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Court of Appeals  
Division I  
State of Washington

NO. 74026-1-I

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION I

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STATE OF WASHINGTON,

Respondent,

v.

SOPHIA DELAFUENTE,

Appellant.

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APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY  
THE HONORABLE RONALD KESSLER, BILL BOWMAN, AND  
TIMOTHY BRADSHAW, JUDGES

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**BRIEF OF RESPONDENT**

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**A. ISSUES PRESENTED**

1. Whether the trial court reasonably exercised its discretion in denying the appellant's motion to dismiss due to accidental, fleeting intrusion into protected attorney-client communications.
2. Whether the presiding court properly exercised its administrative authority over the court calendar by continuing the appellant's trial within the appellant's existing speedy trial period, due to judicial unavailability.
3. Whether the deputy prosecutor committed misconduct during closing argument.

**B. STATEMENT OF THE CASE**

**1. PROCEDURAL FACTS**

The appellant, Sophia Delafuente, was charged by amended information along with Juan Garcia-Mendez and Darreson Howard with assault in the first degree for assailing Richard Powell on April 1, 2013, with a firearm and with the intent to inflict great bodily harm. CP 11. Delafuente was also charged with first-degree rendering criminal assistance for her actions after the assault. CP 12-13.

Garcia-Mendez's case was severed from his co-defendants, and the information against Delafuente and Howard was further

amended. CP 22-24. Delafuente's charges remained the same, but a charge of attempted first-degree robbery was added against Howard. CP 23.

Delafuente and Howard were tried together. By jury verdict rendered on September 2, 2015, Delafuente was found guilty as charged. CP 74, 76. The jury also returned a special verdict that Delafuente was armed with a firearm at the time of the commission of the assault. CP 75. She received a standard-range sentence for her offenses. CP 114-122.

## **2. SUBSTANTIVE FACTS**

On the night of April 1, 2013, Richard Powell was working as a town car driver, and dropped his passengers off at their destination on Avalon Way in West Seattle shortly after 11:00 p.m. 12RP 515, 518-19.<sup>1</sup> Powell drove a short distance away and then parked on Avalon near an auto repair shop to have a cigarette and complete some paperwork. 12RP 519.

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<sup>1</sup> The verbatim report of proceedings consists of 18 volumes, referred to in this brief as follows: 1RP (Mar. 3, Mar. 31, and May 1, 2015); 2RP (May 4, 2015); 3RP (June 5, 2015); 4RP (July 16, 2015); 5RP (July 27, 2015); 6RP (Aug. 10, 2015; J. Lum, presiding); 7RP (Aug. 10, 2015; J. Bradshaw, presiding); 8RP (Aug. 11, 2015); 9RP (Aug. 13, 2015); 10RP (Aug. 17, 2015); 11RP (Aug. 18, 2015); 12RP (Aug. 19, 2015); 13RP (Aug. 20, 2015); 14RP (Aug. 26, 2015); 15RP (Aug. 27, 2015); 16RP (Aug. 31, 2015); 17RP (Sept. 1, 2015); 18RP (Sept. 2, 2015).

As he stood outside his town car, a vehicle pulled up and two men got out. 12RP 519. One man held a gun, and angrily ordered Powell to empty his pockets. 12RP 519, 526. Powell had been robbed at gunpoint two years earlier; as a result, he decided to obtain a concealed weapons permit and carry a gun for personal protection. 12RP 519-20. Powell responded to the man's demand by drawing his own gun. 12RP 519. Powell explained to the jury that he does not recall what happened next. 12RP 519. He awakened at Harborview Medical Center a few days later. 12RP 528.

Seattle Police Department (SPD) Officer Randy Shelhorse was dispatched to the area of the auto repair shop on a report of shots fired at 11:20 p.m. 11RP 458-59. Upon arriving at the scene, he found Powell on the ground, unresponsive and not breathing. 11RP 462-63. Shelhorse began performing CPR, and continued until paramedics arrived. 11RP 464.

Powell had been shot in the chest three times. 13RP 655. Treating physicians removed a significant portion of Powell's right lung and addressed enormous internal bleeding. 13RP 658, 753. The doctors considered it a miracle that Powell had survived. 13RP 659, 749.

SPD Officer Todd Wiebke was also working as a patrol officer in West Seattle on the night of April 1, 2013. 12RP 619. He heard the dispatcher's report of shots fired, but did not respond to that location because it was being handled by other officers. 12RP 619. However, at 11:52 p.m., he was dispatched to a nearby location on Delridge Way SW, because a woman had called 911 to report that her boyfriend had been shot. 12RP 621, 623. When Wiebke drove up to the apartment complex from which the call had been made, Juan Garcia-Mendez ran over to Wiebke's car. 12RP 621. Garcia-Mendez was very agitated, and had several gunshot wounds, though none appeared to be life-threatening. 12RP 621, 629. During this encounter, officers noticed blood in the back seat of a Kia sedan, and impounded the car as possible evidence. 12RP 632-33.

SPD Det. Darin Sugai recovered video recordings of the shooting captured by surveillance cameras posted by the auto repair shop owner. 12RP 503, 507. The video, admitted into evidence as State's Ex. 5, shows Powell standing outside his car as a Kia sedan slowly passes by. The Kia then circles back, drives past Powell again, and pulls into a nearby alley. Two men -- Garcia-Mendez and Darreson Howard -- then walk from the car to



Powell and corner him. Garcia-Mendez is holding a gun. Powell, whose back is to the camera, reaches into his waistband and is then shot by Garcia-Mendez at close range. State's Ex. 5; 14RP 905. A very brief exchange of gunfire between Garcia-Mendez and Powell ensues before Powell collapses while Garcia-Mendez and Howard run off. State's Ex. 5; 14RP 906-08.

A number of documents found during a search of the Kia sedan bore Delafuente's name. 15RP 1034. Her fingerprints were found on the interior side of the driver's window. 13RP 725. SPD Det. Donna Stangeland spoke with Delafuente in the course of conducting follow-up investigation, and Delafuente admitted to driving the car when Garcia-Mendez had been shot, and that she had driven Garcia-Mendez and Howard back to the apartment complex afterward. 15RP 1038.

Delafuente did not testify in her own defense, nor did she call any witnesses or present any evidence in a defense case-in-chief. 17RP 1334.

**C. ARGUMENT**

**1. THE SUPERIOR COURT PROPERLY DENIED DELAFUENTE'S MOTION TO DISMISS.**

Delafuente asserts that the superior court should have granted her motion to dismiss the State's case against her for first-

degree assault and rendering criminal assistance because of a fleeting intrusion by the lead police investigator into protected attorney-client communications. The inadvertent intrusion occurred on February 9, 2015, when SPD Det. Stangeland was reviewing recorded calls placed by Delafuente while she was incarcerated at the King County Jail. 3RP 5, 7. The calls were recorded by a private vendor operating under contract with the King County Department of Adult and Juvenile Detention (DAJD). 3RP 5. In one instance, Det. Stangeland heard the recipient of a call placed by Delafuente answer by stating, "Law office," followed by Delafuente asking to speak to "Anna" and being told that "Anna" was on another line.<sup>2</sup> 3RP 8-9, 29. Immediately recognizing the likelihood that the private vendor had erroneously recorded a call placed by a represented inmate to her attorney, Det. Stangeland stopped the playback of the recording and informed jail staff of the error, to ensure that recording of calls to the law office's phone number were not recorded. 3RP 9-10. Det. Stangeland testified that she learned nothing as a result of this unintentional exposure to a potentially-protected attorney-client conversation and that it did not in any way shape her investigation. 3RP 12, 19.

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<sup>2</sup> Delafuente's trial counsel was Anna Gigliotti. CP 150.

In denying Delafuente's motion to dismiss due to this intrusion, the superior court found an absence of any deliberate misconduct or of any injury to Delafuente, insofar as the detective had not heard any actual substantive conversation between Delafuente and her attorney. 3RP 48, 50. The court further found Det. Stangeland's testimony to be credible. 3RP 50.

Delafuente also argued for dismissal on the ground that the State had failed to preserve the recording of the jail call to her attorney, and that this amounted to a violation of Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963). 3RP 32-33. Unbeknownst to the State, KCDAJD had, after having been alerted by Det. Stangeland that a call to an attorney's phone number had been recorded, informed its contractor of this fact, and the recording was purged from the contractor's system. 3RP 32-33, 37. The superior court declined to rule on this issue, instead inviting submission of further authority and argument from Delafuente. 3RP 49. Delafuente declined to follow up on the court's invitation and effectively abandoned this component of her dismissal motion.

Delafuente now asks this Court to reverse the lower court's rulings, definitive and otherwise. Her claims are without merit.

There is no reason for this Court to disagree with the superior court's determination that the investigator's fleeting exposure to a content-free conversation between Delafuente and her attorney's receptionist was harmless beyond a reasonable doubt. And Delafuente is unable to establish a Brady violation here, should this Court elect to consider an argument that Delafuente abandoned below before the superior court could conclusively rule on the issue.

- a. The detective's brief intrusion did not harm Delafuente.

It is a matter of well-settled law that the State is forbidden, at risk of having its charges against a defendant dismissed, from engaging in "purposeful, wrongful intrusion" into attorney-client protected communications. State v. Webbe, 122 Wn. App. 683, 697, 94 P.3d 994 (2004). However, while any intrusion into privileged information is problematic, there are circumstances where there is no possibility of prejudice to the defendant, and the extreme remedy of dismissal is not required. State v. Pena Fuentes, 179 Wn.2d 808, 819, 318 P.3d 257 (2014). The State can disprove the presumption of prejudice with proof beyond a

reasonable doubt, and a trial court's ruling on such a showing is reviewed for abuse of discretion. Id. at 812, 820.

The State made such a showing here. Det. Stangeland explained, to the trial court's satisfaction, that her intrusion into an attorney-client communication consisted of nothing more than hearing the receptionist at the firm of Delafuente's attorney answer Delafuente's phone call and respond to Delafuente's request to speak to her lawyer by informing her that the lawyer was currently occupied. The trial court was further convinced that Det. Stangeland's exposure to this inconsequential conversation was entirely accidental and the result of the failure of KCDAJD and its private vendor to ensure that the phone number for Delafuente's counsel's firm had been entered into the vendor's automated "do not record" list.

Given the absence of any malicious intent and the fact that the State learned nothing whatsoever from the investigator's passing contact with this recording, the superior court can hardly be said to have abused its discretion in finding that dismissal with prejudice was unwarranted. This situation is in no plausible way akin to cases where charges were dismissed due to deliberate, meaningful intrusion. See, e.g., State v. Cory, 62 Wn.2d 371, 382

P.2d 1019 (1963) (condemning police department's practice of planning covert listening devices inside jail meeting rooms where attorneys met with their incarcerated clients); State v. Granacki, 90 Wn. App. 598, 959 P.2d 67 (1998) (dismissing case because a State agent took advantage of a court recess to pore over a defense attorney's unmonitored notes during his client's trial).

b. Delafuente cannot establish a *Brady* violation.

Delafuente's claim that her convictions should be reversed, and the State's case against her dismissed with prejudice, due to purported Brady violations is difficult to address, due to the fact that she did not pursue this claim to its conclusion at the superior court, thus rendering an incomplete record for this Court to review. To this Court, Delafuente argues that dismissal is required because the State improperly destroyed the recorded phone call at issue, and because the State's delay in informing her counsel of Det. Stangeland's passing intrusion necessitated a continuance of the trial date, improperly depriving Delafuente of her right to a speedy trial. Brief of Appellant, at 1-2.

Delafuente is asking this Court to review a purportedly erroneous decision that the lower court never actually made. To satisfy RAP 2.5(a) and assert error for the first time on appeal, an

appellant must demonstrate a manifest error of constitutional magnitude. See State v. O'Hara, 167 Wn.2d 91, 98, 217 P.3d 756 (2009). A manifest constitutional error is one which implicates a constitutional interest and has been shown by the appellant to have caused unmistakable, practical prejudice. Id. at 98-99; see also State v. Lynn, 67 Wn. App. 339, 345, 835 P.2d 251 (1992).

Delafuente cannot meet her burden here. In order to establish a manifest Brady violation, a defendant must clearly establish three things: (1) that the evidence is favorable to the accused, because it is either exculpatory or impeaching; (2) that the evidence must have been suppressed by the State, either willfully or inadvertently; and (3) that the evidence is material. See State v. Davila, 184 Wn.2d 55, 69, 357 P.3d 636 (2015).

First, Delafuente has never claimed that the content of this call was exculpatory, and its impeachment value is dubious. The only information regarding the phone call that this Court and the lower court have been presented with is that Det. Stangeland was inadvertently exposed to the inception of a conversation between Delafuente and the receptionist employed by her attorney, and the detective credibly explained that this did not affect her investigation in any way. To engage in speculation about the remainder of the

recording and its potential impeachment value at the pretrial dismissal hearing is unjustified, particularly considering that the parties to the conversation – the defendant and her attorney’s receptionist – were uniquely within the control of Delafuente’s counsel, and could have provided her with additional information to share with the lower court were there any to give.

Second, as counsel for KCDAJD explained to the superior court, the jail is not a party to this case or acting on the State’s behalf. 1RP 45-46. And KCDAJD does not operate the recording service, instead contracting with a private vendor. 1RP 46. The available evidence establishes that the decision to purge this call was made by those parties without consultation with the State or the detective, who merely informed jail staff that the vendor had failed to include defense counsel’s phone number on its “do not record” list. It would be unreasonable to ascribe the jail’s and its vendor’s actions in purging the call to the State when the State was uninvolved in (and unaware of) the decision-making process to do so.

Third, the materiality criterion in Brady relates to the question of the defendant’s *guilt*. See Kyles v. Whitley, 514 U.S. 419, 434, 115 S. Ct. 1555, 131 L. Ed. 490 (1995) (holding that evidence is



prejudicial or material if the absence of the evidence undermines confidence in the verdict). Delafuente has made no showing at any stage that the content of this purged phone call – or the fact that Det. Stangeland once intruded more extensively in an unrelated case years earlier<sup>3</sup> – somehow casts doubt on her culpability in the crimes for which she was charged. Nor can she possibly demonstrate the impeachment value of Det. Stangeland's momentary intrusion on the detective's testimony to the jury or to the authenticity of the recordings of other phone calls she made from jail, which were admitted into evidence by stipulation to their legality. 17RP 1309-10. Simply put, Delafuente's reliance on Brady for relief is misplaced.

As to Delafuente's assertion that delayed disclosure of Det. Stangeland's momentary intrusion and earlier experience caused her prejudice, it must be noted a violation of a defendant's time-to-trial rights under CrR 3.3 cannot be the basis for dismissal of a case under CrR 8.3. See State v. Kone, 165 Wn. App. 420, 436, 266 P.3d 916 (2011). Rather, the defendant must show a violation of a statute or constitutional right. Kone, 165 Wn. App. at 436-37.

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<sup>3</sup> The trial court expressly found that Det. Stangeland's years-earlier intrusion was not probative of truthfulness, and thus inadmissible under ER 608. 14RP 965.

To show a violation of the constitutional right to a speedy trial, the defendant must show, inter alia, that she suffered prejudice as a result of delay. Barker v. Wingo, 407 U.S. 514, 530, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972). The defendant bears the burden of showing that the length of the delay crossed a line from ordinary to presumptively prejudicial effect. State v. Iniguez, 167 Wn.2d 273, 283, 217 P.3d 768 (2015).

Here, the challenged disclosure was made well before Delafuente's then-current time-for-trial expiration date. CP \_\_ (sub no. 84, Order Continuing Trial, dated Feb. 13, 2015), attached as part of Appendix A. The ensuing extension of the trial date was due to the fact that any delay – even within the current speedy trial period – would intrude on the prescheduled vacation plans of her co-defendant's counsel. 1RP 27. This was a superseding factor outside of the State's control. Moreover, although the State had charged Delafuente in April 2013, the case had not yet been tried prior to Det. Stangeland's exposure in February 2015 to the recorded call due to a series of continuances sought by Delafuente and/or her co-defendant. See Appendix A (series of Orders Continuing Trial, supplementally designated as clerk's papers for transmission to this Court). Under the circumstances, an additional

one-month delay to allow for further investigation of the issue of attorney-client intrusion and so that co-defendant's counsel to take her prescheduled vacation surely falls within the definition of ordinary delay rather than a constitutional violation.<sup>4</sup> Delafuente fails to establish the degree of prejudice necessary to obtain dismissal with prejudice of the charges against her.

**2. THE PRESIDING COURT PROPERLY MANAGED THE JUDICIAL CALENDAR.**

Next, Delafuente asserts that the presiding court of the criminal department of the King County Superior Court erred when it postponed her trial for one day on August 5, 2015, and again on August 6, 2015, due to the fact that there were no available courtrooms to hear her case on those dates. CP 190-91.

Delafuente contends that the presiding court's one-day "rolling" of her case in each of these instances violated her right to a speedy trial, to her right to counsel, and to her right to be present at her trial. These claims lack any legal support, and should be rejected.

It is now well-settled that court congestion is not, without more, an adequate basis to continue a defendant's trial beyond the

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<sup>4</sup> Subsequent extensions of the trial date, and the speedy trial expiration period, were due to the unavailability of counsel, and not to additional investigation necessitated by the State's disclosure of the detective's review of jail calls. See Appendix A. The dismissal motion was resolved on June 5, 2015. 3RP 46-50.

existing speedy trial period. See State v. Kenyon, 167 Wn.2d 130, 139, 216 P.3d 1024 (2009). If that were the case here, the State would not contest the merit of Delafuente's position.

However, as the written orders continuing Delafuente's trial make clear, the presiding court left Delafuente's pre-existing speedy trial expiration date of September 4, 2015, intact, expressly indicating, "Expiration date remains the same." CP 190-91. Thus, Delafuente's right to a speedy trial was never implicated by the fact that her trial date was briefly postponed. So long as her trial commenced before September 4<sup>th</sup>, Delafuente's right to a speedy trial was preserved.<sup>5</sup>

The "rolling" of Delafuente's trial for one day, within the defendant's speedy trial period, was an administrative proceeding within the trial court's authority, as opposed to a matter on which either party had the right to be heard. Trial courts "have the inherent authority to control and manage their calendars...." State v. Gassman, 175 Wn.2d 208, 211, 283 P.3d 1113 (2012). CrR 3.3 expressly grants a court the power to continue a trial date on its own motion, so long as it states the reason for the continuance "in writing." CrR 3.3(f)(2).

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<sup>5</sup> Trial commenced before Judge Timothy Bradshaw on Aug. 10, 2015.

Delafuente cites no apposite authority for the proposition that the presiding court's exercise of its administrative authority amounts to a critical stage of the proceedings for which she had the right to have counsel present, and the absence of such authority is unsurprising. After all, if there were no available courtrooms to hear Delafuente's case, and her constitutional trial rights were unaffected by a one-day postponement, then any attempt by the parties to participate in the calendaring process would have been fruitless.<sup>6</sup> Certainly, Delafuente cannot demonstrate reversible prejudice – the outcome of a hypothetical contested hearing would have undoubtedly been the same.

In addition, it is well-established that Washington does not require a defendant's presence at a continuance hearing or status

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<sup>6</sup> Until January 2015, the King County Superior Court conducted a daily "trial call" in its presiding courtroom, during which the presiding judge would announce which cases were being assigned to specific courtrooms for trial, and which were being held over due to the fact that assigned counsel were in other trials, etc. The undersigned prosecutor believed, until earlier this week, that this remained the case. However, the practice was abandoned, and calendar announcements are now made via electronic distribution of a publicly-available trial calendar. See King County Superior Court Criminal Department Manual (rev. July 2016), at sec. 17.4, available at <http://www.kingcounty.gov/~media/courts/SuperiorCourt/Docs/CriminalManual.a shx?la=en>, last accessed on November 17, 2016. That this new procedure is a matter of common knowledge among trial attorneys is reflected in the fact that Delafuente and her co-defendant knew when to appear for trial and in which courtroom, and that neither raised any objection. The undersigned, who genuinely needs to participate in more trials, apologizes for his most recent request for a continuance so that the hearings conducted in the presiding courtroom on August 5 and 6, 2015, could be transcribed, in the mistaken belief that the trial call practice had not been suspended.

conference, much less an administrative matter such as this, which need not even be conducted in the courtroom. See State v. Moore, 178 Wn. App. 489, 504, 314 P.3d 1137 (2013); State v. Raschka, 124 Wn. App. 103, 109, 100 P.3d 339 (2004).

Delafuente's arguments as to her rights to be present and to have the assistance of counsel are predicated on the incorrect assumption that her speedy trial was implicated by the presiding judge's one-day postponements of her trial. Insofar as that was not the case, her attendant claims also fail.

**3. THE STATE DID NOT COMMIT PROSECUTORIAL MISCONDUCT IN CLOSING ARGUMENT**

Finally, Delafuente asserts that her convictions must be reversed because of two remarks made by the deputy prosecutor during her closing argument. The first instance occurred shortly after the beginning of the prosecutor's argument, when she noted that Delafuente and her associates engaged in a deliberate attack on the victim, and that "[w]ithout the heroic efforts of the [first responders and medical personnel], you would be sitting at a homicide trial. But for medical intervention, the defendants would have successfully executed Mr. Powell." 17RP 1353. Neither Delafuente nor her co-defendant objected to this statement.

The second instance occurred near the conclusion of the State's initial closing argument, when the prosecutor asked the jury to reject the proposition that Delafuente had no idea what her confederates were up to that night:

...[S]he wants to say to you, I had no idea what was going on.

It defies common sense. We ask you as jurors and we interrogate you about any biases, any prejudice, any preconceived notions and we ask you to judge this case on the facts, the evidence, and the law as given to you by the Court. But no one ever has or ever will ask you to check your common sense at the door.

Your instructions are replete with the use of the word "reasonable," and a reasonable person standard. And is it at all reasonable that these two individuals [Delafuente and Howard] didn't know what was going to go down? That Juan Garcia-Mendez and Darreson Howard were going to try and rob and assault Mr. Powell? That Juan Garcia-Mendez was armed and that someone might get shot?

17RP 1373. Again, no objection was lodged by Delafuente or Howard.

In order to establish prosecutorial misconduct, a defendant must prove that the prosecutor's conduct was improper and that it prejudiced her right to a fair trial. State v. Carver, 122 Wn. App. 300, 306, 93 P.3d 947 (2004). A defendant can establish prejudice only if there is a substantial likelihood that the misconduct affected

the jury's verdict. Id. A prosecutor's comments during closing argument are reviewed in the context of the total argument, the issues in the case, the evidence addressed in the argument, and the jury instructions. Id. If defense counsel fails to object to the prosecutor's statements, then reversal is required only if the misconduct was so flagrant and ill-intentioned that no instruction would have cured the resulting prejudice. State v. Belgarde, 110 Wn.2d 504, 508, 755 P.2d 174 (1988).

Delafuente claims that the prosecutor's use of the term "executed" was inflammatory and ill-intentioned, and only appropriate at a murder trial. She contends that the State's remark effectively convinced the jury "that convicting Delafuente was the least they could do." Brief of Appellant, at 28-29. It is difficult to see how this single word, used one time, could so overcome the jury that it would abandon its duty to hold the State to its burden of proof. In addition, given that the charge of first-degree assault requires a showing that the defendant intentionally inflicted great bodily harm, defined as bodily injury that creates "a probability of death," it is unclear that the State's choice of verb was patently inappropriate. See RCW 9A.04.110(4)(c); RCW 9A.36.011; CP 87, 94, 97-98. Finally, even if the prosecutor's wording were faulty, a



curative instruction reminding the jury of the elements of the charges and that the arguments of the parties were not themselves of evidentiary value would have surely remedied any misconception, had a timely objection been made.

Nor did the deputy prosecutor err in the other challenged instance, when she asked the jury to decide whether Delafuente's claim of ignorance was reasonable. Delafuente implausibly depicts the prosecutor's remark as equivalent to the legally incorrect argument that a defendant can be held legally accountable for another's conduct if a reasonable person in the defendant's position would have known what her associate intended to do, regardless of any subjective knowledge on the defendant's part. Brief of Appellant, at 24-28, citing to State v. Allen, 182 Wn.2d 364, 341 P.2d 268 (2015). It is abundantly clear from the actual comments made by the prosecutor, reprinted supra, that she made no such claim of "constructive knowledge." Rather, within the overall context of her entire argument, she simply asked the jury to examine the believability of Delafuente's defense, and to decide whether it was plausible given the evidence showing Delafuente's extended participation in the events that led to her being put on trial. Moreover, had Delafuente objected at the appropriate time,

the trial court could have addressed any concern by reminding the jury to review Instruction No. 11, which contained the accepted legal definition of criminal knowledge. CP 92.

**D. CONCLUSION**

For the foregoing reasons, the State respectfully asks this Court to affirm Delafuente's convictions for first-degree assault and rendering criminal assistance in the first degree.

DATED this 21<sup>st</sup> day of November, 2016.

RESPECTFULLY submitted,

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# **APPENDIX A**

Orders Continuing Trial, State v. Sophia Delafuente, King  
County Superior Court No. 13-C-09535-8 SEA

(These orders have recently been designated as  
supplemental clerk's papers to be transmitted to this Court)



**FILED**  
KING COUNTY, WASHINGTON  
SEP 13 2013  
SUPERIOR COURT CLERK

**SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

STATE OF WASHINGTON, )  
Plaintiff, )  
Sophia A Delapente )  
Defendant. )  
CCN )  
NO. 13-C-09535-8 )  
ORDER CONTINUING TRIAL )  
(ORCTD) )  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by  
 plaintiff  defendant  the court. It is hereby  
ORDERED that the trial, currently set for 10/30/13 is continued to  
1/7/14  "Upon agreement of the parties [CrR 3.3(f)(1)] or  required in the  
administration of justice [CrR 3.3(f)(2)] for the following reason:

plaintiff's counsel in trial;  defense counsel in trial;  other: Discovery still coming in, investigation in continuance

It is further ORDERED:

Omnibus hearing date is 12/6/13 large number of  
 Expiration date is 2/6/14 very complex case

DONE IN OPEN COURT this 13 day of Sept, 2013

Suzanne Crayhead  
JUDGE

Approved for entry  
[Signature]  
Deputy Prosecuting Attorney WSBA No. 32800

[Signature]  
Attorney for Defendant WSBA No. 67035

I agree to the continuance:  
[Signature]  
Defendant [signature required only for agreed continuance]

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter \_\_\_\_\_ King County, Washington  
Trial Continuance  
(Effective 1 September 2003)

**FILED**  
KING COUNTY, WASHINGTON

JAN 02 2014

SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Sophia Delafuente

Defendant.

CCN

NO. B-C-09535-88a  
ORDER CONTINUING TRIAL  
(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by  
 plaintiff  defendant  the court. It is hereby  
ORDERED that the trial, currently set for 1/7/14 is continued to  
3/13/14  Upon agreement of the parties [CrR 3.3(f)(1)] or  required in the  
administration of justice [CrR 3.3(f)(2)] for the following reason:  
 plaintiff's counsel in trial;  defense counsel in trial;  other.

It is further ORDERED:

Omnibus hearing date is 2/28/14  
 Expiration date is 4/12/14

DONE IN OPEN COURT this 11 day of Jan 2014

Approved for entry:

[Signature] 3190  
Deputy Prosecuting Attorney WSBA No.

JUDGE

[Signature]  
Attorney for Defendant WSBA No. 017685

I agree to the continuance:

[Signature]  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

Trial Continuance  
(Effective 1 September 2003)

FILED  
KING COUNTY, WASHINGTON

MAR 12 2014

SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Sophia A. Dela Fuente  
Defendant.

NO. 13-CO9535-01gr  
ORDER CONTINUING TRIAL  
(ORCTD)  
(Clerk's Action Required)

CCN

CS-125  
This matter came before the court for consideration of a motion for continuance brought by  
 plaintiff  defendant  the court. It is hereby  
ORDERED that the trial, currently set for 3/13/14 is continued to  
4/9/14  \*Upon agreement of the parties [CrR 3.3(f)(1)] or  required in the  
administration of justice [CrR 3.3(f)(2)] for the following reason:  
 plaintiff's counsel in trial;  defense counsel in trial;  other. 10-0 counsel

Substitution, preparation & vacation Saedels

It is further ORDERED:

Omnibus hearing date is 5/16/2014  
 Expiration date is 10/21/14

good cause  
found by  
spec order

DONE IN OPEN COURT this \_\_\_\_\_ day of MAR 12 2014, 20\_\_

Approved for entry.

[Signature]  
Deputy Prosecuting Attorney WSBA No. 31915

[Signature]  
Attorney for Defendant WSBA No. \_\_\_\_\_

I agree to the continuance:

Obxess  
Defendant [signature required only for agreed continuance]

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct

\_\_\_\_\_  
Interpreter King County, Washington

Trial Continuance  
(Effective 1 September 2003)

**FILED**  
KING COUNTY, WASHINGTON

JUN 30 2014

SUPERIOR COURT CLERK  
BY Anne Smart  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 13-C-09535-8 SEA

v.

ORDER CONTINUING TRIAL

Sopnia Delacruz

(ORCTD)

Defendant.

(CLERK'S ACTION REQUIRED)

CCN

This matter came before the court for consideration of a motion for continuance brought by  
 plaintiff  defendant  the court. It is hereby

ORDERED that the trial, currently set for 9/19/14 is continued to  
9/25/14  \*Upon agreement of the parties [CrR 3.3(f)(1)] or  required in the  
administration of justice [CrR 3.3(f)(2)] for the following reason:

plaintiff's counsel in trial;  defense counsel in trial;  other: prescheduled  
vacation for this Def. Atty

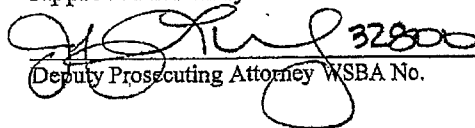
It is further ORDERED:

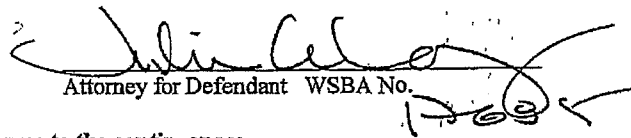
Omnibus hearing date is 9/15/14 @ 8:30 AM in  
 Expiration date is 10/25/14 W 764

DONE IN OPEN COURT this 30 day of June, 2014.

  
JUDGE

Approved for entry:

  
Deputy Prosecuting Attorney WSBA No. 32800

  
Attorney for Defendant WSBA No. 17035

I agree to the continuance:

Sopnia Delacruz  
\*Defendant [signature required only for agreed continuance]

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I  
certify under penalty perjury under the laws of the State of Washington that the foregoing is true and correct.

Interpreter: \_\_\_\_\_, King County, Washington  
(Effective 1 September 2003)

FILED



**FILED**  
KING COUNTY, WASHINGTON

AUG 18 2014

SUPERIOR COURT CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 13-C-09535-8SEA

v.

ORDER CONTINUING TRIAL  
(ORCTD)  
(CLERK'S ACTION REQUIRED)

Sophia Delafuente,  
Defendant.

CCN \_\_\_\_\_

This matter came before the court for consideration of a motion for continuance brought by

plaintiff  defendant  the court. It is hereby

ORDERED that the trial, currently set for 9/25/14 is continued to

10/15/15  \*Upon agreement of the parties [CrR 3.3(f)(1)] or  required in the  
administration of justice [CrR 3.3(f)(2)] for the following reason:

plaintiff's counsel in trial;  defense counsel in trial;  other: New counsel assigned.

It is further ORDERED:

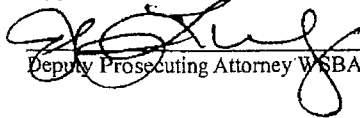
Omnibus hearing date is 10/17/14.

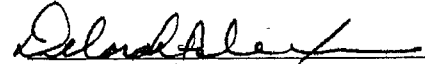
Expiration date is 2/19/15.

DONE IN OPEN COURT this 18 day of Aug, 2014.

  
JUDGE

Approved for entry:

  
Deputy Prosecuting Attorney WSBA No. 32800

  
Attorney for Defendant WSBA No. \_\_\_\_\_

I agree to the continuance:

D. Sjects.  
\*Defendant [signature required only for agreed continuance]

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty perjury under the laws of the State of Washington that the foregoing is true and correct.

Interpreter: \_\_\_\_\_, King County, Washington  
(Effective 1 September 2003)

**FILED**  
KING COUNTY WASHINGTON

JAN 09 2015

SUPERIOR COURT CLERK  
BY Theresa Graham  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 13-C-09535-8 SEA

v.

ORDER CONTINUING TRIAL  
(ORCTD)  
(CLERK'S ACTION REQUIRED)

Sophia Delafuente,

Defendant.

CCN

This matter came before the court for consideration of a motion for continuance brought by  
 plaintiff  defendant  the court. It is hereby

ORDERED that the trial, currently set for 1-20-2015 is continued to  
2-23-15  Upon agreement of the parties [CrR 3.3(f)(1)] or  required in the  
administration of justice [CrR 3.3(f)(2)] for the following reason:

plaintiff's counsel in trial;  defense counsel in trial;  other: trial preparation  
is necessary for effective representation.

It is further ORDERED:

Omnibus hearing date is 2-13-15 @ 10 AM in W 739  
 Expiration date is 3-25-15

DONE IN OPEN COURT this 9 day of January, 2015.

[Signature]  
JUDGE

Approved for entry:

[Signature]  
Deputy Prosecuting Attorney WSBA No. 32800

[Signature]  
Attorney for Defendant WSBA No. 253985

I agree to the continuance:

Christa Objects  
\*Defendant [signature required only for agreed continuance]

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty perjury under the laws of the State of Washington that the foregoing is true and correct.

Interpreter: \_\_\_\_\_, King County, Washington  
(Effective 1 September 2003)

**FILED**  
KING COUNTY WASHINGTON

**FEB 13 2015**

SUPERIOR COURT CLERK  
BY Susan Bone  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 13-C-09535-8 SEA

v.

ORDER CONTINUING TRIAL

Sophia Delafuente

(ORCTD)

Defendant.

(CLERK'S ACTION REQUIRED)

CCN

This matter came before the court for consideration of a motion for continuance brought by  
 plaintiff  defendant  the court. It is hereby  
ORDERED that the trial, currently set for 2/23/15 is continued to  
3/30/15  \*Upon agreement of the parties [CrR 3.3(f)(1)] or  required in the  
administration of justice [CrR 3.3(f)(2)] for the following reason:  
 plaintiff's counsel in trial;  defense counsel in trial;  other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is 3/20/15 @ 10:00 am. W739  
 Expiration date is 4/29/15

DONE IN OPEN COURT this 13 day of February, 2015.

JUDGE

Approved for entry:

[Signature]  
Deputy Prosecuting Attorney WSEA No. 32800

[Signature]  
Attorney for Defendant WSEA No. 5936

I agree to the continuance:

declined  
\*Defendant [signature required only for agreed continuance]

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty perjury under the laws of the State of Washington that the foregoing is true and correct.

Interpreter: \_\_\_\_\_, King County, Washington  
(Effective 1 September 2003)

POSTED

**FILED**  
KING COUNTY, WASHINGTON

MAY 04 2015

SUPERIOR COURT CLERK  
BY Melissa Enters  
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,  
Plaintiff,  
v.  
Sophia Delafuente  
Defendant.

No. 13-C-09535-8 SEA  
ORDER CONTINUING TRIAL  
(ORCTD)  
(CLERK'S ACTION REQUIRED)

CCN \_\_\_\_\_

This matter came before the court for consideration of a motion for continuance brought by  
 plaintiff  defendant  the court. It is hereby  
ORDERED that the trial, currently set for 6-1-15 is continued to  
7-1-15  \*Upon agreement of the parties [CrR 3.3(f)(1)] or required in the  
administration of justice [CrR 3.3(f)(2)] for the following reason:  
 plaintiff's counsel in trial;  defense counsel in trial;  other: victim pre-scheduled  
leave through 7-12-15

It is further ORDERED:  
 <sup>status conference</sup> Omnibus hearing date is 6-15-2015 at 1:30 pm  
 Expiration date is 7-1-2015

DONE IN OPEN COURT this 4 day of May, 20 15.

\_\_\_\_\_  
JUDGE

Approved for entry:  
[Signature]  
Deputy Prosecuting Attorney WSBA No. 32900

[Signature]  
Attorney for Defendant WSBA No. 34345

I agree to the continuance:  
does not agree  
\*Defendant [signature required only for agreed continuance]

I am fluent in the \_\_\_\_\_ language, and I have translated this entire document for the defendant from English into that language. I certify under penalty perjury under the laws of the State of Washington that the foregoing is true and correct.

Interpreter: \_\_\_\_\_, King County, Washington  
(Effective 1 September 2003)

**FILED**  
KING COUNTY, WASHINGTON

JUL 02 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/01/2015 is continued to 07/06/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_ Expiration date is: 08/05/2015

Expiration date remains the same

DONE IN OPEN COURT this 1 day of July, 2015.

Judge Jim Rogers

Approved for entry:

Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_

Attorney for Defendant WSBA No. \_\_\_\_\_

I agree to the continuance:

Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 06 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/06/2015 is continued to 07/07/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_ Expiration date is: 08/06/2015

Expiration date remains the same

DONE IN OPEN COURT this 2 day of July, 2015.

\_\_\_\_\_  
Judge Jim Rogers

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No.

\_\_\_\_\_  
Attorney for Defendant WSBA No

I agree to the continuance:

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 07 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff     Defendant     The Court

It is hereby ORDERED that the trial, currently set for 07/07/2015 is continued to 07/09/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]     Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;     No judicial availability;     Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_    Expiration date is: 08/08/2015  
 Expiration date remains the same

DONE IN OPEN COURT this 6 day of July, 2015.

\_\_\_\_\_  
Judge Jim Rogers

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
I agree to the continuance:

\_\_\_\_\_  
Attorney for Defendant WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
Interpreter    King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 10 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/09/2015 is continued to 07/13/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_ Expiration date is: 08/12/2015  
 Expiration date remains the same

DONE IN OPEN COURT this 9 day of July, 2015.

Judge Jim Rogers

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
I agree to the continuance:

\_\_\_\_\_  
Attorney for Defendant WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington



**FILED**  
KING COUNTY, WASHINGTON

JUL 13 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/13/2015 is continued to 07/15/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_ Expiration date is: 08/14/2015

Expiration date remains the same

DONE IN OPEN COURT this 13 day of July, 2015.

\_\_\_\_\_  
Judge Jim Rogers

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
I agree to the continuance:

\_\_\_\_\_  
Attorney for Defendant WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 15 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/15/2015 is continued to 07/16/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_ Expiration date is: 08/15/2015

Expiration date remains the same

DONE IN OPEN COURT this 14 day of July, 2015.

\_\_\_\_\_  
Judge Jim Rogers

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
I agree to the continuance:

\_\_\_\_\_  
Attorney for Defendant WSBA No \_\_\_\_\_

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 16 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

- Plaintiff
- Defendant
- The Court

It is hereby ORDERED that the trial, currently set for 07/16/2015 is continued to 07/20/2015.

- Upon agreement of the parties [CrR 3.3(f)(1)]
- Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

- Plaintiff's counsel in trial;
- No judicial availability;
- Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

- Omnibus hearing date is: \_\_\_\_\_
- Expiration date is: 08/19/2015
- Expiration date remains the same

DONE IN OPEN COURT this 15 day of July, 2015.

Judge Jim Rogers

Approved for entry:

Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
I agree to the continuance:

Attorney for Defendant WSBA No. \_\_\_\_\_

Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 20 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/20/2015 is continued to 07/22/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_

Expiration date is: 08/21/2015

Expiration date remains the same

DONE IN OPEN COURT this 20 day of July, 2015.

\_\_\_\_\_  
Judge Jim Rogers

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No.  
I agree to the continuance:

\_\_\_\_\_  
Attorney for Defendant WSBA No

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter  
King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 22 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/22/2015 is continued to 07/23/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_ Expiration date is: 08/22/2015

Expiration date remains the same

DONE IN OPEN COURT this 22 day of July, 2015.

\_\_\_\_\_  
Judge Jim Rogers

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No.  
I agree to the continuance:

\_\_\_\_\_  
Attorney for Defendant WSBA No

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 23 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN: 1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/23/2015 is continued to 07/27/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_

Expiration date is: 08/26/2015

Expiration date remains the same

DONE IN OPEN COURT this 22 day of July, 2015.

\_\_\_\_\_  
Judge Jim Rogers

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No.  
I agree to the continuance:

\_\_\_\_\_  
Attorney for Defendant WSBA No.

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 27 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/27/2015 is continued to 07/28/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_ Expiration date is: 08/27/2015

Expiration date remains the same

DONE IN OPEN COURT this 24 day of July, 2015.

Judge Jim Rogey's

Approved for entry:

Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
I agree to the continuance:

Attorney for Defendant WSBA No. \_\_\_\_\_

Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
Interpreter King County, Washington

**FILED**  
KING COUNTY, WASHINGTON

JUL 28 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

It is hereby ORDERED that the trial, currently set for 07/28/2015 is continued to 07/29/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]  Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:

Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;

Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_

Expiration date is: 08/28/2015

Expiration date remains the same

DONE IN OPEN COURT this 28 day of July, 2015.

Judge Jim Rogers

Approved for entry:

Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
I agree to the continuance:

Attorney for Defendant WSBA No. \_\_\_\_\_

Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
King County, Washington  
Interpreter



**FILED**  
KING COUNTY, WASHINGTON

JUL 29 2015

SUPERIOR COURT CLERK

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff  Defendant  The Court

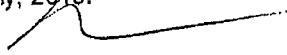
It is hereby ORDERED that the trial, currently set for 07/29/2015 is continued to 07/30/2015.

- Upon agreement of the parties [CrR 3.3(f)(1)]
- Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:
- Plaintiff's counsel in trial;  No judicial availability;  Defense counsel in trial;
- Other: \_\_\_\_\_

It is further ORDERED:

- Omnibus hearing date is: \_\_\_\_\_ Expiration date is: 08/29/2015
- Expiration date remains the same

DONE IN OPEN COURT this 29 day of July, 2015.

  
\_\_\_\_\_  
Judge ~~Jim Rogers~~ BILL BOWMAN

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
I agree to the continuance:

\_\_\_\_\_  
Attorney for Defendant WSBA No \_\_\_\_\_

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
King County, Washington  
Interpreter

**FILED**  
KING COUNTY, WASHINGTON

JUL 30 2015

**SUPERIOR COURT CLERK**

**SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY**

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs

DELAFUENTE, SOPHIA ALEEN  
Defendant/Respondent  
CCN:1912719

NO. 13-1-09535-8 SEA

**ORDER CONTINUING TRIAL**

(ORCTD)  
(Clerk's Action Required)

This matter came before the court for consideration of a motion for continuance brought by

Plaintiff     Defendant     The Court


It is hereby ORDERED that the trial, currently set for 07/30/2015 is continued to 08/03/2015.

Upon agreement of the parties [CrR 3.3(f)(1)]     Required in the administration of justice [CrR 3.3(f)(2)] for the following reason:  
 Plaintiff's counsel in trial;     No judicial availability;     Defense counsel in trial;  
 Other: \_\_\_\_\_

It is further ORDERED:

Omnibus hearing date is: \_\_\_\_\_    Expiration date is: 09/02/2015  
 Expiration date remains the same

DONE IN OPEN COURT this 30 day of July, 2015.

  
\_\_\_\_\_  
Judge ~~Jim Rogers~~

**BILL BOWMAN**

Approved for entry:

\_\_\_\_\_  
Deputy Prosecuting Attorney WSBA No. \_\_\_\_\_  
**I agree to the continuance:**

\_\_\_\_\_  
Attorney for Defendant WSBA No \_\_\_\_\_

\_\_\_\_\_  
Defendant (signature required only for agreed continuance)

I am fluent in the \_\_\_\_\_ language and I have translated this entire document for the defendant from English into that language. I certify under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

\_\_\_\_\_  
King County, Washington  
Interpreter

Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to the attorney for the appellant, Suzanne Elliott, containing a copy of the Brief of Respondent, in State v. Sophia Delafuente, Cause No. 74026-1-I, in the Court of Appeals, Division I, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

U Brame

Name

Done in Seattle, Washington

11/21/16

Date