70002-2

70002-2

No. 70002-2

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

v.

FREDERICK E. HARDTKE,
Appellant.

BRIEF OF APPELLANT

ORIGINAL

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III. INTRODUCTION

This case asks a simple question: Can a court require a defendant to pay the substantial cost of the pretrial electronic monitoring of his blood-alcohol level either as an additional condition of his pretrial release or as a condition of his sentence?

The trial court in this case gave the defendant, Frederick Hardkte, a choice: To be released, he could post a $15,000 "performance bond," which the court acknowledged was not practically bondable and therefore would have to be posted as cash. Or, the trial court would allow Mr. Hardtke to be released if he posted only a $3000 performance bond and wore an ankle bracelet that monitored his blood-alcohol level. However, to take advantage of this second option, the court required Mr. Hardtke to pay the costs of the ankle bracelet.

Over Mr. Hardtke's objection, the court imposed the payment of the cost of the ankle bracelet as a condition of Mr. Hardtke's release. After Mr. Hardkte pled guilty and was convicted, the court then imposed this cost as restitution to San Juan County.

Imposition of these costs is not authorized by statute or by court rule either pretrial or in a sentence. The trial court erred when it imposed the cost of pretrial electronic monitoring on Mr. Hardtke. His sentence should be reversed.

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IV. ASSIGNMENTS OF ERROR

The trial court made the following errors:

1. The trial court erred when it ordered Mr. Hardtke to pay the costs of pretrial electronic monitoring of his blood alcohol level as a condition of release on July 11, 2012, July 20, 2012, and August 9, 2012. Neither the court rules nor statute authorizes the trial court to order Mr. Hardtke to pay the expenses of electronic monitoring as a condition of release. *See* CrR 3.2; RCW 10.01.160.

2. The trial court erred when it imposed the expenses of pretrial electronic monitoring as restitution in Mr. Hardtke's sentence. The restitution statute does not authorize pretrial monitoring expenses as restitution. *See* RCW 9.94A.760(1). Further, reclassification of this expense as a "cost" does not cure the error because this cost is neither "pretrial supervision" nor an expense "specially incurred by the state in prosecuting the defendant." *See* RCW 10.01.160(2).

V. STATEMENT OF THE CASE

On June 28, 2012, Defendant Frederick Hardtke made his first appearance before the San Juan County Superior Court, Judge Donald Eaton. Agreed Report of Proceedings [hereinafter "AR"] 3. The court found probable cause that Mr. Hardtke committed Assault 2, two counts of Rape 2, two counts of Assault 4, and Malicious Mischief 3. CP 1. The

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court also found that a substantial danger existed that Mr. Hardtke would commit a violent crime. AR 3; CP 1. As conditions of release, the court required that, inter alia, Mr. Hardtke not possess or consume alcohol and not have any contact with the alleged victim, and that Mr. Hardtke post a $15,000 performance bond or cash to guarantee those conditions. *Id.*; CP 1–2. However, the trial court agreed to reconsider the performance bond condition if it could be shown that no bonding company would write a performance bond. *Id.*

On July 11, 2012, Judge Eaton heard Mr. Hardtke's motion to revise his conditions of release. AR 4. Mr. Hardtke was in custody in Island County having not posted the $15,000 performance bond and was not present. *Id.* The undersigned attorney, representing Mr. Hardtke at this point, filed a declaration stating that he had checked with all bonding companies acceptable to the San Juan Superior Court and that none of them would write a performance bond. CP 3. Mr. Hardtke would have to post $15,000 cash to be released.[1]

Mr. Hardtke pointed out that the court rules require the court to consider other, less restrictive alternatives to a performance bond. AR 4

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[1] Although it was established that no performance bond could be obtained, this memorandum continues to use the term "performance bond" to refer to the condition of release authorized in CrR 3.2(d)(6).

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(citing CrR 3.2(d)(6)). *Id.* Arguing that the concern was over Mr. Hardtke's behavior when intoxicated, Mr. Hardtke suggested that the court consider a condition that Mr. Hardtke wear an ankle bracelet that could measure his blood-alcohol level (called a Transdermal Alcohol Detection bracelet, or "TAD"). *Id.*

The court ordered a $3000 performance bond. AR 4; CP 7. Further, the court set a hearing for July 20, 2013, and required Mr. Hardtke to either post a $15,000 performance bond or wear a TAD bracelet by that time. AR 4; CP 8. After the State argued that, if a TAD bracelet was required, Mr. Hardtke should pay the costs of that bracelet, the Court ordered that Mr. Hardtke pay the cost of the bracelet if he chose to wear one. AR 4; CP 8. The court did not modify any of the other conditions of release. *Compare* CP 1–2; CP 7–8. At Mr. Hardtke's request, the Court reserved for the July 20 hearing the final decision on whether to impose the costs of the bracelet as a condition of release. AR 4.

On July 20, 2012, Judge Eaton heard Mr. Hardtke's argument that he should not be required to pay the costs of the TAD bracelet. AR 5. Mr. Hardtke argued that it was apparent that the court was satisfied that the TAD bracelet, in combination with the other conditions of release, would protect the community. *Id.* These other conditions of release included a

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$3000 performance bond, no contact with the alleged victim, and no possession or consumption of alcohol. CP 7–8. Mr. Hardtke argued that, with this finding, the court could not impose a $15,000 performance bond because doing so would violate CrR 3.2(d)(6), which prohibits imposition of a performance bond if any combination of lesser restrictive conditions would protect the community. AR 5. The TAD bracelet was therefore not really a choice Mr. Hardtke had and so, by wearing the bracelet, he was not agreeing to pay its costs and should not be required to do so. *Id.* The Court maintained the current release conditions including the requirement that Mr. Hardtke pay the costs of the TAD bracelet. *Id.*; CP 9–10.

On August 9, 2012, Judge Eaton heard the State's motion to modify the conditions of release and to forfeit the performance bond. AR 6.[2] The court found that Mr. Hardtke had violated his conditions of release by possessing and consuming alcohol. *Id.* He ordered Mr. Hardtke's $3000 performance bond forfeit and required Mr. Hardtke to post an additional $10,000 performance bond. *Id.*; CP 22–24. The court maintained all other conditions including that Mr. Hardtke wear a TAD bracelet and pay the costs of doing so. AR 6; CP 24–25. This time, the

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[2] The Agreed Report of Proceedings reports that this hearing occurred on August 8, 2012. This appears to be an error.

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court did not give Mr. Hardkte the choice of posting a higher performance bond. CP 24–25.

On February 15, 2013, Judge Eaton sentenced Mr. Hardtke. AR 7. Mr. Hardtke repeated his objection to the imposition of the cost of the pretrial monitoring on Mr. Hardtke. *Id.* Yet the Court imposed $3972 as restitution to San Juan County for this cost. *Id.*; CP 33.

VI. ARGUMENT

A. The trial court erred when it required Mr. Hardtke to pay the cost of electronic monitoring as a condition of pretrial release.

Given the trial court's finding that there existed a substantial danger that Mr. Hardtke would commit a violent crime, the court was within its discretion to order Mr. Hardtke to not consume alcohol and to submit to electronic monitoring of compliance with this condition. *See* CrR 3.2(d)(9), (10). However, the trial court had no authority to order Mr. Hardkte to pay the cost of this electronic monitoring.

The interpretation of court rules is a question of law reviewed de novo. *State v. McEnroe*, 174 Wn.2d 795, 800, 279 P.3d 861 (2012). The meaning of a statute is a question of law also reviewed de novo. *State v. Gray*, 174 Wn.2d 920, 927, 280 P.3d 1110 (2012)

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1. There is no authority in the court rules or statute for requiring a defendant to pay, as a condition of pretrial release, the cost of electronic monitoring.

The court rules list release conditions that a court may impose "[u]pon a showing that there exists a substantial danger that the accused will commit a violent crime." CrR 3.2(d). However, the court may not impose onerous conditions where lesser conditions are available to ensure the public is protected. *Butler v. Kato*, 137 Wn. App. 515, 524, 154 P.3d 259 (2007).

With one exception, there is no express authority for a court to impose the costs of pretrial release conditions on a defendant. The court rules, which authorize conditions of release, do not authorize the imposition of the cost of those conditions on the defendant. *See* CrR 3.2. Generally, costs may only be imposed on a defendant upon conviction. *See* RCW 10.01.160(1).[3]

The one exception regarding pretrial release conditions authorizes the court to charge for the cost of "pretrial supervision." *Id.* The cost of "pretrial supervision" may not exceed $150. RCW 10.01.160(2). The

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[3] RCW 10.01.160(1) reads:

> The court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

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word "supervision" refers to the services typically offered by a probation department. Given the costs of electronic monitoring—$3972 in Mr. Hardtke's case—the legislature could not have intended electronic monitoring to be a form of "pretrial supervision" if it limited that cost to $150. This small cost is consistent with the cost of probation-style supervision. *See* CrR 3.2(d)(4) (authorizing as a release condition the requirement that the defendant report regularly to and remain under the supervision of an officer of the court or other person or agency).

When the trial court modified Mr. Hardtke's conditions of release, it expressly ordered that Mr. Hardtke pay the costs of electronic monitoring to verify Mr. Hardtke's compliance with the condition that he not consume alcohol. AR 4,5,6. Mr. Hardtke objected to the imposition of this cost upon him. AR 5. The trial court's order that Mr. Hardtke pay these costs was not authorized by statute or rule and is therefore error.

2. A defendant does not agree to pay the costs of pretrial electronic monitoring when his only other choice is to post a larger performance bond.

The State may argue that Mr. Hardtke agreed to pay the cost of electronic monitoring when he chose to wear the electronic monitoring bracelet rather than post the higher $15,000 performance bond. It is within a court's discretion to require a defendant to post a performance bond as a condition of release. CrR 3.2(d)(6). However, the court may

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require a performance bond "only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community." *Id.*[4]

Mr. Hardtke's objections at every turn should be evidence enough that he did not agree to pay this cost. More importantly, the trial court's alternative imposition of a $15,000 performance bond was not authorized by the court rule. By offering electronic monitoring as an alternative, the trial court manifested its finding that this electronic monitoring, combined with the other release conditions such as the protection order, the alcohol-related prohibitions, and the lower $3000 performance bond, was sufficient to protect the community. With this finding, the trial court could not impose the higher performance bond. *See* CrR 3.2(d)(6).

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[4] CrR 3.2(d), in relevant part, reads:

> Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:
>
> . . .
>
> (6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice.

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Requiring payment of the cost of monitoring cannot be justified by offering an alternative that could not be imposed in any event.

The trial court's order that Mr. Hardtke pay the cost of pretrial electronic monitoring was not authorized. The trial court erred by imposing this cost on Mr. Hardtke.

B. The trial court erred when it imposed the costs of pretrial electronic monitoring in Mr. Hardtke's sentence.

Mr. Hardtke's ultimate conviction does not change the result in this case. The trial court erred by imposing the expense of pretrial electronic monitoring on Mr. Hardtke as restitution. In addition, this error cannot be corrected by reclassifying this expense as a "cost" on Mr. Hardtke's sentence.

1. Pretrial electronic monitoring expense is not an expense recoverable as restitution.

In a sentence, the trial court may impose certain legal financial obligations on a defendant. RCW 9.94A.760. The trial court must segregate the defendant's total legal financial obligation into separate assessments for restitution, costs, fines, and other assessments required by law. RCW 9.94A.760(1). Here, the trial court denoted the costs of pretrial electronic monitoring as restitution to San Juan County. CP 33.

The authority to impose restitution is entirely statutory. *State v. Tobin*, 161 Wn.2d 517, 524, 166 P.3d 1167 (2007). Appellate courts

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review a trial court's authority to order restitution de novo. *State v. Oakley*, 158 Wn. App. 544, 552, 242 P.3d 886 (2010).

Restitution may be ordered based on "damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury." RCW 9.94A.750. There must be a causal link between the victim's damages and the criminal acts. *State v. Woods*, 90 Wn. App. 904, 909, 953 P.2d 834 (1998). Further, the loss on which restitution is based must be a reasonably foreseeable consequence of the crime. *Id.* (Div II); *State v. Hunotte*, 69 Wn. App. 670, 676, 851 P.2d 694 (Div. I 1993); *see also State v. Hiett*, 154 Wn.2d 560, 566, 115 P.3d 274 (2005) ("Without deciding whether principles of proximate cause or the superseding cause apply in the criminal restitution context, we note that an intervening act must be unforeseeable in order for it to break the causal chain.").

In Mr. Hardtke's case, which involved an assault on his girlfriend, San Juan County is not the sort of victim that the legislature contemplated in the restitution statute. San Juan County did not suffer an "injury to persons" or "lost wages resulting from injury." *See* RCW 9.94A.750. Nor did it suffer "injury to . . . property." *See id.* The electronic monitoring cost can be considered "loss of property" only in the broadest reading of the statute that would encompass any and every pecuniary loss. *See id.*

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This broad reading would render superfluous the other clauses in the statute referencing injury to property and to persons since any pecuniary loss causally connected to the crime would be "loss of property." *See State v. Pannell*, 173 Wn.2d 222, 230, 267 P.3d 349 (2011) ("[A] statute . . . should, if possible, be so construed that no clause, sentence or word shall be superfluous, void, or insignificant.") (quotation marks omitted). Rather, the legislature intended to restrict restitution to compensate for certain injuries and property damage affecting the actual victim of the criminal acts, in this case Mr. Hardtke's girlfriend.

Further, while Mr. Hardtke's criminal acts were but-for causes of the costs of electronic monitoring, these costs were not reasonably foreseeable consequences. In *State v. Vinyard*, the trial court ordered the defendant, who was convicted of custodial interference in the second degree, to pay restitution for expenses incurred in locating and returning the child that the defendant abducted. 50 Wn. App. 888, 889, 751 P.2d 339 (1988). The child's father suffered a fall while investigating the abduction and was injured. *Id.* at 894. The appellate court held that the father's medical expenses arising out of this fall were not directly connected to the crime and therefore were improperly included in restitution. *Id.*

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A reasonable person could not foresee the pretrial conditions that a court would impose based on the commission of the crime. The imposition of release conditions is entirely within the discretion of the trial court. *See Butler*, 137 Wn. App. at 524. As previously explained, there is no authority for imposing the costs of pretrial electronic monitoring on a defendant. *See* RCW 10.01.160(1). Mr. Hardtke could foresee punitive consequences of his acts, e.g. confinement, fine, and restitution to his girlfriend. However, he could not have anticipated the cost of electronic monitoring as a condition of his release. Therefore, the trial court erred when it imposed this cost as restitution.[5]

2. The expense of pretrial electronic monitoring is not recoverable as a "cost" in a sentence.

The State may argue that, while the trial court erred when it classified the pretrial electronic monitoring cost as "restitution" on Mr. Hardtke's judgment and sentence, this cost is still properly chargeable to Mr. Hardtke upon his conviction. Appellate courts review the legal sufficiency of a sentence de novo. *State v. Pappas*, 176 Wn.2d 188, 192, 289 P.3d 634 (2012). Analysis of the relevant statute and its legislative

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[5] The trial court also ordered restitution in the amount of $105.98 to San Juan County for prescription medication. CP 33. While designating this expense as restitution is also error, Mr. Hardtke agreed to pay it as an expense incurred by the San Juan County Sheriff on Mr. Hardtke's behalf.

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history reveals that the trial court could not have legally charged the expense of pretrial electronic monitoring as a cost on Mr. Hardtke's sentence.

Upon conviction, the trial court may impose certain costs upon the defendant. RCW 10.01.160(1). These costs "shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision." RCW 10.01.160(2).[6] There was no deferred

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[6] RCW 10.01.160(2) reads:

> Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed two hundred fifty dollars. Costs for administering a pretrial supervision may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

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prosecution in this case. So, any costs charged to Mr. Hardtke must be expenses "specially incurred by the state in prosecuting the defendant" or expenses arising out of "pretrial supervision."

This memorandum discussed "pretrial supervision" *supra*. Even if pretrial electronic monitoring is "pretrial supervision," the total cost of that supervision is limited to $150. *See* RCW 10.01.160(2). Consequently, justification of a nearly $4000 cost for pretrial electronic monitoring requires classification of this monitoring as an expense "specially incurred by the state in prosecuting the defendant." *See id.*

The interpretation of a statute is an issue of law that appellate courts review de novo. *State v. Jacobs*, 154 Wn.2d 596, 600, 115 P.3d 281 (2005). The objective is to ascertain and carry out the legislature's intent. *Id.* If the "plain meaning" of the statute can be discerned from its language as well as the context of the statute, related provisions, and the statutory scheme as a whole, then no further inquiry is required. *Id.* When determining a statute's plain meaning, it should be construed so that no word, clause, or sentence is superfluous or insignificant. *State v. Pannell*, 173 Wn.2d 222, 230, 267 P.3d 349 (2011).

However, if a statutory provision is subject to more than one interpretation, then the rule of lenity requires interpretation of that provision absent legislative intent to the contrary. *Jacobs*, 154 Wn.2d at

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600–01. In such circumstances, legislative intent may be determined through extrinsic aids such as legislative history. *State, Dept. of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 11–12, 43 P.3d 4 (2002). This legislative history may include amendments to the statute, *State v. Kingen*, 34 Wn. App. 124, 128, 692 P.2d 215 (1984), and final legislative reports, *Biggs v. Vail*, 119 Wn.2d 129, 134, 830 P.2d 350 (1992).

The term "prosecuting" in RCW 10.01.160(1) and (2) "refers to the portion of a criminal action that leads to a determination of guilt or innocence." *Utter v. State, DSHS*, 140 Wn. App. 293, 305, 165 P.3d 399 (2007) (quoting *Oregon v. Flajole*, 204 Or. App. 295, 129 P.3d 770, 772 (2006)).[7] Under this definition, costs of pretrial release conditions are not included because they are not directly related to the determination of guilt or innocence.

In addition, any logic that would include the costs of pretrial electronic monitoring as a prosecution cost would also include pretrial supervision as such a cost. Pretrial supervision is a condition imposed to protect the community. *See* CrR 3.2(d)(4). So is electronic monitoring.

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[7] The legislature based the original version of RCW 10.01.160 upon the equivalent Oregon statute. *Utter*, 140 Wn. App. at 305. Consequently, Washington courts turn to Oregon cases interpreting the statute. *Id.* (citing *State v. Earls*, 51 Wn. App. 192, 197, 752 P.2d 402 (1988)). It should be noted that Oregon's version of the statute has never referenced "pretrial supervision." *See* Or. Rev. Stat. § 161.665.

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See CrR 3.2(d)(9). The expenses for both of these conditions are incurred pretrial to protect the public. Pretrial supervision could not be considered a prosecution cost because this interpretation would render the term "pretrial supervision" in the statute superfluous. *See Pannell*, 173 Wn.2d at 230. Therefore, pretrial electronic monitoring is also not a prosecution cost.

The statute's history is evidence that the legislature did not intend pretrial costs that were incurred to ensure compliance with release conditions to be costs "incurred by the state in prosecuting the defendant." As of 2005, the statute limited costs to "expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW." Laws of 2005, ch. 263, § 2. There was no mention of "pretrial supervision" in the statute at the time. In 2007, the legislature became concerned with reports that prosecutors were dismissing or reducing charges in exchange for contributions to charitable organizations. Final Bill Rpt. SSB 6100 (2007). The legislature passed a bill expressly forbidding this practice. Laws of 2007, ch. 367, §§ 1–2. However, the legislature was careful to not prohibit, inter alia, "[t]he collection of costs associated with actual supervision." *Id.* The legislature's desire to avoid prohibiting the costs of

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supervision extended to pretrial supervision. *See* Final Bill Rpt. SSB 6100 (2007) ("Payment of costs of pretrial supervision are not prohibited.").

Consequently, in that same bill, the legislature added "pretrial supervision" to the list of costs that could be imposed upon a defendant, and limited that cost to $150. Laws of 2007, ch. 367, § 3 (amending RCW 10.01.160). The legislature would not have added "pretrial supervision" to the list if it considered pretrial supervision to be already included in the list, particularly in those costs "specially incurred by the state in prosecuting the defendant." Once again, there is no difference between pretrial electronic monitoring and pretrial supervision that would suggest that the cost of pretrial electronic monitoring was a prosecution cost whereas the cost of pretrial supervision was not.

The legislature intended neither prosecution costs nor pretrial supervision to include the cost of pretrial electronic monitoring. Therefore, the trial court's error in ordering restitution to recover the expense of this monitoring cannot be cured by reclassifying this expense as a "cost" in Mr. Hardtke's sentence.

VII. CONCLUSION

The trial court erred when it imposed on Mr. Hardtke, as a condition of pretrial release, the obligation to pay for electronic monitoring of Mr. Hardtke's compliance with the condition that he not

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consume alcohol. Neither the court rules addressing pretrial release nor the statute governing costs chargeable to a defendant authorize such costs to be imposed prior to conviction.

The trial court also erred by imposing these costs on Mr. Hardtke in the form of an obligation to pay restitution arising out of his conviction. The expenses of pretrial electronic monitoring are not appropriate items of restitution under the statute governing restitution. Reclassifying these expenses as "costs" does not cure the error since these expenses were not specially incurred by the state in prosecuting Mr. Hardtke.

This court should reverse Mr. Hardtke's sentence and remand to the trial court with instructions to impose sentence without the restitution item reimbursing San Juan County for the cost of pretrial electronic monitoring.

Respectfully submitted,

BRANDLI LAW PLLC

Dated: July 31, 2013

By: 

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COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. FREDERICK E. HARDTKE, Appellant.	DECLARATION OF DELIVERY

I declare under penalty of perjury under the laws of the State of Washington that on the date signed below I hand-delivered the following documents:

Brief of Appellant
Declaration of Mailing to Jeremy A. Morris
This Declaration of Hand Delivery

to the following person(s):

Charles Z. Silverman
San Juan County Prosecutor
350 Court Street
Friday Harbor, WA 89250.

Dated: August 1, 2013
In Friday Harbor, WA

Bobbie Jo Brandli

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COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. FREDERICK E. HARDTKE, Appellant.	DECLARATION OF MAILING

I declare under penalty of perjury under the laws of the State of Washington that on the date signed below I mailed the following documents:

Brief of Appellant
Declaration of Hand Delivery to Charles Z. Silverman
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Dated: August 1, 2013
In Friday Harbor, WA

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