.8(b).

Dated this 28th day of December, 2022.

DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: 
Stephanie Finn Guthrie, WSBA #43033
Senior Deputy Prosecuting
Attorney
Attorneys for Respondent
Office WSBA #91002

King County Prosecutor's Office
Appellate Unit
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104-2385
(206) 477-9497 FAX (206) 259-2795

KING COUNTY PROSECUTOR'S OFFICE - APPELLATE UNIT

December 28, 2022 - 1:26 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,873-2
Appellate Court Case Title: State of Washington v. Michael Scott Reynolds Jr.

The following documents have been uploaded:

- 1008732_Briefs_20221228132522SC703929_6776.pdf
This File Contains:
Briefs - Respondents Additional Authorities
The Original File Name was 100873-2 STATEMENT OF ADDITIONAL AUTHORITIES.pdf

A copy of the uploaded files will be sent to:

- ali@defensenet.org
- baker@aclu-wa.org
- brian.flaherty@kingcounty.gov
- changro@seattleu.edu
- cindy@defensenet.org
- jan@washapp.org
- jclark@aclu-wa.org
- jvanarcken@kingcounty.gov
- katherine.hurley@kingcounty.gov
- laurwilson@kingcounty.gov
- leeme@seattleu.edu
- levinje@seattleu.edu
- lila@washapp.org
- mark@middaughlaw.com
- sara.zier@teamchild.org
- wapofficemail@washapp.org

Comments:

Sender Name: Bora Ly - Email: bora.ly@kingcounty.gov

Filing on Behalf of: Stephanie Finn Guthrie - Email: stephanie.guthrie@kingcounty.gov (Alternate Email:)

Address:

King County Prosecutor's Office - Appellate Unit
W554 King County Courthouse, 516 Third Avenue
Seattle, WA, 98104
Phone: (206) 477-9499

Note: The Filing Id is 20221228132522SC703929