

SUPREME COURT OF WASHINGTON

State of Washington v. John Shannon Codiga

State v. Codiga, 175 P.3d 1082 (Wash. 2008) · No. No. 79127-9 · Decided January 31, 2008

SUMMARY

The Supreme Court of Washington held that John Shannon Codiga could not withdraw his guilty plea after newly discovered misdemeanor convictions increased his offender score and standard sentencing range. The court concluded that the plea form’s assumption-of-risk clause assigned Codiga the risk that additional criminal history would be discovered, distinguishing newly discovered facts from a legal miscalculation based on a fully disclosed criminal history. The court also held that the written plea materials and adopted factual statements adequately established that the plea was knowing, intelligent, and voluntary.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Bridge, J.P.T.; Alexander, C.J.; C. Johnson, J.; Madsen, J.; Owens, J.; Fairhurst, J.; J. Johnson, J.; Chambers, J.; Sanders, J.
JURISDICTION	Washington
DECIDED	January 31, 2008
DOCKET	No. 79127-9
DISPOSITION	affirmed
PROCEDURAL POSTURE	Codiga pleaded guilty to three counts of first degree child molestation. After the presentence investigation revealed additional misdemeanor convictions that increased his offender score and sentencing range, he moved to withdraw his plea and filed a direct appeal. The Court of Appeals consolidated the appeal with a personal restraint petition, affirmed the trial court, and dismissed the petition. The Washington Supreme Court granted review.
STANDARD OF REVIEW	The defendant bears the burden of establishing manifest injustice warranting withdrawal of a guilty plea. The court reviews whether the plea was knowing, intelligent, and voluntary and whether enforcement of the plea agreement would result in manifest injustice.
PRECEDENTIAL VALUE	Published Washington Supreme Court en banc opinion; precedential

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QUESTIONS PRESENTED

1. Whether Codiga's guilty plea was involuntary or subject to withdrawal because the discovery of additional criminal history increased his offender score and standard sentencing range.
2. Whether the trial court was required to orally recite and confirm the elements of the offenses, the facts relating to those elements, and the specific consequences of the plea despite the written plea form and incorporated documents.
3. Whether the plea-form provision assigning the risk of additional criminal history to the defendant also assigned the risk of legal error in calculating the offender score.

HOLDINGS

1. A trial court may rely on a written plea agreement and incorporated reliable documents when the defendant confirms that he read and understood them; the court need not orally recite or separately confirm every element, factual circumstance, and direct consequence of the plea.
2. A defendant who agrees in the plea form that the plea remains binding if additional criminal history is discovered assumes the risk that newly discovered criminal history will increase the offender score and standard sentencing range, and cannot withdraw the plea on that basis.

KEY QUOTATIONS

"The court can allow a defendant to withdraw his guilty plea "whenever it appears that the withdrawal is necessary to correct a manifest injustice." (175 P.3d at 1087)

"Where a criminal history is correct and complete, but the attorneys miscalculate the resulting offender score, then the defendant should not be burdened with assuming the risk of legal mistake." (175 P.3d at 1090)

"The record establishes that Codiga understood the nature of the charges, the application of the law to the facts in this case, and the specific consequences of his plea, even absent oral recitation of the elements of the plea at the plea hearing." (175 P.3d at 1091)

FACTUAL BACKGROUND

Codiga admitted sexually abusing two of his nieces and pleaded guilty to three counts of first degree child molestation. At the time of the plea, the parties agreed that he had two prior felonies, that one felony had washed out, and that his offender score was seven. A presentence investigation revealed additional misdemeanor

convictions that prevented the felony from washing out, increased the offender score to eight, and raised the sentencing range.

PROCEDURAL HISTORY

Codiga was charged with five counts and pleaded guilty to three in exchange for dismissal of two. The trial court denied his request to withdraw the plea, declined to impose the special sex offender sentencing alternative, and sentenced him to concurrent terms of 150 months. The Court of Appeals affirmed and dismissed his personal restraint petition. The Supreme Court affirmed the Court of Appeals and denied withdrawal of the plea.

DISPOSITION

affirmed

CASES CITED

- State v. Mendoza, 157 Wash. 2d 582, 141 P.3d 49 (2006)
- State v. Walsh, 143 Wash. 2d 1, 17 P.3d 591 (2001)
- In re Pers. Restraint of Breedlove, 138 Wash. 2d 298, 979 P.2d 417 (1999)
- In re Personal Restraint of Keene, 95 Wash. 2d 203, 622 P.2d 360 (1980)
- In re Pers. Restraint of Stoudmire, 145 Wash. 2d 258, 36 P.3d 1005 (2001)
- State v. Christen, 116 Wash. App. 827, 67 P.3d 1157 (2003)
- State v. Wilson, 102 Wash. App. 161, 6 P.3d 637 (2000)
- State v. Moore, 75 Wash. App. 166, 876 P.2d 959 (1994)
- State v. Kennar, 135 Wash. App. 68, 143 P.3d 326 (2006)
- State v. Miller, 110 Wash. 2d 528, 756 P.2d 122 (1988)
- State v. Osborne, 35 Wash. App. 751, 669 P.2d 905 (1983)
- State v. Codiga, No. 24027-4-III, 133 Wash. App. 1034, 2006 WL 1745050 (June 27, 2006)