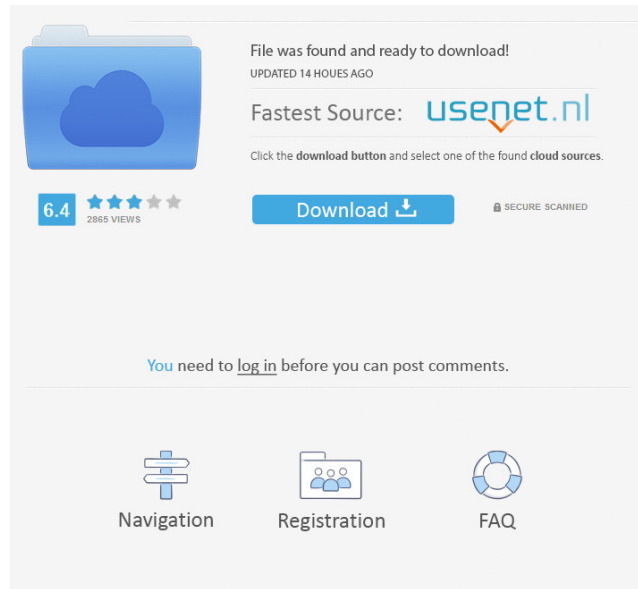


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(1980) 618 P.2d 23 THE STATE OF
WASHINGTON, Respondent, v. DAVID FRANKLIN
SMITH, Appellant. No. 4060-II. The Court of Appeals
of Washington, Division Two. December 9, 1980.
*852 William B. Rozelle, for appellant. C. Danny
Clem, Prosecuting Attorney, and J. Michael Rowe,
Deputy, for respondent. REED, J. David Franklin
Smith was convicted by jury trial of first degree
burglary. He was sentenced to a term of 5 1/2 to 10
years in prison. Smith appeals, challenging the trial
court's admission of evidence of a prior burglary and
the constitutionality of RCW 9.95.230. We affirm.
Smith has been in and out of prison since 1967. In May
of 1978, while in the King County Jail, he was booked
on a burglary charge and the report on the burglary
charge identified him as a parolee on his fourth
consecutive sentence for burglary. On August 1, 1979,

he was released from the King County Jail and went to the Seattle Police Department where he was given a polygraph test in connection with a burglary in Bellevue, Washington. He was asked to sign a written statement in connection with the Bellevue burglary. This burglary occurred on December 17, 1978. The report on the crime listed Smith as a parolee on his fourth consecutive burglary sentence. Smith was charged and convicted for the burglary in the instant case. Smith first contends that it was improper to introduce evidence of a prior burglary conviction because it was more than 10 years old. Although this case involves a prior conviction, Smith's argument is based on RCW 9.95.230, which reads in part: (1)

Notwithstanding any other law of this state, the prosecution of any person for any crime, other than a crime specifically provided for in RCW 9.95.010 and 9.95.020, shall be commenced within 10 years of the commission of such crime. The time during which the person shall be convicted of a crime in another state, country, or jurisdiction of the United States, shall not be counted as part of the 10-year period. Smith argues that in order to charge him with a crime in violation of

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