

SUPREME COURT OF WASHINGTON

City of Seattle v. Winebrenner; City of Seattle v. Quezada

219 P.3d 686 (Wash. 2009) · No. Nos. 81279-9, 81280-2 · Decided October 29, 2009

SUMMARY

The Washington Supreme Court considered whether offenses committed after a current DUI offense but before sentencing qualify as "prior offenses" under RCW 46.61.5055 for purposes of determining mandatory minimum penalties. The court held that the statute is ambiguous and, applying the rule of lenity, ruled that later offenses may not be counted as prior offenses for sentencing the earlier DUI offense. The court reversed the Court of Appeals in the consolidated cases.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Chambers, J.; Gerry L. Alexander, C.J.; Richard B. Sanders, J.; Susan Owens, J.; James M. Johnson, J.; Debra L. Stephens, J.; Madsen, J.; C. Johnson, J.; Fairhurst, J.
JURISDICTION	Washington
DECIDED	October 29, 2009
DOCKET	Nos. 81279-9, 81280-2
DISPOSITION	reversed
PROCEDURAL POSTURE	Consolidated review of Court of Appeals decisions concerning DUI sentencing after revocation of deferred prosecutions.
STANDARD OF REVIEW	De novo review of questions of statutory interpretation.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Scott Winebrenner, Jesus Quezada v. City of Seattle

TOPICS

- statutory interpretation
- rule of lenity
- sentencing
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal law
- DUI sentencing
- statutory interpretation
- appellate procedure
- municipal law

QUESTIONS PRESENTED

1. Whether the term "prior offense" in RCW 46.61.5055 refers only to an offense occurring before the current DUI offense or includes offenses occurring before sentencing.
2. Whether offenses committed after the current DUI offense may be counted as prior offenses when determining the mandatory minimum sentence for the current offense.
3. Whether RCW 46.61.5055 is ambiguous and, if so, whether the rule of lenity requires construction in favor of the defendants.

HOLDINGS

1. RCW 46.61.5055 is ambiguous because it reasonably permits both a before-the-current-offense interpretation and a before-sentencing interpretation of "prior offense."
2. When RCW 46.61.5055 is construed as ambiguous, the rule of lenity requires interpreting it in favor of the defendants.
3. Offenses occurring after the current DUI offense must not be considered "prior offenses" when sentencing the defendant for the current offense under RCW 46.61.5055.

KEY QUOTATIONS

"Offenses that occur after the current offense must not be considered 'prior offenses' for purposes of sentencing for DUI." (at 692)

"We conclude that both interpretations of the statute are reasonable. RCW 46.61.5055 is ambiguous as to whether it requires sentencing courts to consider offenses that occurred both before and after the offense for which the defendant is being sentenced." (at 692)

FACTUAL BACKGROUND

Quezada had a 2001 DUI conviction, entered a deferred prosecution after a 2002 DUI arrest, and later received a 2005 reckless-driving conviction that led to revocation of the deferred prosecution. Winebrenner entered a deferred prosecution after a 2001 DUI arrest and later pleaded guilty to reckless driving arising from a 2005 DUI arrest, which violated the earlier deferred prosecution. The sentencing courts differed over whether the later offenses counted as prior offenses under RCW 46.61.5055 when imposing sentences for the earlier DUI offenses.

PROCEDURAL HISTORY

Winebrenner and Quezada were convicted of DUI-related offenses after their deferred prosecutions were revoked. The municipal courts declined to count offenses occurring after the current offenses as prior offenses under RCW 46.61.5055. In Quezada's case, the superior court affirmed and the Court of Appeals reversed; in Winebrenner's case, the superior court treated the later conviction as a prior offense, and the Court of Appeals affirmed that result while rejecting treatment of the deferred prosecution itself as a prior offense. The Washington Supreme Court consolidated the cases, reversed the Court of Appeals, and held that later offenses could not be counted as prior offenses for sentencing the earlier DUI offenses.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court of Appeals was reversed. The opinion does not provide additional specific remand instructions beyond requiring sentencing consistent with the holding that later offenses are not prior offenses for the earlier DUI offense.

CASES CITED

- State v. Salavea, 151 Wash. 2d 133, 140, 86 P.3d 125 (2004)
- State v. Jacobs, 154 Wash. 2d 596, 600-01, 115 P.3d 281 (2005)
- Agrilink Foods, Inc. v. State Department of Revenue, 153 Wash. 2d 392, 396, 103 P.3d 1226 (2005)
- State v. Hahn, 83 Wash. App. 825, 831, 924 P.2d 392 (1996)
- In re Recall of Pearsall-Stipek, 141 Wash. 2d 756, 767, 10 P.3d 1034 (2000)
- Glenn v. Garrett, 84 S.W.2d 515, 516 (Tex. App. 1935)
- State v. Whitaker, 112 Wash. 2d 341, 346, 771 P.2d 332 (1989)
- State v. Engel, 166 Wash. 2d 572, 579, 210 P.3d 1007 (2009)
- State v. Lilyblad, 163 Wash. 2d 1, 6, 11, 177 P.3d 686 (2008)
- HomeStreet, Inc. v. Department of Revenue, 166 Wash. 2d 444, 451, 210 P.3d 297 (2009)
- In re Post Sentencing Review of Charles, 135 Wash. 2d 239, 250 n.4, 955 P.2d 798 (1998)
- State v. Adlington-Kelly, 95 Wash. 2d 917, 920-21, 631 P.2d 954 (1981)
- State v. Carter, 89 Wash. 2d 236, 242, 570 P.2d 1218 (1977)
- In re Personal Restraint of Sietz, 124 Wash. 2d 645, 652, 880 P.2d 34 (1994)
- Moskal v. United States, 498 U.S. 103, 107-08, 111 S. Ct. 461, 112 L. Ed. 2d 449 (1990)
- Reno v. Koray, 515 U.S. 50, 64-65, 115 S. Ct. 2021, 132 L. Ed. 2d 46 (1995)
- State v. Coria, 146 Wash. 2d 631, 639, 48 P.3d 980 (2002)
- State v. Thomas, 150 Wash. 2d 666, 672, 80 P.3d 168 (2003)
- City of Seattle v. Quezada, 142 Wash. App. 43, 48-53, 174 P.3d 129 (2007)