

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Respondent,)	No. 97114-5
)	
vs.)	
)	STATE'S ANSWER TO
STEVEN MARSHALL,)	PETITION FOR REVIEW
)	
Petitioner.)	
)	
)	

The State asks this Court to deny Steven Marshall's petition for review of the Court of Appeals' opinion affirming his convictions for murder in the first degree and unlawful possession of a firearm in the second degree. State v. Marshall, unpublished, No. 76119-6-I (Wash. Ct. App. March 25, 2019). The reasoning and authority set out in the Court of Appeals' opinion and the Brief of Respondent below¹ amply demonstrate that the criteria for review are not met in this case, and most of the relevant facts are presented clearly in the

¹ The Brief of Respondent below sets out an important argument not reached by the Court of Appeals: that even assuming the existence of the asserted constitutional right to file pro-se motions while represented by counsel, the mailing of such pleadings to witnesses is not an exercise of that right, and may be properly used by the State as evidence that the defendant influenced the witnesses' testimony.

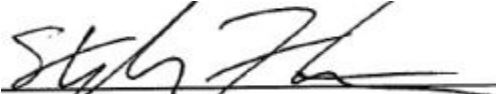
Court of Appeals' opinion. However, the petition for review misstates the facts regarding the use of pro se pleadings that the defendant mailed to witnesses in a way that is not immediately apparent upon reading the Court of Appeals' opinion, necessitating this brief answer.

In his petition, Marshall claims that "The State emphasized Marshall's pro se motions in closing argument, paraphrasing its view of what Marshall intended with them: 'that evidence they're going to bring in against me I don't want in court.'" Pet. for Review at 9. However, the State never mentioned the handwritten pleadings Marshall sent to witnesses in closing argument. 2RP 2190-2216. Instead, what the prosecutor discussed and at times quoted from was Exhibit 117, the letter Marshall wrote to witness Shamarra Scott instructing her to file a declaration. 2RP 2213-14. The admission of Exhibit 117 is not challenged on appeal.

Because the Court of Appeals' decision is consistent with prior decisions and does not involve a significant question of constitutional law or issue of substantial public interest that needs to be addressed by this Court, the State respectfully asks the Court to deny the petition for review.

Submitted this 23rd day of May, 2019.

DANIEL T. SATTERBERG
King County Prosecuting Attorney

A handwritten signature in black ink, appearing to read 'Steph F Guthrie', written over a horizontal line.

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