

SUPREME COURT OF WASHINGTON

State v. Walsh

143 Wash. 2d 1 (2001) · Decided February 8, 2001

SUMMARY

The Washington Supreme Court held that a guilty plea based on a mutual mistake about the applicable standard sentencing range was involuntary. The defendant could challenge the plea’s validity for the first time on appeal under RAP 2.5(a)(3), and was entitled to withdraw the plea because the State did not establish that withdrawal would be unjust or prejudicial. The court reversed and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Madsen, J.; Alexander, C.J.; Smith, J.; Johnson, J.; Ireland, J.; Bridge, J.; Guy, J.; Talmadge, J. Pro Tem.
JURISDICTION	Washington
DECIDED	February 8, 2001
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Walsh pleaded guilty pursuant to a plea agreement, was sentenced to an exceptional term, and appealed after the Court of Appeals affirmed. The Supreme Court of Washington granted review of whether he waived a challenge to the voluntariness of his plea by failing to move to withdraw it before sentencing.
STANDARD OF REVIEW	The court reviewed de novo the legal question whether a guilty plea was voluntary and whether a constitutional claim could be raised for the first time on appeal. Under RAP 2.5(a)(3), the court also considered whether the alleged constitutional error was manifest, meaning that actual prejudice was shown and the claim was likely to succeed.
PRECEDENTIAL VALUE	Published Washington Supreme Court opinion; precedential.
PARTIES	Timothy Walsh v. State of Washington

TOPICS

- plea bargaining
- criminal procedure
- sentencing
- appellate procedure
- preservation of error

PRACTICE AREAS

criminal procedure

plea bargaining

appellate procedure

sentencing

QUESTIONS PRESENTED

1. Whether a defendant may raise for the first time on appeal a claim that a guilty plea was involuntary because the plea agreement was based on a mutual mistake about the applicable standard sentencing range.
2. Whether Walsh was entitled to withdraw his guilty plea after the parties discovered that the standard sentencing range was higher than the range contemplated by the plea agreement.
3. Whether the imposition of an exceptional sentence could stand when the guilty plea underlying the sentence was involuntary.

HOLDINGS

1. A defendant may raise for the first time on appeal a claim that a guilty plea pursuant to a plea agreement was involuntary because of a misunderstanding about the standard sentencing range.
2. Walsh's guilty plea was involuntary because it was based on a mutual mistake concerning the applicable standard sentencing range.
3. Walsh was entitled to withdraw his guilty plea.
4. The exceptional 136-month sentence could not stand because it was imposed following an involuntary guilty plea.

KEY QUOTATIONS

“Similarly, given the fundamental constitutional rights of an accused which are implicated when a defendant pleads guilty, a claim that a guilty plea pursuant to a plea agreement was involuntary due to a misunderstanding about the standard range sentence is the kind of constitutional error that RAP 2.5(a)(3) encompasses.” (at 8)

“A defendant must understand the sentencing consequences for a guilty plea to be valid.” (at 9)

“Since he did not, imposition of an exceptional sentence based upon that guilty plea cannot stand.” (at 10)

FACTUAL BACKGROUND

Walsh agreed to plead guilty to second degree rape in exchange for dismissal of other charges and the prosecutor's recommendation of the low end of the standard sentencing range. Both parties mistakenly believed that his prior vehicular-assault conviction produced an 86-to-114-month range, and Walsh entered an Alford plea based on that understanding. Before sentencing, the correct range was determined to be 95 to 125 months, but Walsh was not advised of the correction or of his options to withdraw the plea or seek specific performance. The court imposed an exceptional 136-month sentence.

PROCEDURAL HISTORY

Walsh was charged with first degree kidnapping, first degree rape, and second degree assault, then pleaded guilty to second degree rape in exchange for dismissal of the other counts and a recommendation for an 86-month sentence. The parties later discovered that the correct standard sentencing range was 95 to 125 months, and the trial court imposed an exceptional 136-month sentence without advising Walsh of the corrected range or available remedies. The Court of Appeals affirmed, holding that Walsh waived the issue by proceeding to sentencing without moving to withdraw the plea. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with allowing Walsh to withdraw his guilty plea.

CASES CITED

- State v. Wakefield, 130 Wn.2d 464, 472, 925 P.2d 183 (1996)
- State v. Miller, 110 Wn.2d 528, 531, 535-36, 756 P.2d 122 (1988)
- In re Pers. Restraint of Breedlove, 138 Wn.2d 298, 309, 979 P.2d 417 (1999)
- State v. Saas, 118 Wn.2d 37, 42, 820 P.2d 505 (1991)
- In re Pers. Restraint of Hews, 99 Wn.2d 80, 660 P.2d 263 (1983)
- In re Pers. Restraint of James, 96 Wn.2d 847, 849, 640 P.2d 18 (1982)
- State v. Skiggn, 58 Wn. App. 831, 795 P.2d 169 (1990)
- State v. Van Buren, 101 Wn. App. 206, 211-12, 2 P.3d 991 (2000)
- State v. Tourtellotte, 88 Wn.2d 579, 583, 564 P.2d 799 (1977)
- State v. Sledge, 133 Wn.2d 828, 839, 947 P.2d 1199 (1997)
- In re Pers. Restraint of Montoya, 109 Wn.2d 270, 277, 744 P.2d 340 (1987)
- State v. Lewis, 16 Wn. App. 132, 135, 553 P.2d 127 (1976)
- Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969)
- Santobello v. New York, 404 U.S. 257, 92 S. Ct. 495, 30 L. Ed. 2d 427 (1971)
- State v. McFarland, 127 Wn.2d 322, 333-34, 899 P.2d 1251 (1995)
- State v. Scott, 110 Wn.2d 682, 688, 757 P.2d 492 (1988)
- State v. WWJ Corp., 138 Wn.2d 595, 603, 980 P.2d 1259 (1999)
- State v. Moore, 75 Wn. App. 166, 173, 876 P.2d 959 (1994)
- State v. Giebler, 22 Wn. App. 640, 642-44, 591 P.2d 465 (1979)
- North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970)