

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
5/3/2022 10:46 AM  
BY ERIN L. LENNON  
CLERK

NO. 100750-1

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

---

STATE OF WASHINGTON,

Respondent,

v.

FRASER MCDONOUGH ROTCHFORD,

Petitioner.

---

ON DISCRETIONARY REVIEW FROM  
THE COURT OF APPEALS, DIVISION II  
Court of Appeals No. 54011-8-II  
Clallam County Superior Court No. 18-1-00239-05

---

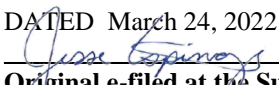
ANSWER TO PETITION FOR REVIEW

---

MARK B. NICHOLS  
Prosecuting Attorney

JESSE ESPINOZA  
Deputy Prosecuting Attorney

223 East 4th Street, Suite 11  
Port Angeles, WA 98362  
(360) 417-2301

<b>SERVICE</b>	Fraser M. Rotchford DOC No. 338069 MCC – Special Offender Unit 16550 177th Avenue SE PO Box 514 Monroe, WA 98272	This brief was served, as stated below, via U.S. Mail or the recognized system of interoffice communications, <i>or, if an email address appears to the left, electronically</i> . I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. DATED March 24, 2022, Port Angeles, WA  <b>Original e-filed at the Supreme Court; Copy to counsel listed at left.</b>
----------------	---	--

**TABLE OF CONTENTS**

TABLE OF CONTENTS ..... i

TABLE OF AUTHORITIES ..... ii

I. IDENTITY OF RESPONDENT .....1

II. COURT OF APPEALS DECISION .....1

III. COUNTERSTATEMENT OF THE ISSUES .....1

IV. STATEMENT OF THE CASE .....1

V. ARGUMENT .....3

    A. THE PETITION FOR REVIEW FAILS TO ESTABLISH ANY  
    OF THE CRITERIA GOVERNING THIS COURT’S  
    ACCEPTANCE OF REVIEW .....3

        1. The petition should be denied because Rotchford’s claim that  
        the petition involves an issue of public importance this Court  
        should review is conclusory and unsupported by either authority or  
        argument .....4

VI. CONCLUSION .....4

CERTIFICATE OF DELIVERY .....6

## TABLE OF AUTHORITIES

### Cases

*State v. Dennison*, 115 Wn.2d 609, 629, 801 P.2d 193 (1990)..... 6

### Rules

RAP 13.4(b) ..... 3, 6

## **I. IDENTITY OF RESPONDENT**

The respondent is the State of Washington. The answer is filed by Clallam County Deputy Prosecuting Attorney Jesse Espinoza.

## **II. COURT OF APPEALS DECISION**

The State respectfully requests this Court to deny review of the Court of Appeals decision in *State v. Rotchford*, No. 54011-8-II (Dec. 7, 2021), a copy of which is attached to the petition for review.

The Court of Appeals, in conformity with well-established principles held that the trial court did not err by permitting Rotchford to represent himself and there was no speedy trial violation. The Court of Appeals ordered the case to be remanded to the trial court for correction of a scrivener error.

## **III. COUNTERSTATEMENT OF THE ISSUES**

The question presented is whether this Court should decline to accept review because the petition fails to present any issue of substantial public interest that should be determined by this Court and the petition fails to establish any other criteria set forth in RAP 13.4(b)?

## **IV. STATEMENT OF THE CASE**

On June 14, 2018, the State filed an information charging Rotchford with Stalking in Violation of a Protection Order and Felony

Cyberstalking, both with the aggravating factor of domestic violence and an ongoing pattern of abuse. CP 93–94. The trial court issued a summons for Rotchford to appear before the court. CP96. Eventually, Rotchford appeared in court on Mar. 4, 2019 and was arraigned on Mar. 8, 2019. RP 14–15.

Rotchford waived his right to counsel and the trial court granted his request to represent himself on Mar. 13, 2019. CP 89, 92. On Apr. 5, 2019, on the State’s motion, the trial court ordered that Rotchford’s competency to proceed to trial be evaluated by a qualified expert. CP 73–74. The need for the evaluation was supported by a letter Rotchford sent to the Prosecuting Attorney’s Office, received Mar. 25, 2019. CP 74. On Apr. 26, 2019, the court entered an order finding Rotchford to be competent to proceed to trial based on the evaluation and report by Laurel Stiner, PhD, at Western State Hospital. CP 61–62, 64–65.

Subsequently, on Aug. 9, 2019, Rotchford waived his right to a jury trial and then, on Aug. 12, 2019, filed a motion to dismiss for a violation of his right to a speedy trial. CP 33, 34, 37. The court denied the motion to dismiss and the matter proceeded to a bench trial. RP 354–55. Rotchford was found guilty as charged by the trial court on Aug. 15, 2019. CP 10.

On appeal, Rotchford argued that the court erred by allowing him to represent himself and that the court erred by denying his motion to dismiss for speedy trial violations. The Court of Appeals rejected these claims and Rotchford now seeks further review.

## V. ARGUMENT

### A. THE PETITION FOR REVIEW FAILS TO ESTABLISH ANY OF THE CRITERIA GOVERNING THIS COURT'S ACCEPTANCE OF REVIEW.

RAP 13.4(b) sets forth the considerations governing this Court's acceptance of review:

A petition for review will be accepted by the Supreme Court only:

If the decision of the Court of Appeals is in conflict with a decision by the Supreme Court; or

If the decision of the Court of Appeals is in conflict with a decision of another division of the Court of Appeals; or

If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

//

//

- 1. The petition should be denied because Rotchford's claim that the petition involves an issue of public importance this Court should review is conclusory and unsupported by either authority or argument.**

The Court may decline to review issues that were inadequately briefed and not supported by authority. *State v. Dennison*, 115 Wn.2d 609, 629, 801 P.2d 193 (1990) (citing *Smith v. King*, 106 Wn.2d 443, 722 P.2d 796 (1986)).

Here, Rotchford claims that the petition involves an issue of substantial public interest that this court should review. Br. of Petitioner at 8. The claim is conclusory and is unsupported by any relevant argument or authority related to the Court of Appeals' decision below.

Rotchford does not present any other issue that satisfies the considerations governing this Court's acceptance of review under RAP 13.4(b).

## **VI. CONCLUSION**

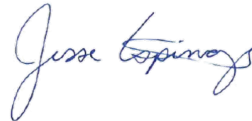
Review of the Court of Appeals decision is not warranted under RAP 13.4(b) because Rotchford has not established that this case raises an issue of substantial public interest that should be decided by this Court.

For the foregoing reasons, the State respectfully requests that the Court deny Rotchford's Petition for Review.

This document contains 778 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED March 24, 2022.

Respectfully submitted,  
MARK B. NICHOLS  
Prosecuting Attorney

A handwritten signature in blue ink that reads "Jesse Espinoza". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

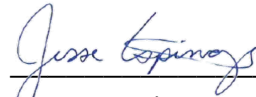
JESSE ESPINOZA  
WSBA No. 40240  
Deputy Prosecuting Attorney



**CERTIFICATE OF DELIVERY**

Jesse Espinoza, under penalty of perjury under the laws of the State of Washington, does hereby swear or affirm that a copy of this document was forwarded via U.S. Mail to Fraser M. Rotchford on March 24, 2022.

MARK B. NICHOLS, Prosecutor

  
\_\_\_\_\_  
Jesse Espinoza

**CLALLAM COUNTY DEPUTY PROSECUTING ATTORN**

**May 03, 2022 - 10:46 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 100,750-7  
**Appellate Court Case Title:** State of Washington v. Fraser McDonough Rotchford  
**Superior Court Case Number:** 18-1-00239-6

**The following documents have been uploaded:**

- 1007507\_Answer\_Reply\_20220503104305SC930948\_5111.pdf  
This File Contains:  
Answer/Reply - Answer to Petition for Review  
*The Original File Name was Rotchford - 100750-7 - 338069 - States Answer to Petition for Review.pdf*
- 1007507\_Motion\_20220503104305SC930948\_6721.pdf  
This File Contains:  
Motion 1 - Extend Time to File  
*The Original File Name was Rotchford - 100750-7 - Motion to extend time for filing answer.pdf*

**A copy of the uploaded files will be sent to:**

- KCPA@co.kitsap.wa.us
- jcross@kitsap.gov
- rsutton@kitsap.gov

**Comments:**

---

Sender Name: Jesse Espinoza - Email: jespinoza@co.clallam.wa.us  
Address:  
223 E 4TH ST STE 11  
PORT ANGELES, WA, 98362-3000  
Phone: 360-417-2301

**Note: The Filing Id is 20220503104305SC930948**