



STATE OF WASHINGTON

## SENTENCING GUIDELINES COMMISSION

*Helen Sommers Building, PO Box 43124 • Olympia, Washington 98504-3124 • (360) 902-0425*

### MEETING MINUTES

**December 10, 2021 9:00am – 12:00pm**

**Zoom**

Members Present:

Hon. Stanley Rumbaugh, Acting Chair  
Councilmember Phillip Lemley  
Kimberly Gordon  
Hon. Josephine Wiggs-Martin  
Jennifer Albright  
Senator Claire Wilson  
Secretary Cheryl Strange  
Kecia Rongen  
Hon. William Houser  
Hon. Sharonda Amamilo  
Kathleen Harvey  
Chief Cherie Harris  
Marc Baldwin  
Norrie Gregoire  
Rep. Tarra Simmons  
Councilmember Derek Young  
Gina Cardenas  
Tony Golik  
Greg Link (proxy: Kimberly Gordon)

Members Absent:

Senator Mike Padden  
Tim Wettack  
Hon. J. Wesley Saint Clair, Chair  
Rep. Gina Mosbrucker  
Jon Tunheim

Staff:

Keri-Anne Jetzer

#### **I. CALL TO ORDER**

Acting Chair Judge Stanley Rumbaugh called the meeting to order. He welcomed OFM's new designee, Marc Baldwin, to the Commission. Marc introduced himself to the members.

#### **II. APPROVAL OF MINUTES**

##### **MOTION #21-63: APPROVE MINUTES FROM NOVEMBER 2021 MEETING**

**MOVED:** Judge Amamilo  
**SECONDED:** Kimberly Gordon  
**PASSED:** Unanimous  
**ABSTAIN:** Judge Rumbaugh, Chief Harris

### **III. PRETRIAL CREDIT WORK GROUP UPDATE**

Keri-Anne briefed members on the status of the work group. She reported a meeting had been scheduled for Monday, December 13. She added that the work group was still looking for a prosecuting attorney and a judge. Tony Golik reported that he or Jon Tunheim would be recommending a deputy prosecutor to participate. Judge Houser volunteered to be on the work group.

### **IV. ADDING POSITIONS TO THE SGC MEMBERSHIP**

### **V. REQUESTED FEEDBACK ON PROPOSED LEGISLATION**

The Chair asked Rep. Simmons to speak about her bill related to drive-by shooting as an aggravating factor in murder. She observed that if the shooting occurs from inside a vehicle it falls under the aggravating circumstance whereas if the shooting occurs while the person has stepped outside of the vehicle it does not. She was only aware of one person who is currently incarcerated with this aggravating circumstance. Because the person's offense was committed within a vehicle, he was given a sentence of 777 years. Had he been outside the vehicle, she said, he would be given about 27 years. She mentioned that the documentary "Since I Been Down" is about this person.

Kimberly Gordon stated that she has been working with several post-conviction cases similar to what Rep. Simmons described. She thought these cases evoked a lot of frustration and emotion by those who have lost someone and by those who do not feel safe in their community. That also results in an emotionally driven decision, which can result in disparity.

Tony Golik remarked that drive-by shootings are still common and felt this is a reasonable aggravating factor in an intentional murder that endangers people other than the intended person.

Chair Rumbaugh was troubled by the arbitrary nature of inside the car as opposed to outside the car. Tony agreed that it should be clarified that it only pertains to someone intending to commit the murder of an individual and committing it by shooting from a moving vehicle as opposed to just using a vehicle to transport themselves to the scene.

Chief Harris agreed that the aggravator should be that the vehicle is moving. She noted that there have been more firearm-related crimes in King County than have been seen in a very long time and wondered about the timing of removing this aggravator. She shared a report on fire-arm related shootings by the King County Prosecuting Attorney's Office with the members.

Kimberly Gordon offered other laws under which such crimes could be charged, suggesting there are already tools available to deal with this type of crime.

Judge Amamilo said the disparate application of the mechanics of this aggravator cannot be overlooked. She suggested it may have seemed logical at the time but now seeing all the tools that are available thought there are other ways to approach it.

Tony Golik submitted that the aggravator is used because there is significant additional danger to other folks and he felt a judge should be able to use it in an appropriate case. He suggested two possible changes: (1) move it from the Aggravated Murder list to the list of aggravating factors, and (2) remove the part where a vehicle was used to transport to the scene.

Members decided to wait on a vote and speak to their constituencies about the bill.

Rep. Simmons reviewed her draft legislation related to vacating records. She said it's a technical bill that allows people to vacate their records in a more streamlined way.

Chair Rumbaugh commented that he was concerned about the removal of judicial discretion in the bill. He said the Legislature seems to be selectively concerned about that particular streamlining and what it does to the courts.

Tony Golik agreed with Rep. Simmons about the timing of paying LFOs. A person shouldn't have to pay off all their LFOs and then wait the five years. He also agreed with Chair Rumbaugh about the removal of judicial discretion.

Judge Houser agreed with Chair Rumbaugh about the precedent it might set and thought it could be a problem for most of the Superior Court judges. Judge Wiggs-Martin added that she, herself, wasn't concerned about the judicial discretion part, noting there are many things that judges don't have discretion on.

The SGC terminated its meeting at this point due to continuous disturbances during the meeting.

## **VI. CRIMINAL CODE REVIEW COMMITTEE**

## **VII. OTHER BUSINESS**

## **VIII. ADJOURNMENT**

**APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION**



1/14/2022

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Judge J. Wesley Saint Clair, Chair

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Date