

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

DEMARCUS RASHAHID,

Appellant.

No. 80723-4-I

DIVISION ONE

UNPUBLISHED OPINION

PER CURIAM — Demarcus Rashahid was convicted by a jury of first degree unlawful possession of a firearm under RCW 9.41.040(1). The trial court imposed a low-end standard range sentence of 41 months, and also imposed the requirement that Rashahid register as a felony firearm offender.

Rashahid appeals, arguing that RCW 9.41.330, the felony firearm offender registration statute, is unconstitutionally vague because it lacks guidance for determining whether a person’s criminal history should require registration as a felony firearm offender. But, as the State notes, the Washington Supreme Court held in State v. Baldwin, 150 Wn.2d 448, 459, 78 P.3d 1005 (2003), that the due process void-for-vagueness doctrine is not applicable to sentencing guidelines because they neither “define conduct nor . . . allow for arbitrary arrest and criminal prosecution by the State.” See also State v. Brush, 5 Wn. App. 2d 40, 63, 425 P.3d 545 (2018); State v. DeVore, 2 Wn. App. 2d 651, 664, 413 P.3d 58

(2018) (aggravating factors in RCW 9.94A.535(3) are not subject to a vagueness challenge because they do not specify the sentence that must be imposed nor limit the trial court's discretion during sentencing). Similarly, because RCW 9.41.330 does not fix sentencing aspects, and it neither proscribes nor prescribes criminal conduct, the void-for-vagueness doctrine does not apply to RCW 9.41.330.

Affirmed.

For the Court:






