

APPENDIX A
(Ruling Denying Review)

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In the Matter of the Personal Restraint of:

RONALD LEE SORENSON,

Petitioner.

No. 101139-3

Court of Appeals No. 57022-0-II

RULING DENYING REVIEW

Ronald Sorenson was convicted in 2012 of several counts of child molestation of various degrees. The judgment and sentence became final in 2014. Sorenson filed a personal restraint petition in Division Two of the Court of Appeals in June 2022, but finding the petition untimely, the acting chief judge dismissed it. Sorenson now seeks this court's discretionary review. RAP 16.14(c).

Because Sorenson filed this personal restraint petition more than one year after the judgment and sentence became final, the petition is untimely unless the judgment and sentence is facially invalid or was entered without competent jurisdiction, or unless Sorenson asserts solely grounds for relief exempt from the time limit under RCW 10.73.100. RCW 10.73.090; *In re Pers. Restraint of Stoudmire*, 141 Wn.2d 342, 348-49, 5 P.3d 1240 (2000). Sorenson argues that one of the first degree child molestation convictions was predicated on an act committed in Oregon, and therefore the superior court lacked jurisdiction to impose sentence on that conviction, making the petition exempt from the time limit under RCW 10.73.100(5). But Sorenson does not

show that the acting chief erred in determining that none of the convictions was based on the Oregon act. In closing argument the prosecutor acknowledged that the victim in question described an act at a beach and that the State had not proven that act occurred in Washington, and therefore the prosecutor expressly told the jury not to base a conviction on that act. 4B Verbatim Report of Proceedings at 575. The prosecutor then went on to describe several other acts that the State was relying on for conviction under the four counts involving that victim. *Id.* at 580-82, 595-86. There is nothing in the record Sorenson provides to suggest the jury based any of its verdicts on the act claimed to have occurred in Oregon, and thus there is no evidence the superior court imposed sentence for a crime over which it had no jurisdiction. Demonstrating no jurisdictional defect, Sorenson fails to show this petition is exempt from the time limit.

The motion for discretionary review is denied.


DEPUTY COMMISSIONER

September 27, 2022

APPENDIX B
(Order Dismissing Petition)

July 8, 2022

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of the Personal Restraint of:

RONALD LEE SORENSON,

Petitioner.

No. 57022-0-II

ORDER DISMISSING PETITION

Ronald Sorenson seeks relief from personal restraint imposed following his 2012 conviction for four counts of first degree child molestation, four counts of second degree child molestation, and one count of third degree child molestation. In this, his third petition,¹ he argues that the trial court lacked jurisdiction over one of the counts of first degree child molestation because the act took place in Oregon, not Washington.


RCW 10.73.090(1) requires that a petition be filed within one year of the date that the petitioner's judgment and sentence becomes final. Sorenson's judgment and sentence became final on August 12, 2014, when we issued the mandate following his direct appeal. RCW 10.73.090(3)(b). He did not file his petition until June 8, 2022, more than one year later. Unless he shows that one of the exceptions contained in RCW 10.73.100 applies or that his judgment and sentence is facially invalid, his petition is time-barred.

In re Pers. Restraint of Hemenway, 147 Wn.2d 529, 532-33, 55 P.3d 615 (2002).

¹ See Part Published Opinion, *In Re Pers. Restraint of Sorenson*. No. 48111-1-II (Oct.3, 2017); and Order Dismissing Petition, *In re Pers. Restraint of Sorenson*, No. 53713-3-II (Oct. 31, 2019).

Sorenson does not demonstrate that his judgment and sentence is facially invalid. He argues that his petition falls within RCW 10.73.100(5) because the trial court lacked jurisdiction over a count of first degree child molestation for the act that occurred in Oregon. But the record indicates that while evidence of an act occurring in Oregon was admitted, it was not admitted to prove any of the counts of first degree child molestation. It was admitted to prove a pattern of acts, admissible under ER 404(b), not to prove any of the counts of child molestation brought by the State. And in its closing argument, the State informed the jury that it was not seeking a conviction based on the act that occurred in Oregon. The trial court had jurisdiction over all of the counts. Thus, his petition must be dismissed as untimely.² Accordingly, it is hereby

ORDERED that Sorenson's petition is dismissed under RAP 16.11(b). His request for appointment of counsel is denied.



Acting Chief Judge Pro Tempore

cc: Ronald L. Sorenson
Clark County Prosecuting Attorney
Clark County Clerk
County Cause No. 10-1-01995-2

² Although Sorenson's petition is successive, we dismiss it rather than transfer it to our Supreme Court because it is also untimely. *In re Pers. Restraint of Turay*, 150 Wn.2d 71, 86-87, 74 P.3d 1194 (2003).

APPENDIX C
(Order Denying Motion to Modify Ruling Denying Review)

THE SUPREME COURT OF WASHINGTON

Carrález C.J.
CHIEF JUSTICE

**Additional material
from this filing is
available in the
Clerk's Office.**