

FILED
Court of Appeals
Division III
State of Washington
3/29/2024 4:15 PM

FILED
SUPREME COURT
STATE OF WASHINGTON
4/2/2024
BY ERIN L. LENNON
CLERK

IN THE COURT OF APPEALS FOR THE STATE OF
WASHINGTON
DIVISION THREE

STATE OF
WASHINGTON,
Respondent,

v.

CHRISTOPHER CRUMP,
Appellant.

No. 38963-4-III

MOTION FOR
RELEASE PENDING
REVIEW

I. INTRODUCTION

This Court reversed one of Christopher Crump's convictions in the above-captioned case, entitling him to resentencing. The reversal of this conviction also entitles him to resentencing in a second case. Had this Court's mandate issued, he would be out of prison now.

However, the prosecution filed a petition for review, delaying the mandate. It is unjust to hold Mr. Crump in prison beyond his true release date solely so the prosecution may pursue review. This Court should

release Mr. Crump pending the proceedings on the prosecution's petition for review.

II. IDENTITY OF MOVING PARTY AND RELIEF SOUGHT

Appellant Christopher Crump asks this Court to order his release on his own recognizance or on any conditions the Court deems appropriate until the mandate issues in the above-captioned appeal.

II. GROUND FOR RELIEF

In the above-captioned case, a jury found Mr. Crump guilty of two counts: possessing a stolen motor vehicle and second-degree malicious mischief. CP 69. The trial court imposed a standard-range sentence of 20 months on May 23, 2022. CP 72.

In 2023, in a different case, Mr. Crump's conviction in the above-captioned case added two points to his offender score, leading to a score of 7 and a standard range of 33 to 43 months. App'x 2 ¶ 3.

Pursuant to a plea agreement, Mr. Crump received a sentence of 39 months. App'x 2 ¶ 3.

Later, on January 30, 2024, this Court reversed Mr. Crump's conviction of possessing a stolen vehicle and remanded for dismissal of the charge. *State v. Crump*, No. 38963-4-III (Wash. Ct. App. Jan. 30, 2024). This Court noted it had vacated an identically worded charge for failure to allege all essential elements in a published opinion. Slip op. at 4–5.

The vacation of Mr. Crump's possession charge entitles him to resentencing in the second case. Without that conviction, his offender score drops to 6, and the standard range falls to 22 to 29 months. App'x 2 ¶ 5.

According to the Department of Corrections, Mr. Crump's current estimated release date is August 22,

2024.¹ If his current sentence drops from 39 to 29 months, his release date will be far in the past. Accordingly, as soon as the mandate issues in this case, Mr. Crump will be entitled to release from prison.

The prosecution filed a petition for review of this Court's decision in this case on February 29, 2024, delaying issuance of the mandate at least until the Supreme Court denies the petition. According to ACORDS, The Supreme Court has calendared the petition on June 4, 2024.

On March 1, the day after the mandate was due, Mr. Crump's trial counsel argued a motion to amend the judgment in the second case and secure Mr. Crump's release. App'x 2-3 ¶ 6. The trial court refused to amend the judgment until after the mandate issues

¹ The undersigned learned Mr. Crump's estimated release date during a call to the Washington State Penitentiary on March 28, 2024.

in this case. App'x 2–3 ¶ 6.

Thereafter, trial counsel worked diligently to note a motion for Mr. Crump's release pending review.

App'x 3–5 ¶¶ 7–10, 6–14. Despite counsel's best efforts, the trial court did not hear the motion until March 28, 2024. App'x 5 ¶ 11. The trial court refused to rule on the merits of the motion and denied it without prejudice to raising it in this Court. App'x 5 ¶ 11.

Mr. Crump has strong ties to the Walla Walla community. He will receive housing assistance from the Trilogy Recovery Community on his release. In addition, his friend Troy Katsel, (509) 386-0639, will employ him part-time at his lawn care business, Lawn & Order. Mr. Crump also has a contact for employment at a construction business.²

² Mr. Crump reported these facts to the undersigned by phone on March 28, 2024. The undersigned called Mr. Katsel on March 29, 2024 and

III. ARGUMENT

After conviction and pending review, the trial court retains authority to order a convicted person's release. RAP 7.2(f). In fact, the trial court *must* release the person unless certain conditions are met. RCW 10.73.040. Specifically, the court may not deny release pending review unless the trial court finds

- (a) The person is a flight risk or danger to the community;
- (b) Release pending review will “unduly diminish the deterrent effect of the punishment;”
- (c) Release will unreasonably traumatize any victim; or
- (d) The person has not attempted to pay financial obligations in light of their ability

confirmed his offer to employ Mr. Crump.

to do so.

RCW 9.95.062(1).

A confined person may object to a trial court's denial of release pending review by filing a "motion in the appellate court." RAP 8.2(b).

Here, rather than determine whether any of the criteria in RCW 9.95.062(1) were met, the trial court simply refused to rule on the motion and directed Mr. Crump to raise it in this Court, effectively denying it. App'x 5 ¶ 11. This was error. RAP 7.2(f). Accordingly, Mr. Crump now moves this Court to remedy the trial court's error and grant his release. RAP 8.2(b).

None of the criteria a court must find to deny release pending review apply here.

First, the "deterrent effect of the punishment" is hardly a relevant consideration where Mr. Crump's correct sentence has already passed. Mr. Crump is

currently serving a combined term based on his 20-month sentence in this case and his 39-month sentence in another case. Accounting for pretrial detention and earned early release, his estimated release date is August 22, 2024.

However, once this Court's mandate issues, Mr. Crump's sentences in both this case and the second case will drop significantly. His true release date will be in the past. Continuing to confine him beyond his true release date simply to allow the prosecution to litigate a petition for review would be unjust.

Mr. Crump's ties to Walla Walla show he is not a flight risk or a danger to the community. Anticipating his release, he has already lined up housing services and employment. In the unlikely event the Supreme Court grants the prosecution's petition and reverses this Court, he will report to the Department of

Corrections and serve the remainder of his sentence.

Release will not traumatize the victim in this case, as he resides in Athena, Oregon. Mr. Crump will honor the no-contact order in the second case. App'x 2 ¶ 3. Non-payment of financial obligations is not a basis for denying release because the trial court found Mr. Crump indigent, a large portion of the restitution obligation was based on the vacated motor vehicle conviction, and he is entitled to remittance of his non-restitution obligations. CP 83; Slip op. at 9–10 & n.5.

III. CONCLUSION

When this Court's decision in the above appeal is accounted for, Mr. Crump's release date is in the past. It is unjust to continue to confine him merely because the prosecution's petition for review is pending. This Court should order Mr. Crump's release pending appeal.

Per RAP 18.17(c)(17), I certify this motion for
release pending review contains 1,117 words.

DATED this 29th day of March, 2024.



Christopher Petroni, WSBA
#46966
Washington Appellate Project
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Fax: (206) 587-2710

*Attorney for Christopher
Crump*

Appellant's Appendix

| | |
|---|-------|
| 1. Declaration of Robin L. Olson | 1-5 |
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| 3. Motion for Release Pending Appeal | 9-14 |
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**IN THE COURT OF APPEALS FOR THE STATE OF
WASHINGTON
DIVISION THREE**

STATE OF
WASHINGTON,
Respondent,

v.

CHRISTOPHER CRUMP,
Appellant.

No. 38963-4-III

DECLARATION OF
ROBIN L. OLSON

I Robin Olson, declare as follows:

1. I am an attorney licensed to practice law in Washington. I represent Christopher Crump in the Walla Walla Superior Court in two cause numbers relevant to Mr. Crump's motion: No. 21-1-00238-36—the case on review under the above case number—and No. 21-1-00337-36.

2. In No. 21-1-00238-36, a jury convicted Mr. Crump of one count each of possessing a stolen motor vehicle and second-degree malicious mischief. The trial

court imposed a sentence of 20 months on May 23, 2022, with credit for 191 days of pretrial detention.

3. In No. 21-1-00337-36, the two criminal history points from the earlier case bumped Mr. Crump's offender score to 7 and his standard range to 33 to 43 months. By plea agreement, the trial court imposed a sentence of 39 months. The trial court entered a no-contact order in favor of the alleged victim.

4. In January 2024, in the above-captioned appeal, this Court reversed Mr. Crump's conviction of possessing a stolen motor vehicle.

5. Without the vacated possession conviction, Mr. Crump will be entitled to resentencing in No. 21-1-00337-36. His offender score will drop to 6, and the standard range to 22 to 29 months.

6. I filed a motion to amend the judgment in

No. 21-1-00337-36 and noted it on March 1, 2024. The trial court struck the hearing because I did not have a copy of the mandate. I learned afterward the prosecution filed a petition for review the previous day, at the end of the 30-day deadline.

7. I noted a hearing on March 11, and then renoted the hearing for a motion to release Mr. Crump pending review. The motion argues Mr. Crump would be entitled to release if the mandate had issued in the above case and it is unjust to hold him further while the prosecution seeks review in the Supreme Court.

8. On March 11, 2024, I presented the argument for release pending appeal. The Court asked the prosecuting attorney whether the Court had the discretion under CrR 3.2(h) to grant the motion. The prosecutor answered that he had not reviewed CrR 3.2(h) to make that determination. With the

prosecutor's answer, the Court continued to later in the week. But I was leaving on vacation the next day, March 12, 2024, so the hearing was continued to March 25, 2024.

9. ● On March 25, 2024, again I presented the argument for Mr. Crump's release. This time the Court indicated it had not read the brief and it was not in the file and continued the hearing to Wednesday, March 27 at 8:45 a.m. After the hearing was terminated on March 25, the courtroom clerk observed the Motion and Brief in the court file but noted that it was not stamped "filed" even though the Motion to Shorten Time was stamped "filed" on March 4, 2024. The courtroom clerk then stamped it filed on March 25, 2024.

10. ● On March 27, 2024, Judge Wolfram was not on the bench and the State objected to going forward with a Pro Tem, although I had communicated with

Mr. Crump regarding having the Pro Tem hear the motion without an objection.

11. Finally, on March 28, 2024, at 8:45 a.m. the Motion was heard by Judge Wolfram. I appeared for Mr. Crump and Gabriel Acosta appeared for the State. After hearing arguments from both sides, the Court did not rule, but instead indicated that the Motion to Release Pending Appeal should be brought through his appellate counsel and to the appellate court, effectively denying the motion without prejudice.

12. As of this declaration, I have not yet received a written ruling on the motion for release.

I declare under penalty of perjury the foregoing is true.

DATED this 28th day of March, 2024.

s/Robin L. Olson
Robin L. Olson
418 W. Main St.
Walla Walla, WA 99362
Telephone: (509) 876-2844

Olson

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FILED
MAR -5 2024
KATHY MARTIN
WALLA WALLA COUNTY CLERK


Superior Court of Washington
County Walla Walla

| | |
|---------------------------|---|
| State of Washington | No. 21-1-00238-36, 21-1-00337-36 |
| Plaintiff, | |
| v. | |
| Christopher Michael Crump | |
| Defendant. | MOTION/ORDER TO SHORTEN TIME |

I. MOTION

COMES NOW the Defendant, by and through attorney Robin L. Olson and Jesse Montagnino, with this Motion to Shorten time for Notification of hearing from 10 days to seven. This motion is based on the Declaration of Counsel and the Court file.

Respectfully submitted this 27th day of March 2024.

Olson Law Office

Robin L. Olson WSBA #40657
Attorney for Respondent

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3 **II. DECLARATION**

4 I, Robin L. Olson, being first duly sworn upon oath and an officer of the Court state as
5 follows:

6 1. I am the attorney for Christopher Crump, the Defendant in this matter.

7 2. That on January 30, 2024, the Court of Appeals reversed his conviction for
8 possession of a stolen motor vehicle on cause 21-1-00238-36. The conviction on that cause
9 elevated his criminal history score to 7 with a standard range of 33-44 months. Without that
10 conviction, his criminal history score would be 6 his standard range would have been 22-29
11 months.

12 3. Mr. Crump has been incarcerated since December 5, 2021, and with good time
13 credit his sentence would be complete.

14 4. That Mr. Crump has served his sentence on the 21-1-00238-26 case and waiting
15 to determine whether to retry or appeal this decision has no bearing on the sentence of that case.

16 5. That the sentence Mr. Crump is currently on takes into consideration the criminal
17 history score of the 21-1-00238-36 case and since that case has been reversed, the interest of
18 justice demands that he be resentenced to reflect his true criminal history score of 6 and a
19 standard range of 22-29 months.

20 6. That the State filed its Notice to Appeal on the last day allowed for appeal.

21 7. That Supreme Court may take as long as 4 months to determine whether to
22 accept/deny this case for review and if it so denies review Mr. Crump will have served a
23 sentence not legally authorized.
24

7. It is respectfully requested that this Motion to Shorten Time be granted, and a
2 of 3

Olson Law Office
318 W. Main St.
Walla Walla, WA 99362
Tel (509) 876-2844
Fax (509) 876-2840

1 hearing be set on the March 11, 2024, docket at 1:30 p.m.
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4 Dated this 4th day of March 2024.
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6 
7 _____
8 Robin L. Olson

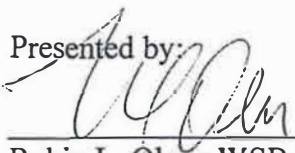
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10 **III. Order**

11 This matter has come before the Court on the Defendant's Motion to Shorten
12 time, supported by declaration and court file, and Counsel's representation that the State will
13 notified at least 48 hours before the hearing.

14 IT IS ORDERED that the motion is granted and the clerk of this court is directed to
15 schedule a hearing for **March 11, 2024, 1:30 p.m.** for a Motion Release Pending Appeal.

16 DATED this 5th day of March 2024.

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19 _____
20 M. SCOTT WOLFRAM
21 JUDGE/COURT COMMISSIONER

22 Presented by: 
23 _____
24 Robin L. Olson WSBA # 40657
Attorney for Respondent

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FILED

MAR 25 2024

KATHY MARTIN
WALLA WALLA COUNTY
WALLA, WASHINGTON

IN SUPERIOR COURT, COUNTY OF WALLA WALLA

Case No. 21-1-00238-36 & 21-1-00337-36

State of Washington,
Plaintiff,

MOTION FOR RELEASE PENDING
APPEAL

vs.

Christopher Michael Crump,
Defendant.

"COMES NOW Defendant Christopher Michael Crump by and through attorney Robin L. Olson and respectfully moves the Court for its order authorizing his release from custody pending appeal of cause 21-1-00238-36 on his own recognizance, or upon posting a bond in an amount to be determined by the Court.

BACKGROUND

On January 30, 2024, Division 3 of the Washington Court of Appeals decided *State v. Christopher Crump*, No. 38963-4-III. The court reversed and remanded the Possession of a Stolen Motor Vehicle conviction. (Walla Walla Superior Court Cause 21-1-00238-36.) Mr. Crump had been convicted of possession of a stolen vehicle and malicious mischief and sentenced to 20 months. These two criminal history points were used to calculate Mr. Crump's criminal history score in cause 21-1-00337-36 giving him a criminal history score of 7 and a standard range of 33-43. By plea agreement, Crump was sentenced to 39 months on cause 21-1-00337-36.

After the Court of Appeals reversed the possession of a stolen vehicle conviction, Mr. Crump's criminal history would be reduced by 1 point giving him a

1 criminal history score of 6 and a standard range of 22-29 months on cause 21-1-00337-
2 36.

3 The undersigned filed a Second Motion to Amend Mr. Crump's Judgement and
4 Sentence to reflect the actual criminal history points and the standard range.

5 At the hearing on the Defendant's Second Motion to Amend the Judgment, the
6 State argued, and the Court agreed that the motion to Amend the Judgment and
7 Sentence should wait to be heard until after the Mandate from the Court of Appeals
8 was filed. On the very last day of the appeal time, the State filed a Notice of Appeal to
9 the Supreme Court, thereby halting the Mandate from being returned until after the
10 Supreme Court determined whether to accept the case for consideration. It could take
up to four months before the Supreme Court addresses this case. See Exhibit 1.

11 Argument

12 Mr. Crump should be released pending appeal.

13 Pursuant to RCW 10.73.040, a trial court "must" set bail following a judgment and
14 sentence upon request by an eligible person. Under CrR 3.2(h), the court may release a person
15 after a finding of guilt with appropriate conditions. Under RAP 7.2(f), the trial court retains
16 authority to fix conditions of release during an appeal. Bail may be denied pending appeal only
17 if the court finds by a preponderance of the evidence that (1) the defendant poses a flight risk or
18 a danger to the community; (2) the delay will diminish the sentence's deterrent effect; (3) the
19 delay will unreasonably traumatize a victim; or (4) the defendant has not adequately undertaken
to pay legal financial obligations. RCW 9.95.062(1).


20 Due to Mr. Crump's lifelong ties to the Walla Walla community, he poses neither a flight
21 risk nor a danger to anyone. As Mr. Crump has already served his sentence on cause 21-1-
22 00238-36, the case on appeal, the deterrent effect has not been lost. Addressing subsection (3);
23 The alleged victim in cause 21-1-00238-36 lives in another state and it is unlikely that Mr.
24 Crump's release will traumatize him. As for the alleged victim in cause 21-1-00337-36, her
25 whereabouts are unknown but there is a No Contact Order in place, all the same. The condition

1 of subsection (d), LFOs, is also not a concern. This Court found Mr. Crump indigent at
2 sentencing, imposing only the mandatory victim penalty assessment, which will be remitted.

3 The only purpose of keeping Mr. Crump incarcerated is to serve the now inaccurately
4 calculated sentence and make him serve time in prison that is not legally authorized.
5 Additionally, if released and Division III's decision is affirmed or the Supreme Court refuses to
6 hear the case, Mr. Crump will have served the appropriate sentence for Cause 21-1-00337-36 and
7 not be unjustly punished. Mr. Crump's unjust incarceration cannot be returned to him.

8 However, if Division III is reversed and conviction is reinstated Mr. Crump may simply
9 return to incarceration and serve the remaining time. The prerequisites for denying bail in RCW
10 9.95.062(1) therefore are not met.

11
12 Dated this ¹⁴4 day of March 2024.

13 
14 Robin L. Olson WSBA# 40657
15 Attorney for Defendant
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THE SUPREME COURT
STATE OF WASHINGTON

ERIN L. LENNON
SUPREME COURT CLERK

SARAH R. PENDLETON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY



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March 1, 2024

LETTER SENT BY E-MAIL ONLY

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chris@washapp.org

Hon. Tristen Worthen, Clerk
Court of Appeals, Division III
500 N. Cedar Street
Spokane, WA 99201

Re: Supreme Court No. 1028423—State of Washington v. Christopher Michael Crump
Court of Appeals No. 389634-III

Clerk and Counsel:

The Court of Appeals forwarded to this Court the “STATE’S PETITION FOR REVIEW” in the referenced matter. The matter has been assigned the Supreme Court cause number indicated above.

The parties are directed to review the provisions set forth in RAP 13.4(d) regarding the filing of any answer to a petition for review and any reply to an answer.

The petition for review will be set for consideration without oral argument by a Department of the Court; see RAP 13.4(i). If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the petition will be continued for determination by the En Banc Court.

Usually there is approximately three to four months between receipt of the petition for review in this Court and consideration of the petition. This amount of time is built into the process to allow an answer to the petition and for the Court’s normal screening process. At this time it is not known on what date the matter will be determined by the Court. The parties will be advised when the Court makes a decision on the petition.

Exhibit 1

App'x 012

Page 2
No. 1028423
March 1, 2024

Any amicus curiae memorandum in support of or in opposition to a pending petition for review should be served and received by this Court and counsel of record for the parties and other amicus curiae by 60 days from the date the petition for review was filed; see RAP 13.4(h).

Counsel are referred to the provisions of General Rule 31(e) regarding the requirement to omit certain personal identifiers from all documents filed in this Court. This rule provides that parties “shall not include, and if present shall redact” social security numbers, financial account numbers and driver’s license numbers. As indicated in the rule, the responsibility for redacting the personal identifiers rests solely with counsel and the parties. The Clerk’s Office does not review documents for compliance with the rule. Because briefs and other documents in cases that are not sealed may be made available to the public on the court’s internet website, or viewed in our office, it is imperative that such personal identifiers not be included in filed documents.

Counsel are advised that future correspondence from this Court regarding this matter will most likely only be sent by an e-mail attachment, not by regular mail. This office uses the e-mail address that appears on the Washington Bar Association lawyer directory. Counsel are responsible for maintaining a current business-related e-mail address in that directory.

Sincerely,



Sarah R. Pendleton
Supreme Court Deputy Clerk

SRP:drc

FILED

MAR 25 2024

KATHY MARTIN
WALLA WALLA COUNTY CLERK

IN SUPERIOR COURT, COUNTY OF WALLA WALLA, WASHINGTON

State of Washington,

Plaintiff,

vs.

Christopher Michael Crump,

Defendant.

Case No. 21-1-00238-36 & 21-1-00337-36

[PROPOSED] ORDER FOR RELEASE
PENDING APPEAL

THIS MATTER having come on regularly before the above entitled Court, upon application of the defendant for an order approving his release pursuant to RCW 10.73.040 on bail pending appeal, therefore,

IT IS HEREBY ORDERED that the above-named defendant/appellant may/may not be released from custody upon his own recognizance, or alternatively, satisfactory posting of bail in the amount of \$ _____, and

IT IS FURTHER ORDERED the defendant comply with the terms and conditions of his release order.

Dated this ____ day of March 2024.

M. Scott Wolfram
Superior Court Judge

Handwritten initials in blue ink.

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SUPERIOR COURT OF WASHINGTON – COUNTY OF WALLA WALLA

THE STATE OF WASHINGTON,

Plaintiff,

-vs-

CHRISTOPHER CRUMP,

Defendant.

NO. 21 1 00238-36

PLAINTIFF'S RESPONSE
TO DEFENDANT'S
MOTION FOR RELEASE
PENDING APPEAL

The plaintiff, by and through Gabriel E. Acosta, Prosecuting Attorney, responds to defendant's motion for release pending appeal.

FACTS

Mr. Crump was convicted by jury verdict of possession of a stolen motor vehicle and of malicious mischief in the second degree, on March 22, 2022, and sentenced on those counts on May 23, 2022. Mr. Crump subsequently appealed his conviction to the court of appeals. The court of appeals reversed on the vehicle charge, but affirmed on the malicious mischief charge. The State timely appealed the court of appeals decision to the State Supreme Court, which is still being reviewed by that Court, so no mandate has come down in this case.

In the meantime, the defendant seeks for this court to grant him relief by amending his judgment to remove the vehicle charge conviction so that his score will be less and his subsequent sentence less as well.

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3 **ISSUE:** Whether Mr. Crump is entitled to have his judgment in this case
4 Amended prior to a mandate being issued.

5 **RESPONSE**

6 RAP 7.2 governs the ability of a trial court to act pending the appeal of a case. in
7 particular, RAP 7.2(e)(2) provides that “if a trial court determination will change a decision
8 then being reviewed by the appellate court, the permission of the appellate court must be
9 obtained prior to the formal entry of the trial court decision.” In this case, the defendant seeks
10 to have his judgment modified in order to lower his sentence. However, that judgment is still
11 being reviewed by the appellate court (State Supreme Court). Because the defendant timely
12 appealed his judgment, and the State timely appealed the court of appeals decision, no
13 mandate has been able to be issued yet, meaning defendant’s judgment is still under review by
14 the appellate court, according to RAP 7.2.

15
16 Next, under RAP 7.2(f), a trial court may fix conditions of release of a defendant
17 subject to RCW 9.95.062 and .64. However, those statutes govern sentences that were
18 imposed pre-SRA, which isn’t the case in the instant case.

19
20 Defendant also relies on RCW 10.73.040 as a basis for relief. However, the defendant
21 did *not* request this relief upon conviction and imposition of judgment and sentence, perhaps
22 because he was already in custody and at the time was not only being sentenced on another
23 matter (21-1-00257-36), but was also facing more serious charges under Cause 21-1-00337-
24 36, which wasn’t resolved until imposition of sentence on June 6, 2023, with guilty pleas to
25 unlawful possession of a firearm in the second degree and tampering with a witness, the first
26 of which occurred on December 5, 2021, and the latter on February 24, 2023. He remained in
27 custody during this interim due to these charges on this latter cause number (which included
28 other charges which were subsequently dismissed pursuant to plea negotiation – robbery,
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3 assault, kidnapping, theft of motor vehicle, and more), meaning he had already begun serving
4 his time on the instant cause number while in custody awaiting trial on 21-1-00337-36.

5 Defendant claims that this court should have set bail, well after the fact, and further
6 argues that because of his “lifelong ties to the Walla Walla community” that he doesn’t pose a
7 flight risk or danger to anyone. The allegations and subsequent guilty plea in 21-1-00337-36
8 belie that claim. It doesn’t matter whether the instant victims in this latter cause number may
9 not currently live in Walla Walla, it is still the community at large which is victimized, and
10 the claim that the one victim lives in another state is specious in that it is just across the border
11 from Walla Walla.
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14

15 **CONCLUSION**

16 Based on the above facts, the State submits that this Court should deny the defendant’s
17 subsequent motions.

18 DATED this 26 of March, 2024.

19 Respectfully Submitted,

20
21 

22 Gabriel E. Acosta, WSBA # 16719
23 Prosecuting Attorney
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30

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 of the document to which this declaration is affixed/attached, was filed in the **Court of Appeals – Division Three** under **Case No. 38963-4-III**, 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 / residence / electronic mail address as listed on ACORDS:

- respondent Gabriel Acosta
[gacosta@co.walla-walla.wa.us]
Walla Walla County Prosecutor's Office
[prosecutor@co.walla-walla.wa.us]
- appellant
- respondent Randall Sutton
[rsutton@co.kitsap.wa.us]
[kcpa@co.kitsap.wa.us]
Kitsap County Prosecutor's Office



MARIA ANA ARRANZA RILEY, Paralegal
Washington Appellate Project

Date: March 29, 2024

WASHINGTON APPELLATE PROJECT

March 29, 2024 - 4:15 PM

Transmittal Information

Filed with Court: Court of Appeals Division III
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