

SUPREME COURT OF WASHINGTON

State v. Neff

181 P.3d 819 (Wash. 2008) · No. No. 79121-0 · Decided April 24, 2008

SUMMARY

The Washington Supreme Court held that Roy Len Neff did not knowingly waive his constitutional right to appeal the sufficiency of the evidence after entering a stipulated facts trial agreement. The court nevertheless affirmed his firearm enhancement, concluding that sufficient evidence linked the firearms and countersurveillance equipment to his ongoing methamphetamine manufacturing operation. The court also rejected Neff’s ineffective assistance of counsel claims.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	J.M. Johnson; Gerry L. Alexander, C.J.; Charles W. Johnson; Tom Chambers; Bobbe J. Bridge; Susan Owens; Mary E. Fairhurst; Barbara A. Madsen; Richard P. Sanders
JURISDICTION	Washington
DECIDED	April 24, 2008
DOCKET	No. 79121-0
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a stipulated-facts bench trial, Neff was convicted of manufacturing methamphetamine and received a firearm enhancement. The Washington Court of Appeals affirmed. The Washington Supreme Court granted review to consider whether Neff waived his right to appeal, whether sufficient evidence supported the firearm enhancement, and whether he received ineffective assistance of counsel.
STANDARD OF REVIEW	For sufficiency of the evidence, the majority affirmed if a rational fact finder could find the charged elements beyond a reasonable doubt, construing the evidence and reasonable inferences in the State's favor. Because the trial judge presided over the suppression hearing, heard testimony, and made a credibility finding, the majority applied deferential review. Ineffective-assistance claims were analyzed under Strickland v. Washington, requiring deficient performance and

	prejudice. The dissent would have reviewed the stipulated written facts de novo.
PRECEDENTIAL VALUE	binding
PARTIES	Roy Len Neff v. State of Washington

TOPICS

criminal procedure appellate procedure sentencing right to counsel fourteenth amendment

PRACTICE AREAS

criminal law criminal procedure appellate procedure sentencing constitutional law

QUESTIONS PRESENTED

1. Whether Neff knowingly, voluntarily, and intelligently waived his constitutional right to appeal the sufficiency of the evidence before the stipulated-facts trial.
2. Whether sufficient evidence supported the firearm enhancement for being armed while manufacturing methamphetamine.
3. Whether trial counsel rendered ineffective assistance by failing to argue that Neff was unarmed and by advising him to accept the stipulated-facts trial agreement.

HOLDINGS

1. Neff did not knowingly waive his constitutional right to appeal because the written stipulation was confusing and contradictory and his colloquy with the trial court demonstrated that he did not fully understand the agreement and its consequences.
2. Sufficient evidence supported the firearm enhancement because a rational fact finder could conclude beyond a reasonable doubt that Neff was armed while manufacturing methamphetamine.
3. Neff received effective assistance of counsel because he failed to show either prejudice from counsel's failure to argue that he was unarmed or deficient performance in advising him to accept the stipulated-facts trial.

KEY QUOTATIONS

“Under these circumstances, we must hold that Neff did not knowingly waive his right to appeal,” (823)

“A person is armed while committing a crime if he can easily access and readily use a weapon and if a nexus connects him, the weapon, and the crime.” (824)

“The State may not punish Neff for owning guns, for keeping them loaded, or for keeping them easily accessible. However, it could enhance his drug manufacturing sentence where it proved beyond a reasonable doubt that he used them to defend his drug operation.” (825)

“Neff received effective assistance of counsel.” (826)

FACTUAL BACKGROUND

A sheriff's deputy investigating a strong ammonia odor near Neff's property observed equipment and chemical materials associated with methamphetamine manufacture. Officers entered the garage using keys Neff had discarded, observed an apparent methamphetamine laboratory and marijuana-growing operation, and then obtained and executed a search warrant. They found three firearms, including two loaded handguns in a locked safe containing marijuana, another handgun in a tool belt in the rafters, and surveillance cameras and a monitor that an officer identified as countersurveillance equipment.

PROCEDURAL HISTORY

The State initially charged Neff with six felony counts and five firearm enhancements. After jury selection, the parties agreed that the State would dismiss all but one manufacturing charge and one firearm enhancement in exchange for a stipulated-facts trial and waiver of specified rights. The trial court convicted Neff and imposed a total sentence of 125 months. The Court of Appeals affirmed, and the Supreme Court granted review. The Supreme Court held that Neff did not knowingly waive his right to appeal but affirmed the Court of Appeals because the firearm enhancement was supported by sufficient evidence and counsel was effective.

DISPOSITION

affirmed

CASES CITED

- State v. Myers, 133 Wash. 2d 26, 37, 941 P.2d 1102 (1997)
- State v. Perkins, 108 Wash. 2d 212, 215-16, 737 P.2d 250 (1987)
- State v. Kells, 134 Wash. 2d 309, 314, 949 P.2d 818 (1998)
- State v. Smith, 134 Wash. 2d 849, 851-53, 953 P.2d 810 (1998)
- In re Pers. Restraint of Breedlove, 138 Wash. 2d 298, 309, 979 P.2d 417 (1999)
- State v. DeVries, 149 Wash. 2d 842, 849, 72 P.3d 748 (2003)
- State v. Schelin, 147 Wash. 2d 562, 567-68, 55 P.3d 632 (2002)
- State v. Valdobinos, 122 Wash. 2d 270, 273-74, 282, 858 P.2d 199 (1993)
- State v. Gurske, 155 Wash. 2d 134, 137-39, 141, 118 P.3d 333 (2005)
- State v. Rupe, 101 Wash. 2d 664, 704, 683 P.2d 571 (1984)
- State v. O'Neal, 159 Wash. 2d 500, 502-04, 150 P.3d 1121 (2007)
- State v. Eckenrode, 159 Wash. 2d 488, 491-94, 150 P.3d 1116 (2007)
- Strickland v. Washington, 466 U.S. 668, 687, 689, 694, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Michel v. Louisiana, 350 U.S. 91, 101, 76 S. Ct. 158, 100 L. Ed. 83 (1955)
- State v. Rowe, 93 Wash. 2d 277, 280, 609 P.2d 1348 (1980)
- State v. Crediford, 130 Wash. 2d 747, 759, 927 P.2d 1129 (1996)
- State v. Thomas, 150 Wash. 2d 821, 874-75, 83 P.3d 970 (2004)
- Bailey v. United States, 516 U.S. 137, 143, 148-49, 116 S. Ct. 501, 133 L. Ed. 2d 472 (1995)

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