

WASHINGTON SUPREME COURT

State v. Simms

171 Wash. 2d 244 (2011) · Decided April 7, 2011

SUMMARY

The Washington Supreme Court affirmed Daniel Simms’s convictions and sentence, including doubled firearm enhancements under RCW 9.94A.533(3)(d). The court held that the State was not required to allege in the information that Simms had previously been sentenced for a firearm enhancement because that fact was not an essential element of the charged offenses. The court concluded that the sentence imposed was constitutionally permissible and statutorily required.

CASE DETAILS

COURT	Washington Supreme Court
WRITING FOR THE COURT	J.M. Johnson; Madsen, C.J.; C. Johnson, J.; Alexander, J.; Chambers, J.; Owens, J.; Fairhurst, J.; Stephens, J.; Wiggins, J.
JURISDICTION	Washington
DECIDED	April 7, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	Simms appealed his convictions and sentence, challenging only the statutory doubling of firearm enhancements based on his prior firearm enhancement. The Washington Supreme Court granted limited review of whether the State was required to allege in the information that Simms had previously been sentenced to a firearm enhancement.
STANDARD OF REVIEW	De novo review of the legal question whether the charging document was constitutionally sufficient and whether the firearm-enhancement statute required allegation of the prior enhancement as an essential element.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Daniel Simms v. State of Washington

TOPICS

- sentencing
- sentencing guidelines
- criminal procedure
- statutory interpretation
- sixth amendment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the State was required to allege in the information that Simms had previously been sentenced to a firearm enhancement before seeking doubled firearm enhancements under RCW 9.94A.533(3)(d).
2. Whether the prior firearm enhancement was an essential element that had to be charged and proved beyond a reasonable doubt under the essential-elements rule.
3. Whether doubling the firearm enhancements increased Simms's punishment beyond the prescribed statutory maximum in violation of the Sixth Amendment or article I, section 22 of the Washington Constitution.

HOLDINGS

1. The fact that Simms had previously been sentenced for a firearm enhancement was not an essential element of the charged robbery and assault offenses and therefore did not have to be alleged in the information as an element of those offenses.
2. Because Simms had previously been sentenced for a qualifying firearm enhancement, RCW 9.94A.533(3)(d) required the court to double the firearm enhancements imposed for his 2006 robbery and assault convictions.
3. Applying the doubled firearm enhancements did not violate the Sixth Amendment or article I, section 22 because the sentence did not exceed the prescribed statutory maximum and was imposed according to the jury's verdict and the statutory mandate.

KEY QUOTATIONS

“Given Simms’ prior sentence for assault in the second degree with a firearm enhancement in 2000, the court was required under RCW 9.94A.533(3)(d) to double the firearm enhancements for Simms’ 2006 robbery and assault convictions.” (253)

“There is no constitutional concern here: the judge sentenced Simms according to the jury’s verdict and as required by statute.” (252)

FACTUAL BACKGROUND

On February 18, 2006, Daniel Simms robbed John Jacobs at gunpoint and assaulted Ron Cogswell and Grace Astad with the firearm. Simms had previously been convicted in 2000 of second degree assault while armed with a firearm. The 2006 information alleged firearm enhancements for the robbery and assault charges, and the jury returned special verdicts finding that Simms was armed with a firearm during those offenses. The trial court doubled the firearm enhancements under RCW 9.94A.533(3)(d), adding 22 years to his sentence.

PROCEDURAL HISTORY

The State charged Simms by information in King County Superior Court with first degree robbery, two counts of second degree assault, and first degree unlawful possession of a firearm, together with firearm enhancements. A

jury convicted him as charged, and the trial court imposed firearm enhancements that were doubled under RCW 9.94A.533(3)(d) because of his prior firearm enhancement. The Court of Appeals affirmed. The Washington Supreme Court granted limited review and affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- State v. Recuenco, 163 Wn.2d 428, 180 P.3d 1276 (2008)
- State v. Crawford, 159 Wn.2d 86, 147 P.3d 1288 (2006)
- State v. Smith, 150 Wn.2d 135, 141-43, 75 P.3d 934 (2003)
- Blakely v. Washington, 542 U.S. 296 (2004)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- State v. Leach, 113 Wn.2d 679, 689, 782 P.2d 552 (1989)
- State v. Johnstone, 96 Wn. App. 839, 844, 982 P.2d 119 (1999)
- State v. Halstien, 122 Wn.2d 109, 130, 857 P.2d 270 (1993)
- In re Personal Restraint of Cruze, 169 Wn.2d 422, 431, 237 P.3d 274 (2010)
- City of Auburn v. Brooke, 119 Wn.2d 623, 627-28, 836 P.2d 212 (1992)
- State v. Campbell, 125 Wn.2d 797, 801, 888 P.2d 1185 (1995)