714660-0

714660-0

COA No. 71466-0

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

K.G.,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT
OF KING COUNTY
JUVENILE DIVISION

The Honorable Thomas J. Wynne

REPLY BRIEF

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A. REPLY ARGUMENT

1. C.S.'S STATEMENTS IN THE COMBINED COMPETENCY HEARING, ALONG WITH THE FORENSIC INTERVIEW AND MATERIALS PLACED BEFORE THE COURT ON COMPETENCY, DEMONSTRATED LACK OF COMPETENCY, NOT THE MERE "INCONSISTENCIES" THAT THE RESPONDENT CONTENDS.

Respondent's response to K.G.'s demonstration of a record that showed a lack of competence to testify under State v. Allen, 70 Wn.2d 690, 692, 424 P.2d 1021 (1967), is that the child's statements merely evidenced "inconsistencies" that go to the weight to the 5 year-old's testimony. BOR, at pp. 7, 11, 12. This contention should be rejected.

a. The child C.S. demonstrated precisely the inability to relate factual matters with a distinction between "dream and reality" that the Respondent asserts is the standard to be met. Respondent erroneously contends that the trial court did not abuse its discretion because C.S. was not a child who could not distinguish between dream and reality, such as in State v. Karpenski, 94 Wn. App. 80, 971 P.2d 553 (1999). BOR, at p. 11. Certainly, the child witness in Karpenski was far from competent. K.G., to show error, need not meet such a dream/reality standard.

But C.S.'s testimony did demonstrate this very degree of inability to recollect and relate factual matters with reasonable accuracy – which is far below the standard.[1]

C.S.'s testimony evidenced more, qualitatively and quantitatively, than the few contradictions selected by the Respondent as merely demonstrating inconsistencies.

The Respondent fails to provide a response to the multiple indicators that C.S. did not meet the Allen criteria, with regard to his understanding of the obligation to speak the truth as a court witness, and his ability to receive, retain and relate simple factual questions about the alleged incident from an independent recollection of it.[2]

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[1] Jennifer Pursely indicated that C.S. had developmental delay issues and was in special education classes. 12/16/13RP at 80. On appeal of a conviction in which the complainant's competence to testify was challenged, the reviewing court examines the entire record. State v. Woods, 154 Wn.2d 613, 617, 114 P.3d 1174 (2005) (citing State v. Avila, 78 Wn. App. 731, 737, 899 P.2d 11 (1995)).

[2] Under the established test in Allen, a child witness demonstrates competency to testify by showing:

> (1) an understanding of the obligation to speak the truth on the witness stand; (2) the mental capacity at the time of the occurrence concerning which he is to testify, to receive an accurate impression of it; (3) a memory sufficient to retain an independent recollection of the occurrence; (4) the capacity to express in words his memory of the occurrence; and (5) the capacity to understand simple questions about it.

State v. Allen, 70 Wn.2d at 692

Regarding the Coslett forensic interview,[3] Respondent argues ably that C.S.'s varying statements about whether he had breakfast did not show incompetence to testify. BOR, at pp. 7-8.

But Respondent does not offer any counter to the facts that C.S. gave numerous nonsensical answers in the interview, answering the interviewer's attempted questions about the claim by remarking on Coslett's eyeglasses, her eyeballs, the dog's leash, the doggie bags, and the room they were in (stating nonsensically, "I don't know where are you.") State's Fact-Finding Memorandum: attached Transcript of Coslett interview, at pp. 3-5. When specifically questioned about what he was there to talk to her about, C.S. stated that his mother woke up screaming because she got hurt and had to swallow her pills, then he asked again about the dog in the room, and asked about the electrical outlet. Transcript of Coslett interview, at pp. 8-10. Coslett, the child interview specialist, made clear that the child at one point merely said that K.G. tried to hump C.S.'s "blanket," and then said that K.G. did not touch him. 12/16/13RP at 39, 59-60. C.S. demonstrated a lack of ability to

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[3] C.S.'s two interview sessions with Coslett were specifically placed before the juvenile court by the prosecutor for purposes of the competency determination. State's Fact-Finding Memorandum, Child Hearsay and Witness Competency, attachments: transcripts of child forensic interviews with CIS Gina Coslett.

retain a memory of the claimed day, much less to answer simple questions about the claimed incident.

Regarding the child's courtroom statements, the Respondent emphasizes that C.S. repeatedly was able to say in his combined testimony that K.G. did "gross" stuff. BOR, at pp. 9-10. But C.S.'s answers regarding the specifics of what occurred varied tremendously, in this case of alleged child rape, and sexual contact, wherein some degree of precision is plainly required to distinguish guilt from non-criminal actions. C.S.'s statements swung from using words such as "gross stuff" and saying that K.G. touched him with his wiener or it was in his butt, to saying that K.G. touched him somewhere with his hands. 12/16/13RP at 35-41; Appellant's Opening Brief, at pp. 9-10. Despite the fact that the case commenced with claims by C.S.'s mother to police that her son had told her that K.G. did things to him, C.S. strangely testified at various times that he had, and had not told his mother.[4] 12/16/13RP at 42-51.

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[4] The question of what C.S.'s ability to or inability to answer simple questions about what he allegedly told his mother was important in the case – it was virtually demonstrated that his mother embellished or made up a claim that the examining nurse said that C.S. had been anally penetrated, when the nurse made clear she had said no such thing. 12/16/13RP at 71, 84, 145, 149, 153.

b. C.S failed to understand his obligation to tell the truth in a legal proceeding. Even more crucial was C.S.'s affirmatively demonstrated lack of appreciation of the obligation to speak the truth generally, much less to the court.[5]

It has been emphasized that C.S. tricked Gina Coslett during the forensic interview by telling her first that he did not have breakfast, and then stating he did. Transcript of Coslett interview, at pp. 2-3; Appellant's Opening Brief, at pp. 11-12, 18-19. Respondent answers that what matters is that, when challenged, C.S. "volunteered" that he had been tricking Coslett. BOR, at p. 8. But as argued, C.S. appeared to enjoy or find inconsequential the process of tricking the interviewer, Coslett. Respondent also asserts that this exchange occurred "prior to [C.S.] being asked to tell the truth." BOR, at p. 8. But in fact, Coslett had just emphasized twice that there were "rules for our talk today," and C.S. had been told *immediately* before the breakfast exchange that he should say he did not know if he did not know the answer to a question, and that if he did know the answer, it was important to tell the interviewer. Transcript of Coslett interview, at p. 2.

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[5] Allen makes clear that the child witness must demonstrate "an understanding of the obligation to speak the truth on the witness stand." (Emphasis added.) State v. Allen, 70 Wn.2d at 692

Next, Respondent then states that Coslett, after the 'trick' at that point, told C.S. he needed to tell the truth, and thereby elicited a promise to do so. BOR, at p. 8. But C.S.'s eventual promise to tell the truth came *many questions later* in the interview, long after Coslett had been asked to not trick Coslett. Transcript of Coslett interview, at pp. 2-5. When Coslett first asked him to promise to not trick her, C.S.'s response was to refer to the dog in the room. Transcript of Coslett interview, at p. 3. He then repeatedly responded to Coslett's urging of the importance telling her the right thing if she made a mistake or said the wrong thing, by again referring to the dog twice, and then by saying "I don't know." Transcript of Coslett interview, at pp. 4-5.

After all of this urging, pivotally, C.S., at his subsequent combined trial testimony and competency testimony, said the following: He testified that he sometimes tells the truth -- and sometimes does not tell the truth. 12/16/13RP at 54. Remarkably, C.S. was asked if he had been told in his interviews before trial "how important it is to tell the truth," he answered by saying his mother told him to, but then repeated twice that he had *never been told to tell the truth in the interview*. 12/16/13RP at 52-53.

Most significantly, in his competency testimony, C.S. answered that he did not trick Gina Coslett when she interviewed him. 12/16/13RP at 54. He specifically stated, "I didn't trick anything." 12/16/13RP at 56-57. C.S. was incompetent to testify at trial, including because he completely failed to understand his obligation to tell the truth in a legal proceeding. Allen, 70 Wn.2d at 692

All of this was inadequate to meet the Allen requirements. The Allen criteria were not satisfied, and the juvenile court abused its discretion.

c. Reversal is required. Certainly, without C.S.'s incompetent trial testimony, it cannot be said beyond a reasonable doubt that K.G. would have been convicted. Chambers v. Mississippi, 410 U.S. 284, 302, 93 S. Ct. 1038, 35 L. Ed.2d 297 (1973) (Due Process requires that evidence used to convict a person must meet elementary requirements of fairness and reliability).

2. APPELLANT K.G. MAY APPEAL THE ERROR OF THE IMPROPERLY SWORN TESTIMONY OF C.S. WHERE HE OBJECTED TO THE PRESENCE OF CHILD INTERVIEWER COSLETT IN THE COURTROOM, AND COSLETT THEN INTERJECTED HERSELF INTO THE COURT'S ATTEMPT TO OBTAIN AN OATH FROM THE CHILD; FURTHER, THE ERROR IS MANIFEST.

a. Following K.G.'s unsuccessful objection to Gina Coslett being permitted to be in the courtroom to "assist" with the difficult child witness, Coslett interjected herself into the attempt to take a proper oath from C.S. before he testified.

In this appeal, K.G. has argued that the juvenile court erred in denying K.G.'s motion to exclude witnesses (specifically, child interviewer Gina Coslett), and that K.G.'s Due Process rights and rights under Article 1, section 6 of the State constitution were violated when C.S. was permitted to testify following an inadequate, and inadequately obtained, oath to tell the truth in the proceeding. Appellant's Opening Brief ("AOB"), at pp. 1-2 (Assignment of error nos. 5 and 6), 28-37.

These two assignments of error and arguments – to the former of which the Respondent State of Washington has failed to respond – are inextricably linked. Objections to a State's witness remaining in the courtroom are rarely raised by the accused,

because case law has endorsed the prosecution decision to allow a managing witness, such as a police officer or investigating detective, to remain in the courtroom throughout the case, even though he or she will later be testifying.

Here, specifically, however, K.G. argued adamantly and correctly that Coslett was absolutely not a "managing witness" such as a police officer who had originally mustered the witnesses in the investigation and the items of physical evidence. 12/16/13RP at 8; see State v. McGee, 6 Wn. App. 668, 669-70, 495 P.2d 670 (1972) (citing State v. Weaver, 60 Wn.2d 87, 90, 371 P.2d 1006, 1008 (1962) (both discussing the purpose of a prosecutor's managing witness).

Where the prosecutor wanted Coslett in the courtroom to assist the State with the complainant, and K.G. objected on these bases, the trial court abused the discretion it does have under ER 615 (which allows a party to seek to exclude witnesses) to not exclude a witness. ER 615; AOB, at pp. 29-30. The court rule in question provides that an opposing party may be permitted to retain in the courtroom a person who is an "officer or employee of a party," something that child interview specialist Gina Coslett is not. ER 615. The rule also allows a party to have a person present who

is shown to be reasonably necessary to the presentation of the party's case. ER 615. But Coslett was not a person who would serve the proper function of a "managing witness." Coslett was not akin to a case's lead police officer who could reasonably be deemed important to the prosecution's mustering and ordering of the various witnesses in the case, i.e., persons who were originally identified by law enforcement in its investigation. Instead, Gina Coslett was child interview expert whose testimony about C.S.'s statements, their alleged consistency, and the child's ability to relate facts, among many other considerations, was pivotal regarding the child's competency and the Ryan issues.

Furthermore, this witness was one who, to varying extents of success, had honed her ability to elicit inculpatory claims from the "difficult" child in two pre-trial interviews. The unfairness of having such a witness present from the commencement of the adjudicatory hearing, where the trial was held in a consolidated manner with the Allen and Ryan hearings, rendered it an abuse of discretion to deny K.G.'s motion to exclude Coslett. Nothing made it reasonable or tenable in this case to deny the defense motion that the role of managing witness be filled, as it normally is in this exception to the

traditional rule excluding witnesses, by the lead investigating police officer, not the State's child interview expert.

Importantly, the prosecution admitted to the trial court that it desired Ms. Coslett to remain in the courtroom, not because she was a managing witness such as an officer described above, but because she could help keep the difficult, distractible witness "on focus." 12/16/13RP at 12. The trial court abused its discretion. The State's desire to have in the courtroom a trial witness who it believed could benefit the prosecution by assisting in keeping the complainant focused was not a proper basis to allow that trial witness to remain in the courtroom. State ex rel. Carroll v. Junker, 79 Wn.2d 12, 26, 482 P.2d 775 (1971).

Subsequently, the very harm anticipated by the defense came to fruition. Coslett's presence for the State's desired 'assistive' purpose was the exact reason it was improper to allow the prosecution to have Coslett present in the courtroom. 10/16/13RP at 8-12. Her interjection into the oath-taking process – irregardless of the extent, thoroughness, or lack of thoroughness of any promise by the child to tell the truth, was error that was fully preserved for appeal by counsel's earlier objection. RAP 2.5; see also State v. Powell, 126 Wn.2d 244, 256, 893 P.2d 615 (1995)

(losing party is deemed to have standing objection where judge made earlier, final ruling *in limine*). It is the trial court that must obtain the oath from the witness, and further, the court could not properly conclude that the 'oath' given was adequate under ER 603 or Wash. Const. art. 1, section 6. See AOB, at pp. 29-30, 34-35.

Even if Coslett had not interjected herself into the oath-taking process, the oath given by the key complainant was inadequate, and created manifest error in a troubling, controverted case. On the question of the ultimate adequacy of K.G.'s oath, the Respondent first cites Washington cases which either include more extensive oaths to tell the truth, and which do not involve the elicitation of the oath by a prosecution witness. BOR, at p. 13 (citing State v. Collier, 23 Wn.2d 678, 693,-94, 162 P.2d 267 (1945) ("The Court: You are promising what you are going to say as a witness that you will tell the truth, all of the truth, and nothing but the truth, so help you God. You promise that, do you? The Witness: Yes."); and State v. Johnson, 28 Wn. App. 459, 461, 624 P.2d 213 (1981) (citing Collier for its proposition that the formal oath language used in Chapter 7 of Title 9, Remington's Revised Statutes, §§ 1264 to 1269, is not required), aff'd on other grounds, 96 Wn.2d 926 (1982)).

The Respondent next cites and compares out-of-state cases from other jurisdictions that do not stand for the proposition that the "oath" in this case was adequate, and indeed stand for the opposite. Respondent cites Spigarolo v. Meachum, 934 F.2d 19 (2nd Cir. 1991), but vastly understates and misstates the extensiveness, the nature, and the circumstances of the oath in that case. BOR, at p. 13. In that case, which primarily involved the confrontation clause question of video testimony, a child was deemed properly placed under oath by a colloquy in which she stated that she knew the difference between truth and lies, that she would "get into trouble" if she told a lie, and in which she twice indicated that she was going to tell the truth. Spigarolo v. Meachum, 934 F.2d at 24. Crucially, the child's oath made clear that she understood both the moral importance of telling the truth, but also the duty to do so in the legal tribunal:

> The Court: G, you want to put up your hand again? All right. Now, you just were asked some questions about telling the truth and you said you were going to tell the truth.
>
> G: Yes.
>
> The Court: You know what it means to put your hand in the air and swear to tell the truth?
>
> G: Yes.

The Court: And do you know what it means to tell the truth and not to tell the truth?

G: Yes.

The Court: You know the difference?

G: Yes.

The Court: All right. What happens to if you don't tell the truth?

G: You get in trouble.

The Court: You get in trouble. All right. And do you want to get in trouble?

G: No.

The Court: All right. Are you going to tell the truth here today?

G: Yes.

Spigarolo v. Meachum, 934 F.2d at 24. The Respondent's contention that the foregoing extensive colloquy is akin in length, much less circumstances, to what occurred in this case is not tenable. BOR, at p. 13. The federal case, of course, does not endorse the interjection of a non-managing, interested prosecution witness (who should have been excluded from the courtroom) into the oath-taking process. In comparison to Spigarolo (and Mosby, infra), in the present case, the child complainant said absolutely nothing in answer to the court conducting or attempting to conduct the colloquy – and said nothing at all until the State's child interview expert interjected, eliciting a meager "Yes."

In the cited case of State v. Mosby, 450 N.W.2d 629 (Minn. App. 1990), cited by Respondent, the colloquy between the court and the child witness was virtually as extensive as the colloquy in Spigarolo -- and similarly *different* than the colloquy in this case between the court, the child, and the *prosecution expert*. State v. Mosby, 450 N.W.2d at 633. The cited case does not support the Respondent here.[6]

Respondent cites no case in which what occurred in the present case has been deemed a proper, or properly obtained, oath to tell the truth in the tribunal.[7]

b. The error was manifest and requires reversal.

Respondent State of Washington contends that the appellant fails to show that any failure to obtain a proper oath was a "manifest" error. BOR, at pp. 15-16. But the defense validly and effectively preserved the error when K.G. unsuccessfully objected to a State's

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[6] The Mosby case actually involved the issue whether a possible error, in the manner in which a ten-year-old victim was sworn on his second day of testimony, was later cured by a court's instruction for *jury purposes*. The court had seemed to comment on the child's credibility when it said to the witness while swearing him, "we want you to tell the truth again today," but the court later told the jury to ignore this seeming endorsement. Mosby, at 633-34.

[7] Notably, Spigarolo is a case in which the rule-based requirement of an oath helped to adequately effectuate a constitutional requirement – in that case, of confrontation. Spigarolo v. Meachum, 934 F.2d at 23. Here, K.G. argues that the court rule requiring obtaining of an oath by the trial court to tell the truth in the tribunal was not followed, and that art. 1, section 6 was violated under the entire circumstances. AOB, at p. 34.

witness being allowed to remain in the courtroom. The resulting error of the un-excluded witness's interjection into the oath-taking process, whereupon *she* obtained an 'oath' from the complainant that failed to promise to tell the truth to the judge in the tribunal, was preserved.

Furthermore, in the cases of M.B., and State v. Avila, infra, the Washington Court of Appeals specifically set out the requirements of when it may be possible to make a showing of "manifest" constitutional error in the failure to obtain a proper oath, a determination involves, *inter alia*, the importance of the witness. The Respondent has not offered any argument in answer to appellant's extensive discussion of these cases and their applicability to the RAP 2.5(a) issue in the present appeal.[8] See AOB at pp. 34-37. These cases, of course, deem the error constitutional in scale.

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[8] In In re M.B., 101 Wn. App. 425, 3 P.3d 780, review denied, 142 Wn.2d 1027 (2000), the Court stated: "R.T.'s counsel did not object to the unsworn testimony. We nonetheless review this issue under the manifest constitutional error doctrine." M.B., at 425 (citing RAP 2.5(a)(3) and State v. Lynn, 67 Wn. App. 339, 346, 835 P.2d 251 (1992)). Subsequently, the Court of Appeals in State v. Avila, 78 Wn. App. 731, 735, 899 P.2d 11 (1995), stated that the failure to administer a proper oath to a child witness violates ER 603, and left open the possibility that testimony in the absence of a proper oath may also be error that is not just constitutional, but also manifest, where the record demonstrates identifiable prejudice under the State v. Lynn test. Avila, 78 Wn. App. at 735. The application of these cases to K.G.'s case was discussed in the Appellant's Opening Brief, as noted.

For additional reasons over and above those discussed in the Opening Brief regarding the question of manifest constitutional error, the case also requires reversal. It was highly controverted. At the fact-finding hearing, the child offered the most meager of testimony regarding what allegedly happened (the child's trial testimony was his same competency testimony). K.G. affirmed his statements to the police that he had not done anything to C.S. 12/18/13RP at 230-31. K.G. admitted he had been a "troubled kid" who had difficulties. But K.G. said that he had heard his father and his uncle apparently offering Jennifer Pursely's older sons $100 if they would make up some lie about him that would get him taken out of the home by police. 12/18/13RP at 233-37. Consistent with this account, C.S.'s mother only mentioned the allegations to police after making other complaints about K.G. and stating her desire that he be out of the house. 12/16/13RP at 70-72. This is tremendously concerning, and the refusal to exclude the child interview specialist from the courtroom, and the absence of a proper, or properly obtained oath, requires reversal.

3. THE JUVENILE COURT ERRED IN ADMITTING THE HEARSAY STATEMENTS OF C.S. UNDER STATE V. RYAN.

Respondent incorrectly contends that K.G.'s argument that the child's hearsay failed the Ryan factors is an accusation that the child C.S. was a dishonest or lying person. BOR, at p. 19. In fact, appellant does not argue that, but instead shows how the Ryan factors, although not all failed, only weighed in favor of exclusion of the hearsay – and that the trial court certainly erred in making a specific detailed finding that C.S. was "not particularly prone to lying or making up things." AOB, at p. 37; 12/16/13RP at 115-17; CP 29-30.

First, the trial court erred under Ryan to the extent it found that C.S. was competent to testify, and thus properly testified and was able to be cross-examined.[9]

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[9] Respondent miscomprehends K.G.'s argument regarding the initial Ryan criteria – whether the child was competent at the time he made the statements, and whether he testified at trial such that he was available for cross-examination. See Appellant's Opening Brief, at p. 38; State v. Ryan, 103 Wn.2d at 173-76, 691 P.2d 197 (1984); RCW 9A.44.120; U.S. Const. amend. 6; Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354, 158 L. Ed. 2d 177 (2004). Prior to admitting child hearsay, it must be shown that the child was competent at the time the statements were made. K.G. argues in his first assignments of error on appeal that C.S. was not competent at trial. Should the appellate court agree with the argument, this necessarily upends the Ryan analysis under the issue whether he was available to be cross-examined – a Ryan criteria. Thus, his lack of competence technically, although contingently, raises differently nuanced Crawford hearsay/confrontation clause issues. CP 43-46; 12/16/13RP at 30-32. RCW 9A.44.120; State v. Ryan, 103 Wn.2d at 173, 176.

K.G. relies on his Appellant's Opening Brief, which addressed all of the Ryan factors. AOB, at pp. 40-44. C.S. certainly had an apparent motive to lie. Contrary to the Respondent's argument, it is highly conceivable that this child might make up these vague allegations of wrongdoing where he and K.G. had a significant sibling rivalry in which they fought for Mr. Louis Newton's attention. 12/16/13RP at 72.

C.S. tricked the interview specialist. Sub # 32 (transcript pp. 2-3). He then outright denied that he had done so. 12/16/13RP at 56-57. He was silent when the court sought to swear him to tell the truth in the courtroom. 12/16/13RP at 33.

The drawn-out coaxing and urging that Gina Coslett needed to get C.S. to make any factual statements at all in her interview, does not fit even the most generous definition of spontaneous under Ryan. See State v. Borland, 57 Wn. App. 7, 15, 786 P.2d 810 (1990).

The timing of C.S.'s statement to his mother, in so far as it appeared Ms. Pursely only told police about the matter belatedly after first telling officers about the behavioral problems that made her not want K.G. back at the home after he ran away, did not suggest trustworthiness.

Given all the foregoing record, the circumstances do not show the hearsay testimony of Coslett or Ms. Pursely to be testimony that offered reliable statements of C.S. A trial court need not determine that every Ryan factor is satisfied before admitting child hearsay, but the evidence before the trial court must show that the Ryan factors are "substantially met." State v. Swan, 114 Wn.2d 613, 652, 790 P.2d 610 (1990). They were not substantially met here.

Absent this error, K.G. would have been found not guilty of any charge. The hearsay, offered at trial through concerned and caring responsible professional adults, and in particular the taped interview of C.S. by Gina Coslett, in which the child's allegations were elicited by a 'professional interviewer,' stood at trial as the most important evidence undergirding the claims. Reversal is required for the Ryan error.

B. CONCLUSION

Based on the foregoing and on his Opening Brief, K.G. respectfully argues this Court should reverse the judgment.

Respectfully submitted this ___ day of January, 2015.

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	NO. 71466-0-I
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	)	
K.G.,	)	
	)	
Juvenile Appellant.	)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 8TH DAY OF JANUARY, 2015, I CAUSED THE ORIGINAL **REPLY BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X]	MARA ROZZANO, DPA SNOHOMISH COUNTY PROSECUTOR'S OFFICE 3000 ROCKEFELLER EVERETT, WA 98201	(X) ( ) ( )	U.S. MAIL HAND DELIVERY _____

SIGNED IN SEATTLE, WASHINGTON, THIS 8TH DAY OF JANUARY, 2015.

X_____

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