

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

STATE OF WASHINGTON,)	
)	No. 37631-1-III
Respondent,)	
)	
v.)	
)	
EVERARDO SAUCEDO VALDEZ,)	UNPUBLISHED OPINION
)	
Appellant.)	

STAAB, J. — Everardo Valdez was convicted of felony driving under the influence. The only issue he raises on appeal is the propriety of a line in the caption of his judgment and sentence directing “Clerk’s Action” to a later paragraph that did not apply to his case. Finding no error, we affirm.

Similar to other forms drafted by the Washington State Pattern Forms Committee and adopted by the Supreme Court, the caption of Mr. Valdez’s judgment and sentence contained a check box followed by a notation “Clerk’s Action” and a list of paragraphs. The purpose of this line is to notify court clerks when they need to take action on a pleading beyond just filing the document.

In Mr. Valdez’s case, the “Clerk’s Action” box was checked in the caption of his judgment and sentence, followed by a list of paragraphs, including paragraph 5.8.

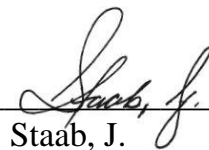
No. 37631-1-III
State v. Valdez

Paragraph 5.8 is also in checkbox format, and requires the clerk to notify the Department of Licensing if the defendant was under the age of 21 at the time of the offense. As Mr. Valdez notes, this paragraph does not apply in his situation. While this is true, as the State points out, the check box at paragraph 5.8 was not checked. The list of paragraphs in the caption tells the clerk which paragraphs may need additional action, but only if the specific box within the body of the judgment is checked.

In this case, paragraph 5.8 within the judgment was not checked and there is no indication in the record that the clerk mistakenly notified the Department of Licensing that Mr. Valdez was convicted of an offense while under the age of 21.

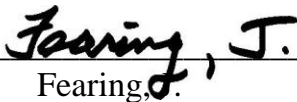
Affirm.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.



Staab, J.

WE CONCUR:



Fearing, J.



Pennell, C.J.