

FILED
Court of Appeals
Division I
State of Washington
5/16/2022 3:25 PM

FILED
SUPREME COURT
STATE OF WASHINGTON
5/17/2022
BY ERIN L. LENNON
CLERK

Supreme Court No. 100929-1
COA No. 82464-3-I

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

MARCUS L. LONG,

Petitioner.

PETITION FOR REVIEW

Sara S. Taboada
Attorney for Petitioner

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 610
Seattle, Washington 98101
(206) 587-2711

TABLE OF CONTENTS

A. IDENTITY OF PETITIONER AND DECISION BELOW 1

B. ISSUES PRESENTED FOR REVIEW..... 1

C. STATEMENT OF THE CASE 3

D. ARGUMENT 5

This Court should accept review because the Court of Appeals’ opinion erroneously expands the court’s authority to order restitution and overlooks the fact that the State did not meet its burden of proof. 5

E. CONCLUSION..... 16

TABLE OF AUTHORITIES

Washington Cases

State v. Chipman, 176 Wn. App. 615, 309 P.3d 669 (2013)..... 6
State v. Dedonado, 99 Wn. App. 251, 991 P.2d 1216 (2000).... 5
State v. Deskins, 180 Wn.2d 68, 322 P.3d 780 (2014)..... 5
State v. Gonzalez, 168 Wn.2d 256, 226 P.3d 131 (2010)..... 5
State v. Goodrich, 47 Wn. App. 114, 736 P.2d 1000 (1987)..... 6
State v. Lewis, 57 Wn. App. 921, 791 P.2d 250 (1990)... 6, 7, 10
State v. Otton, 185 Wn.2d 673, 374 P.3d 1108 (2016) 9
State v. Velezmoro, 196 Wn. App. 522, 384 P.3d 613 (2016) ... 6

Statutes

RCW 9.94A.750(3) 5
RCW 9.94A.753(3) 2, 12, 14

Treatises

Property, Black’s Law Dictionary (11th Ed. 2019)..... 14
Wage, Black’s Law Dictionary (11th Ed. 2019)..... 11

Other Sources

Indeed Editorial Team, *How to Calculate PTO*, Indeed (July 15, 2021) 13

A. IDENTITY OF PETITIONER AND DECISION BELOW

Marcus Long asks this Court to accept review of a published Court of Appeals opinion affirming the court's imposition of nearly \$7,000 in restitution. The Court of Appeals issued the opinion on March 7, 2022.¹ Mr. Long filed a motion for reconsideration, which the Court of Appeals denied on April 14, 2022.²

B. ISSUES PRESENTED FOR REVIEW

1. Courts do not have the authority to order restitution to compensate crime victims for their speculative loss of future lost wages. Maureen Zebley used her sick pay and vacation leave while she recovered from injuries caused by Mr. Long. Without presenting any evidence that Ms. Zebley could not access these wages in the future, the State requested that the court order restitution to compensate Ms. Zebley for her alleged inability to use her vacation pay and sick time in the future.

¹ Appendix A.

² Appendix B.

(a) RCW 9.94A.753(3) allows a court to order a defendant to order restitution “based on easily ascertainable damages for...loss of property, actual expenses incurred for treatment...and lost wages resulting from injury.” The Court of Appeals characterized Ms. Zebley’s supposedly depleted sick and vacation leave as “property” rather than “lost wages,” and thereby affirmed the order of restitution. This Court should accept review because the Court of Appeals’ published opinion erroneously characterizes future lost wages as “property.” This is contrary to the plain language of the statute and erroneously expands the court’s authority to order restitution. RAP 13.4(b)(2), (3), (4).

(b) The court lacked statutory authority to order Mr. Long to pay restitution to Ms. Zebley for her wholly speculative loss of future work benefits. RAP 13.4(b)(2), (3), (4).

(c) The State presented no evidence that Ms. Zebley’s work benefits were now depleted, and it also presented no evidence of Ms. Zebley’s employer’s paid time off policies.

Consequently, the State presented insufficient evidence to prove the amount the court awarded in restitution to Ms. Zebley. RAP 13.4(b)(2), (3), (4).

C. STATEMENT OF THE CASE

Marcus Long pleaded guilty to theft of a motor vehicle and assault in the second degree. CP 11. Maureen Zebley had to take time off of work after the assault. CP 57. Ms. Zebley used her sick pay and vacation leave to compensate her while she was unable to work. CP 57.

The State requested that the court order Mr. Long to pay \$6,860.80 in restitution to Ms. Zebley.³ CP 57. Mr. Long asked the State whether it was asking him to pay for Ms. Zebley's inability to use her sick pay and vacation leave in the future. CP 59. The State agreed, saying this was "absolutely an out of

³ The State also requested that Mr. Long pay restitution to compensate Ms. Zebley's insurance company for damages associated with the car theft. CP 51-56, 58-59. Mr. Long did not oppose the request for restitution from the car insurance company. CP 59.

pocket loss,” since this is “one less vacation [Ms. Zebley has] paid for.” CP 60; RP 37.

Mr. Long objected, arguing the restitution statute did not authorize the court to order Mr. Long to repay Ms. Zebley for her speculative loss of future benefits. CP 58-61. The State did not present any evidence that Ms. Zebley’s work benefits were now depleted, and it did not present any evidence of Ms. Zebley’s employer’s paid time off policy. RP 36. It was unknown how Ms. Zebley’s use of paid sick leave and vacation leave affected her ability to use her work benefits in the future.

The court granted the State’s motion for restitution and awarded Ms. Zebley \$6,860.80. RP 45.

D. ARGUMENT

This Court should accept review because the Court of Appeals’ opinion erroneously expands the court’s authority to order restitution and overlooks the fact that the State did not meet its burden of proof.

“A court’s authority to order restitution is derived solely from statute.” *State v. Gonzalez*, 168 Wn.2d 256, 261, 226 P.3d 131 (2010). RCW 9.94A.750(3) empowers a court to order restitution pursuant to a criminal conviction, but the court may only order a person to pay “for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and **lost wages resulting from injury.**” (emphasis added). A court can only order a person to pay restitution if the amount lost is “easily ascertainable.” RCW 9.94A.750(3).

The State has the obligation to establish the amount of damages owed to a victim. *State v. Dedonado*, 99 Wn. App. 251, 257, 991 P.2d 1216 (2000). If disputed, the State must prove the restitution owed by a preponderance of the evidence. *State v. Deskins*, 180 Wn.2d 68, 82, 322 P.3d 780 (2014).

The term “lost wages” does not include speculative future earnings losses, like the loss of future retirement benefits or sick leave benefits. *State v. Lewis*, 57 Wn. App. 921, 924, 791 P.2d 250 (1990). This is because “the Legislature has chosen to phrase ‘lost wages’ in the past tense, strongly suggesting it was only meant to cover expenses already incurred.” *Id.* at 926; *see also State v. Velezmoro*, 196 Wn. App. 522, 384 P.3d 613 (2016) (crime victim recognizing that unlike its federal counterpart, Washington’s restitution statute does not permit a court to order defendants to compensate victims for lost future wages). Similarly, a court cannot award restitution “for future medical expenses not yet incurred by the victim.” *State v. Goodrich*, 47 Wn. App. 114, 117, 736 P.2d 1000 (1987).

A court’s failure to comply with the provisions of a restitution statute voids the restitution order. *State v. Chipman*, 176 Wn. App. 615, 618, 309 P.3d 669 (2013). This Court

examines a court's interpretation of the restitution statute de novo. *Id.*

A court cannot order a person to pay restitution to compensate a victim based on unsupported allegations that she will be unable to access her wages in the future. Instead, the statute directs the court to only order restitution for "lost wages," meaning wages that were actually lost due to injury. Consequently, the court order requiring Mr. Long to compensate Ms. Zebley for her alleged inability to access her vacation and sick pay in the future is void.

Lewis is instructive. In *Lewis*, the defendant pleaded guilty to one count of vehicular homicide after she struck a vehicle, killing one person and injuring another. 57 Wn. App. at 922. The court ordered the defendant to reimburse the decedent's life insurance company for the \$50,000 it paid the decedent's estate as future earnings losses. *Id.* The court also ordered the defendant to compensate the injured passenger for

his use of over 1,000 hours in sick pay, which the court believed reduced his future retirement pay. *Id.* at 922-23.

The defendant argued the deceased victim's future earnings losses was not "easily ascertainable" as required by statute. This was because many complicated factors affected the calculation of the damages. *Id.* at 924. The Court of Appeals agreed, opining evidence of future earnings losses generally requires extensive expert testimony, and so it is not an "easily ascertainable loss." *Id.*

The defendant also argued the injured passenger's loss of future retirement income was not a "lost wage." *Id.* at 926. The Court of Appeals agreed, reasoning, "the legislature has chosen to phrase 'lost wages' in the past tense, strongly suggesting it was only meant to cover expenses already incurred." *Id.* at 926. The Court of Appeals declined "to read the statute to include such losses as a permissible item of criminal restitution." *Id.* However, it observed that "if the Legislature wishes that this determination be included in the criminal sentencing process, it

can so provide.” *Id.* The Legislature has not so provided, and so the Legislature has acquiesced to the Court of Appeals’ interpretation of the statute in *Lewis. State v. Otton*, 185 Wn.2d 673, 685-86, 374 P.3d 1108 (2016).

Here, as in *Lewis*, the court ordered Mr. Long to pay restitution to compensate Ms. Zebley for her supposed inability to access her future work benefits. Like the passenger in *Lewis*, Ms. Zebley used her sick pay and vacation leave benefits due to her injuries. RP 36-37. The State submitted a restitution packet requesting Mr. Long reimburse Ms. Zebley for her use of her sick pay and vacation leave. CP 57. The State argued this was justified because “now if [she] would like to take an actual [vacation] and use her vacation time...she will have to take the loss of unpaid time.” RP 37; CP 60 (email from the State arguing Ms. Zebley was entitled to restitution amount because “that’s one less vacation [she] has paid for”). The Court agreed, opining Ms. Zebley was entitled to the money because “in lieu

of not being paid during that time, she utilized her sick leave or vacation leave.” RP 45.

The court’s ruling was in error for several material reasons. As declared in *Lewis*, the court cannot order restitution based on speculation that a victim’s use of sick leave depleted their work benefits. 57 Wn. App. at 926. Yet as in *Lewis*, the State requested restitution based on only an unsupported assumption that Ms. Zebley’s work benefits were now depleted. RP 37, CP 60. The court’s ruling is directly contrary to *Lewis*.

Yet the Court of Appeals affirmed, opining that while Ms. Zebley’s depletion of sick pay and vacation pay was not a “lost wage,” it was “property” and therefore recoverable under the statute. Op. at 5-6. This conclusion is wrong in several respects. First, it directly contradicts how the court classified the wages at issue in *Lewis*. Second, the Court of Appeals’ interpretation is contrary to the plain language of the statute. The term “wages” includes “every form of remuneration payable for a given period to an individual for personal

services, including salaries, commissions, vacation pay, [and] bonuses.” *Wage*, Black’s Law Dictionary (11th Ed. 2019).

The legislature deliberately specified that a court may only order restitution for wages when the wages have been actually depleted. In other words, when the wages are actually lost. It has not granted courts the authority to order restitution for wages that may be lost in the future. It therefore did not grant the court the authority to order restitution for sick pay or vacation leave that might not be able to be accessed in the future, which was the reason the State requested the nearly \$7,000 in restitution. The Court of Appeals’ opinion grants courts authority which the legislature has not granted it, and thereby warrants this Court’s review.

Moreover, this Court should also accept review for additional reasons. First, the Court of Appeals overlooked one of Mr. Long’s central arguments, which was that the State did not present sufficient evidence to prove the amount requested in restitution. Relatedly, the Court of Appeals’ opinion does not

recognize that the State did not prove Ms. Zebley's use of paid time off and sick leave—which the Court of Appeals classified as property per RCW 9.94A.753(3)—resulted in an actual loss of property. This is primarily because the State did not present evidence of Ms. Zebley's employer's specific paid time off policy.

Contrary to the Court of Appeals' reasoning, Mr. Long argued in his briefing that the State did not present sufficient evidence to prove the amount requested in restitution. *See Op.* at 5, n.2. Mr. Long specifically assigned error to the lack of sufficient evidence to prove the amount of restitution. *Op. Br.* at 1. The issue statement and the argument section of Mr. Long's brief detail that insufficient evidence existed to uphold the order of restitution because no evidence existed Ms. Zebley's work benefits were now depleted. *Op. Br.* at 2, 11. In other words, no evidence existed Ms. Zebley lost any property by using her sick leave and vacation leave.

Relatedly, Mr. Long's brief also argued insufficient evidence supported the court's order of restitution because the State did not present any evidence of Ms. Zebley's employer's paid time off policy. Op. Br. at 2, 9-13. Indeed, Mr. Long's brief specifically argued evidence of Ms. Zebley's employer's paid time off policy was necessary to ascertain the damages because varying policies exist among employers regarding paid time off. Op. Br. 12-13; *see also* Reply Br. at 4; *see, e.g.*, Indeed Editorial Team, *How to Calculate PTO*, Indeed (July 15, 2021).⁴ This is significant because the Court of Appeals noted it could:

[C]onceive of fact patterns that would call for more proof than submitted by the State here as variances among employer leave policies necessarily impact the value of different types of leave. **For example, some technology companies in our state provide their employees with unlimited leave such that time taken by a victim with that sort of benefit may not be properly claimed as a loss on a request for restitution in a criminal case. But, these nuances are a question for another time.**

⁴ <https://www.indeed.com/career-advice/career-development/calculate-pto>.

Op. at 5, n.2 (emphasis added).

However, because the Court of Appeals believed Mr. Long did not present this challenge, it did not address this contention. This was in error.

Applying Mr. Long's argument to this Court, this Court should also accept review because the State plainly did not meet its burden to prove the amount it demanded in restitution. As the Court of Appeals recognized, variances in paid time off policies exist, and it may be improper to award restitution based on a victim's use of paid time off in certain circumstances. Here, the State presented no evidence regarding the specifics of Ms. Zebley's paid time off policy. The Court of Appeals upheld the order of restitution because it construed sick leave and vacation leave as "property" under RCW 9.94A.753(3). Op. at 6. The term "property" means, "the rights in a valued resource such as land, chattel, or an intangible." *Property*, Black's Law Dictionary (11th Ed. 2019). Under RCW 9.94A.753(3), a court

may only order restitution to allow a victim to recover for injury to or loss of “property.”

But without the specifics of Ms. Zebley’s employer’s paid time off policies, no assurances exist Ms. Zebley’s use of sick time and vacation time constituted an injury to or loss of “property.” Indeed, her employer may provide her with unlimited sick time, vacation time, or both. Or, some other variance in her employer’s paid time off policy might result in Ms. Zebley losing her property interest in her paid time off, but not to the extent the court ordered in this case (nearly \$7,000).

The Court of Appeals opined an award of restitution based on the use of sick leave is appropriate if the loss was “actually incurred and not merely speculative.” Op. at 5. But without evidence of Ms. Zebley’s employer’s paid time off policy, any loss the State alleged here is merely speculative. Again, no evidence exists Ms. Zebley’s use of her paid time off depleted her sick leave and vacation leave in such a manner as to constitute a loss of property.

This Court should accept review. RAP 13.4(b)(2), (3),
(4).

E. CONCLUSION

For the reasons stated in this petition, Mr. Long respectfully requests that this Court accept review.

In compliance with RAP 18.7(b), counsel certifies the word processing software calculates the number of words in this document as 2,469 words.

DATED this 16th day of May, 2022.

Respectfully submitted,

/s Sara S. Taboada
Sara S. Taboada – WSBA #51225
Washington Appellate Project
Attorney for Appellant

Appendix A

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 82464-3-I
)	
Respondent,)	DIVISION ONE
)	
v.)	PUBLISHED OPINION
)	
MARCUS LADON LONG,)	
)	
Appellant.)	
_____)	

HAZELRIGG, J. — After entering a guilty plea, Marcus L. Long was ordered to pay restitution. A portion of the total amount of restitution ordered by the trial court was compensation to the victim for the paid vacation and sick leave she utilized due to her injuries. Long avers that this part of the restitution award was improper, arguing it constitutes a speculative future benefit which doesn't fall within the scope of RCW 9.94A.753. We disagree and find that vacation and sick leave constitute property under the restitution statute, and that the amount sought was easily ascertainable, such that the award was proper.

FACTS

Marcus Long pleaded guilty to theft of motor vehicle and assault in the second degree-domestic violence. As part of his plea, Long agreed to pay restitution. At sentencing, the court ordered him to pay restitution in an amount to

be determined at a future hearing and accepted his request to waive his presence at that hearing.

The restitution hearing was held in March 2021 and Long's counsel appeared on his behalf. The State requested \$6,860.80 for Maureen Zebley, based on time she had taken off of work during her recovery from injuries Long inflicted and for which she utilized accrued paid vacation and sick leave.¹ Long argued that the claim based on Zebley's leave time was one arising from a prospective future benefit rather than a remedial lost wage and, therefore, speculative. The State argued that Zebley was entitled to restitution because she "had to pay essentially to recover from an injury."

The evidence provided by the State as to the amount sought for Zebley was a "time loss claim" she had submitted to the prosecutor's office in which she asserted that she missed 240 hours of work valued at \$26.92 per hour. She further indicated on the form that she had utilized paid sick and vacation time to make up for those lost hours. The document also contained her Leave Administrator's contact information and signature.

The trial court ultimately ruled in favor of the State, providing:

So I'm going to award the amount requested and my reasoning is [] that essentially she took off work as a result of the injuries she suffered at the hands of the Defendant. And in lieu of not being paid during that time, she utilized her sick leave or vacation leave during that time period. And essentially that is a lost wage.

I don't see that as a benefit. I see this as different than say I had to take off six months form work therefore my retirement . . . has to now be recalculated.

¹ The State also requested \$6,368.46 for Progressive Insurance. Long did not dispute the restitution owed to Progressive Insurance which was based on damage he had caused to Zebley's vehicle.

Long now timely appeals the restitution order only as to the amount awarded for Zebley's claim.

ANALYSIS

Long argues on appeal, as he did in the trial court, that the court lacked authority to order him to pay \$6,860.80 in restitution to Zebley based on speculation that she "lost" the sick and vacation leave that she used because she will be unable to access those work benefits in the future. A trial court's decision to impose restitution is reviewed for abuse of discretion. State v. Gray, 174 Wn.2d 920, 924, 280 P.3d 1110 (2012). However, the trial court's interpretation of the restitution statute is an issue this court reviews de novo. State v. Burns, 159 Wn. App. 74, 78, 244 P.3d 988 (2010).

"A court's authority to order restitution is derived solely from statute." State v. Gonzalez, 168 Wn.2d 256, 261, 226 P.3d 131 (2010). RCW 9.94A.753 governs restitution within our state. A court ordering restitution must do so within 180 days of sentencing. RCW 9.94A.753. "If an offender objects to the restitution amount, the court must hold a hearing and accurately determine the amount within the allotted time." Gray, 174 Wn.2d at 925–26. When restitution is disputed, the State bears the burden of proving the amount sought by a preponderance of the evidence. State v. Kinneman, 155 Wn.2d 272, 285, 119 P.3d 350 (2005).

Long asks this court to resolve the question of whether paid leave (sick or vacation) properly falls within the scope of RCW 9.94A.753(3). The language of RCW 9.94A.753(3) states in relevant part:

[R]estitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury.

Long argues that paid sick and vacation leave are analogous to the retirement income at the heart of this court's decision in State v. Lewis. 57 Wn. App. 921, 791 P.2d 250 (1990). In Lewis, we considered "whether restitution may include future retirement income losses resulting from . . . use of sick leave." Id. at 923. We held that, in light of the fact that lost future earnings of a deceased victim were neither "easily ascertainable damages" nor "lost wages resulting from injury," making such an award as restitution in a criminal case was improper. Id. at 924. We reinforced that ascertainability is key to criminal restitution determinations because the complexities as to calculations like those undertaken by the trial court in Lewis are properly addressed by civil damage concepts, in part because criminal proceedings are "ill-equipped for such a task." Id. at 924. The Lewis court noted the choice of the Legislature to refer to "lost wages resulting from injury" in the past tense, which is suggestive of expenses already incurred. Id. at 926. As such, Lewis directs that any claim for restitution for lost future earnings of a deceased victim should be rejected. Id.

However, in Lewis we also accepted the State's concession of error as to the award of restitution for a victim's loss of future retirement income due based on their use of sick leave. Id. (citing State v. Goodrich, 47 Wn. App. 114, 116–17, 733 P.2d 1000 (1987)). In Goodrich, we rejected the notion that restitution could be ordered for costs not yet incurred. 47 Wn. App. at 116–17. In Lewis, relying on the reasoning in Goodrich, we remanded for the trial court to determine whether

the victim who claimed lost retirement earnings had retired yet and, if so, what deductions were made due to their use of sick leave stemming from the underlying crime. 57 Wn. App. at 926. This result established that such an award would have only been improper if the loss had not yet been incurred, rather than a declaration that such a loss could not ever be recovered as restitution under RCW 9.94A.753(3).

Lewis is unhelpful for Long's argument, as we did not reject the notion that a reduction in retirement due to use of sick leave could not be ascertainable or ever properly awarded, but only that such a loss must have been actually incurred and not merely speculative. Sick and vacation leave are clearly ascertainable benefits that one may possess and that may have easily calculable value.² One may use such a benefit by seeking payment from it during their employment or, in some circumstances, cash out the value of the benefit upon separation from their employment. As such, sick and vacation leave are properly classified as property for purposes of the restitution statute. In affirming one aspect of the restitution award in State v. Young, we determined that a child support judgment constitutes property for purposes of the restitution statute, and concluded that when the party responsible for that judgment died as a result of a criminal defendant's actions, the

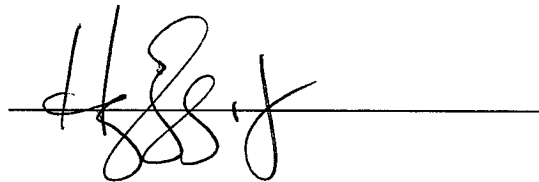
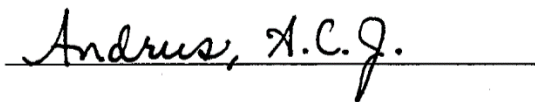
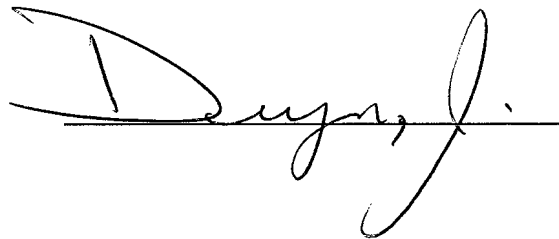
² Here, Long does not challenge the truth of Zebley's claimed utilization of 240 hours of paid vacation and sick time, nor does he argue to this court that the State failed to meet its burden in proving this portion of restitution amount. However, we can conceive of fact patterns that would call for more proof than submitted by the State here as variances among employer leave policies necessarily impact the value of different types of leave. For example, some technology companies in our state provide their employees with unlimited leave time such that time taken by a victim with that sort of benefit may not be properly claimed as a loss on a request for restitution in a criminal case. But, these nuances are a question for another time.

defendant became responsible for replacing that property by paying out the child support judgment as restitution. 63 Wn. App. 324, 331-332, 818 P.2d 1375 (1991).

Having determined that paid sick or vacation leave constitute property for purposes of RCW 9.94A.753(3), we find the trial court's award to Zebley was not error. However, the trial court here concluded that the award was based on "lost wages." This was an improper interpretation of the statute, but in light of the fact that the award properly falls under RCW 9.94A.753(3) as "property," the error was nonetheless harmless. State v. Kitchen, 46 Wn. App. 232, 238, 730 P.2d 103 (1986) ("A harmless error is an error which is trivial, formal, or merely academic, was not prejudicial to the substantial rights of the defendant, and in no way affected the final outcome of the case.").

Affirmed.

WE CONCUR:

A handwritten signature in black ink, appearing to be "H. B. J.", written over a horizontal line.A handwritten signature in black ink, appearing to be "Andrew, A.C.J.", written over a horizontal line.A handwritten signature in black ink, appearing to be "D. J.", written over a horizontal line.

Appendix B

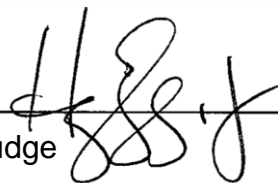
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	No. 82464-3-I
)	
Respondent,)	DIVISION ONE
)	
v.)	ORDER DENYING MOTION
)	FOR RECONSIDERATION
MARCUS LADON LONG,)	
)	
Appellant.)	

The appellant, Marcus L. Long, filed a motion for reconsideration for the opinion filed on March 7, 2022. The respondent filed a response to the motion. The court has determined that said motion should be denied; now therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

FOR THE COURT:



Judge

DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document **Petition for Review to the Supreme Court** to which this declaration is affixed/attached, was filed in the **Court of Appeals** under **Case No. 82464-3-I**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

respondent Gavriel Jacobs, DPA
[gavriel.jacobs@kingcounty.gov]
[PAOAppellateUnitMail@kingcounty.gov]
King County Prosecutor's Office-Appellate Unit

petitioner

Attorney for other party



NINA ARRANZA RILEY, Paralegal
Washington Appellate Project

Date: May 16, 2022

WASHINGTON APPELLATE PROJECT

May 16, 2022 - 3:25 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 82464-3
Appellate Court Case Title: State of Washington, Respondent v. Marcus Ladon Long, Appellant

The following documents have been uploaded:

- 824643_Petition_for_Review_20220516152528D1740117_8545.pdf
This File Contains:
Petition for Review
The Original File Name was washapp.051622-01.pdf

A copy of the uploaded files will be sent to:

- gavier.jacobs@kingcounty.gov
- nancy@washapp.org
- paoappellateunitmail@kingcounty.gov

Comments:

Sender Name: MARIA RILEY - Email: maria@washapp.org

Filing on Behalf of: Sara Sofia Taboada - Email: sara@washapp.org (Alternate Email: wapofficemail@washapp.org)

Address:
1511 3RD AVE STE 610
SEATTLE, WA, 98101
Phone: (206) 587-2711

Note: The Filing Id is 20220516152528D1740117