Supreme Court No. 99040-9
(COA No. 36782-7-III)

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

JOHN RAYMOND,

Petitioner.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR YAKIMA COUNTY

PETITION FOR REVIEW

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A. IDENTITY OF PETITIONER AND DECISION BELOW

John Raymond asks this Court to review the opinion of the Court of Appeals in *State v. Raymond*, 36782-7-III (issued on August 18, 2020). A copy of the opinion is attached as Appendix A.

B. ISSUES PRESENTED FOR REVIEW

1. Whether the State presented insufficient evidence of attempting to elude, in violation of the Fourteenth Amendment right to due process.

2. Whether the trial court erred in denying Mr. Raymond's request to instruct the jury on the definition of "immediately," which restricted his ability to argue an alternative defense.

C. STATEMENT OF THE CASE

Yakima County Sheriff's Deputy Justin Paganelli was driving southbound on North Wenas Road when he saw John Raymond approaching in the opposite lane. RP 147, 151. Deputy Paganelli's radar estimated Mr. Raymond was driving approximately 78 miles per hour (MPH) in a 40 MPH zone. RP 151. The deputy stopped his car, waited for Mr. Raymond to pass him, and turned his vehicle around to perform a traffic stop. *Id*. This stretch of North Wenas formed an S-curve and included hills, and the road was "pitch black." RP 150-151;

Ex. 16. Michael Martian, a Yakima County Geographic Information Services manager, said there is vegetation along parts of the northbound lane of North Wenas Road. RP 140; Ex. 16.

Deputy Paganelli stated he activated his lights and siren when he turned to stop Mr. Raymond. RP 156. However, because of the curves, he lost sight of Mr. Raymond by the second corner. RP 158. Once past the corner himself, Deputy Paganelli saw Mr. Raymond had "rapidly slowed down and pulled into a driveway" at his own home. RP 158-59. The deputy claimed Mr. Raymond "nearly" lost control into a fence turning into his driveway, which both Mr. Raymond and his son, Corey Raymond,[1] denied. RP 187, 200-201, 231, 243.

Mr. Raymond came to a stop in front of the house and turned off his car. RP 159. The deputy pulled in behind Mr. Raymond, pointed his gun at him, and arrested him. RP 161. There is no evidence Mr. Raymond attempted to flee on foot. During the arrest, Deputy Paganelli injured Mr. Raymond, causing a cut above his right eye either "when he was taken out of the vehicle" or when the deputy threw him against the side of the patrol car. RP 165.

[1] Because John and Corey Raymond share a last name, Corey will be referred to by first name.

Mr. Raymond testified he was on his way home to bring his ailing wife an apple slushie when he was arrested. RP 224. He denied hearing a siren, and did not see any lights until he was already in his driveway. RP 230. Corey also saw the lights as the deputy pulled in, but confirmed the siren was not activated. RP 199, 200. Corey also said there were large shrubs and trees lining the driveway. RP 203; Ex. 14. Mr. Raymond admitted he had been speeding, and that he was initially relieved when he passed Deputy Paganelli and did not see the deputy activate his lights. RP 229, 242. When he did not see any lights behind him, he continued home. RP 229. Mr. Raymond slowed his car down as he approached the S-curve and also slowed down to approximately 10 to 15 MPH before turning into his driveway. RP 231, 238.

In total, Mr. Raymond drove 0.3 miles from where he passed Deputy Paganelli to where he stopped his car in his driveway. RP 139-141. The deputy followed Mr. Raymond for 26 seconds, and defense estimated Mr. Raymond arrived in his driveway in about 13 seconds based on how quickly he had been driving. RP 142, 267; Ex. 16.

At trial, counsel requested an instruction defining the word "immediately" to assist jurors with the to-convict instruction. RP 246. Defense proposed the definition provided in *State v. Sherman*, 98

Wn.2d 53, 57, 653 P.2d 612 (1982), explaining that "a definition of immediately explains that it doesn't mean instantaneous. There's a little more grace there." RP 246. The proposed instruction read: "Immediately means stopping as soon as reasonably possible once signaled by a police officer to halt." CP 35.

The trial court refused to provide the definitional instruction. RP 247. The court reasoned defense's theory of the case did not require such an instruction, stating, "[T]he issue of whether the pulling over was immediately. . . is really irrelevant. . . It's not a situation where somebody is actually looking for a good place to pull over out of traffic. . ." RP 246-47. The jury convicted Mr. Raymond as charged.

D. ARGUMENT WHY REVIEW SHOULD BE GRANTED

1. The State presented insufficient evidence of attempting to elude a police vehicle.

The State must prove all elements of the charged offense beyond a reasonable doubt, and the failure to do so requires dismissal of the charge. *In re Winship*, 397 U.S. 358, 364, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970); U.S. Const. amend. XIV. Evidence is insufficient to support a verdict where "mere speculation, rather than reasonable inference, supports the government's case." *United States v. Nevils*, 598 F.3d 1158, 1167 (9th Cir. 2010). The remedy is reversal and remand for

judgment of dismissal with prejudice. *State v. Hummel*, 196 Wn. App. 329, 359, 383 P.3d 592 (2016), *review denied*, 187 Wn.2d 1 (2017).

a. The State presented insufficient evidence Mr. Raymond drove in a reckless manner.

An attempting to elude conviction requires proof the defendant drove his vehicle "in a reckless manner while attempting to elude a pursuing police vehicle." RCW 46.61.024(1). For the purposes of this statute, the "reckless manner" standard is the same as that for vehicular homicide or vehicular assault. *State v. Ridgley*, 141 Wn. App. 771, 781, 174 P.3d 105 (2007). Proof that the defendant drove in a reckless manner requires proof that he drove in "a rash or heedless manner, with indifference to the consequences." *State v. Naillieux*, 158 Wn. App. 630, 644, 241 P.3d 1280 (2010).

Speeding in itself does not necessarily establish driving in "a rash or heedless manner, indifferent to consequences." *State v. Randhawa*, 133 Wn.2d 67, 78, 941 P.2d 661 (1997). The Ninth Circuit has specifically rejected a "speeding alone" approach in the context of Washington's vehicular homicide statute in *Schwendeman v. Wallenstein*, 971 F.2d 313 (9th Cir. 1992). There, the Ninth Circuit held that a permissible inference instruction, informing the jury "that it could ignore all the other evidence, consider only the evidence of . . .

speed, and if it found Schwendeman was exceeding the speed limit, that it was enough to convict him – not of speeding, but of reckless driving." *Id*. at 316.

In virtually every attempting to elude case, speeding is only part of the evidence establishing a defendant drove in a reckless manner. *See, e.g., State v. Perez*, 166 Wn. App. 55, 269 P.3d 372 (2012) (defendant doubled speed, frightened pedestrian and dog, ran through stop sign, and abandoned car); *State v. Treat*, 109 Wn. App. 419, 35 P.3d 1192 (2001) (defendant sped, accelerated at a deputy, then attempted to drive away again after deputies shot out two of his tires); *State v. Refuerzo*, 102 Wn. App 341, 7 P.3d 847 (2000) (defendant weaved through traffic during rush hour, ran several stop signs and lights, cut across multiple lanes of traffic, travelled through crosswalks with pedestrians present, and collided with another vehicle).

Here, Mr. Raymond's only malfeasance was speeding. Deputy Paganelli noted no other alleged traffic offenses, and there was no evidence Mr. Raymond violated any traffic laws other than the speed limit. At most, the deputy thought Mr. Raymond turned too quickly into his driveway and almost hit a fence, but both John and Corey Raymond denied this. No collision or property damage occurred.

Additionally, Mr. Raymond testified he slowed down as he approached the curves on North Wenas Road and reduced his speed to approximately 10 to 15 MPH before turning into his driveway to avoid hitting the fence and damaging a nearby railroad. RP 238, 243.

To establish Mr. Raymond attempted to elude a police vehicle, the State was obligated to prove he drove his car in a reckless manner, meaning in a rash or heedless manner, indifferent to consequences. The Court of Appeals found a jury could conclude that Mr. Raymond was driving recklessly where he was traveling at a high speed on a curvy road and made a "hard stop and turn" into his driveway. Slip Op. at 4. However, the nature of the road is not what determines whether one's driving is reckless or not. Rather, it is the nature of the driving that matters, and speeding alone, absent evidence of other traffic infractions or dangerous behavior, is not reckless. *See Perez*, 166 Wn. App. 55; *Treat*, 109 Wn. App. 419; *Refuerzo*, 102 Wn. App 341. To conclude otherwise would lead to absurd results finding reckless driving any time a driver speeds on a road that is not perfectly flat and straight.

Here, evidence Mr. Raymond was speeding, without more, is insufficient to establish he was driving in a reckless manner. Moreover, evidence that Mr. Raymond slowed down to navigate curves in the road

and to turn safely into his driveway without damaging a nearby fence and railroad demonstrates he was not indifferent to consequences.

b. The State presented insufficient evidence Mr. Raymond failed to immediately bring his car to a stop after the deputy signaled him.

Moreover, the State was required prove beyond a reasonable doubt Mr. Raymond failed to immediately bring his car to a stop after being signaled by Deputy Paganelli. RCW 46.61.024(1). In the context of attempting to elude, "immediately" means "as soon as reasonably possible once signaled by a police officer to halt." *State v. Sherman*, 98 Wn.2d 53, 653 P.2d 612 (1982). The Court of Appeals found it was sufficient to show there were locations along the road where a car could pull over. Slip Op. at 4. This conclusion ignores the evidence presented.

Here, Mr. Raymond was traveling at 78 MPH and reached his driveway in approximately 13 seconds. He traveled only 0.3 miles from where he first saw Deputy Paganelli. Other than establishing there were places on the side of the road where a person could hypothetically pull over under other circumstances, there was no reasonable evidence it was safe for Mr. Raymond to do so until he got to his driveway. The State offered no evidence Mr. Raymond could physically bring his car to a stop any sooner than he did. There was no evidence of the car's

braking abilities, Mr. Raymond's reaction times, or the estimated time it would take a car traveling 78 MPH to come to a complete stop.

Absent this evidence, it is impossible to determine whether Mr. Raymond willfully failed to bring his car to stop as soon as reasonably possible after being signaled by the deputy, or whether stopping in his driveway was indeed the closest place he could safely come to a stop.

Because the State's evidence was insufficient to prove beyond a reasonable doubt that Mr. Raymond drove in a reckless manner, and it was insufficient to show he willfully failed to stop his car immediately, this Court should reverse.

2. The court denied Mr. Raymond his rights to a fair trial and to present a defense when it refused to instruct the jury on the definition of "immediately" as it pertains to the offense of attempting to elude a police vehicle.

a. The right to a fair trial and the right to present a defense require the trial court to fully instruct the jury on the applicable law.

"Due process requires that jury instructions (1) allow the parties to argue all theories of their respective cases supported by sufficient evidence, (2) fully instruct the jury on the defense theory, (3) inform the jury of the applicable law, and (4) give the jury discretion to decide questions of fact." U.S. Const. amend. XIV; *State v. Koch*, 157 Wn. App. 20, 33, 237 P.3d 287 (2010) (citing *State v. Barnes,* 153 Wn.2d

378, 382, 103 P.3d 1219 (2005)). A trial court may only deny a requested jury instruction that presents a theory of the defendant's case only where the theory is *completely* unsupported by evidence. *Koch*, 157 Wn. App. at 33 (citing *Barnes*, 153 Wn.2d at 382). "As with all proposed jury instructions," the evidence is viewed "in the light most favorable to the proponent of the instruction." *State v. Hanson*, 59 Wn. App. 651, 656-57, 800 P.2d 1124 (1990) (citing *Seattle v. Cadigan*, 55 Wn. App. 30, 37, 776 P.2d 727 (1989)). Thus, so long as there is some evidence to support a defense theory, and the instruction accurately states the law, it is reversible error to refuse to give the defendant's proposed instruction. *Id.* at 659.

Additionally, when requested, "[t]rial courts must define technical words and expressions used in jury instructions." *State v. Brown*, 132 Wn.2d 529, 611-12, 940 P.2d 546 (1997). A term is "technical" when its common usage differs from its meaning under the circumstances. *Id.* at 611. The failure to instruct on the definition of a technical term is reviewed for harmless error. *State v. Flora*, 160 Wn. App. 549, 554, 249 P.3d 188 (2011). An error is harmless only if it is "trivial, or formal, or merely academic, and was not prejudicial to the substantial rights of the party assigning it, and in no way affected the

final outcome of the case." *State v. Britton*, 27 Wn.2d 336, 341, 178 P.2d 341 (1947).

b. The trial court erred when it refused to instruct the jury on the definition of "immediately" as it pertains to the offense of attempting to elude, thereby denying him the right to present a defense and the right to a fair trial.

Mr. Raymond asked the court to instruct the jury on the definition of immediately announced in *Sherman*, 98 Wn.2d at 57. The proffered instruction read: "Immediately means stopping as soon as reasonably possible once signaled by a police officer to halt." CP 35 (citing *Sherman*, 98 Wn.2d at 57). The court refused, stating the issue of immediately pulling over was "irrelevant," and, "It's not a situation where somebody is actually looking for a good place to pull over out of traffic or something like that." RP 246-47. The Court of Appeals agreed with this reasoning, finding the failure to properly instruct the jury was of no consequence to Mr. Raymond because his defense was that he did not hear or see the deputy signal him to stop. Slip Op. at 5-6. This reasoning misrepresents Mr. Raymond's defense, and the trial court's failure to provide this instruction impaired the jury's understanding of a critical legal term.

First, the proposed instruction accurately reflected the law in Washington that "immediately" means "stopping as soon as reasonably possible once signaled by a police officer to halt." *Sherman*, 98 Wn.2d at 57. The court made no findings that this definition of "immediately" was inaccurate, but rather it found it did not comport with Mr. Raymond's theory of the case – that is, that he did not see or hear the deputy signal him to stop. RP 247. The court's assessment of Mr. Raymond's available defenses was improper, and by refusing to instruct on the definition of "immediately," the court effectively denied Mr. Raymond the right to present an additional defense: that he did in fact stop "as soon as reasonably possible."

While Mr. Raymond's primary defense was that he did not see or hear Deputy Paganelli signal him to stop his car, it is not uncommon for defense counsel to proffer more than one defense theory, even where those theories conflict. *See, e.g.*, *State v. Roberts*, 75872-1-I, 2018 WL 2021875, at 4 (Apr. 30, 2018) (unpublished)[2] (in assault trial, defense proffered both general denial and self-defense defenses). Indeed, defense counsel must investigate all reasonable lines of defense," and the failure to consider alternative defenses constitutes

[2] Cited pursuant to GR 14.1.

ineffective assistance. *In re Davis*, 152 Wn.2d 647, 721-22, 101 P.3d 1 (2004).

Here, the evidence established the road was dark and unlit, and there were trees, shrubs, and other vegetation along the northbound lane of North Wenas Road, where Mr. Raymond was driving. The evidence also showed Mr. Raymond only traveled an additional 0.3 miles over 13 seconds before stopping in his driveway. It is unlikely a person driving 78 MPH could safely stop in less than 13 seconds or 0.3 miles. This was sufficient for defense to argue alternatively that Mr. Raymond stopped his car as soon as reasonably possible after the deputy initiated the traffic stop. The requested instruction was necessary to ensure the jury fully understood what "immediately" stopping your car entails in this legal context.

Like the trial court, the Court of Appeals concluded the instruction was unnecessary given Mr. Raymond's defense that he did not know he needed to stop. Slip Op. at 6. However, the mere request for the instruction should have signaled the court that Mr. Raymond intended to present alternative defenses. That those defenses may have been conflicting is irrelevant: Mr. Raymond was entitled to present any

defense available to him based on the evidence presented. *Koch*, 157 Wn. App. at 33.

The trial court's refusal to instruct the jury on the definition of "immediately" was also erroneous because the term carries a technical meaning which differs from its common usage. Webster's Dictionary defines immediately as "without interval of time: straightway." Webster's Third New International Dictionary 1129 (2002). In contrast, the definition of immediately as used in the context of attempting to elude means "stopping as soon as possible once signaled by a police officer to halt." *Sherman*, 98 Wn.2d at 57. Certainly, the legal definition allows for some interval of time between an officer's signal and the stop itself, contrary to the ordinary meaning of the word.

In finding the issue of "pulling over immediately or not" irrelevant to Mr. Raymond's defense and refusing to provide an accurate legal definition of "immediately," the trial court prevented Mr. Raymond from arguing the State failed to proving this essential element, that he stopped his car as soon as he could. As a result, Mr. Raymond was prevented from arguing all theories of his case that were supported by sufficient evidence, the jury was not fully instructed on

this alternative theory or the applicable law, and the jury was denied the discretion to decide questions of fact. *See Koch*, 157 Wn. App. at 33.

c. The instructional error is not harmless; this Court must reverse Mr. Raymond's conviction.

A constitutional error is presumptively prejudicial and requires reversal unless it is harmless beyond a reasonable doubt. *Hanson*, 59 Wn. App. at 659. Had the proposed definitional instruction been given, Mr. Raymond could have argued, and jurors could have reasonably agreed, he stopped his car soon as he could reasonably do so as the law provides. The court's failure to instruct the jury on the meaning of "immediately" denied Mr. Raymond the right to present this alternative defense and denied him a fair trial. Moreover, the failure to instruct left the jury solely with the common definition of "immediately," rather than the technical meaning, which permits reasonable time to stop. The State cannot prove beyond a reasonable doubt the error was harmless.

Because the Court of Appeals incorrectly concluded the term "immediately" need not have been defined from the jury, and because the trial court's failure to so instruct denied Mr. Raymond his right to present a defense, this Court should reverse.

E. CONCLUSION

Based on the foregoing, Mr. Raymond respectfully requests that review be granted. RAP 13.4(b).

DATED this 17th day of September 2020.

Respectfully submitted,

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APPENDIX A

FILED
AUGUST 18, 2020
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

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

STATE OF WASHINGTON, Respondent, v. JOHN BRADLEY RAYMOND, Appellant.	)))))))))	No. 36782-7-III UNPUBLISHED OPINION

KORSMO, A.C.J. — John Raymond appeals from a conviction for attempting to elude, arguing that the evidence was insufficient and that the court erred in declining to give a definitional instruction. We affirm the conviction.

FACTS

The charge arose after an exceptionally brief midnight pursuit in Yakima County. Deputy Justin Paganelli was working traffic patrol, travelling south on North Wenas Road operating his radar. An oncoming northbound vehicle approached him at 78 m.p.h. in a 40 m.p.h. zone. He turned on his overhead lights and then turned his car in pursuit of the speeding vehicle, which appeared to increase its speed. The radar continued to show 78 m.p.h. before the deputy estimated the speeder reached 100 m.p.h. on a straight stretch of road.

The deputy testified that there were numerous places where the vehicle could have safely pulled over. The pursuit, which lasted 26 seconds, ended when the speeder braked suddenly and skidded sideways into a driveway, nearly hitting a fence. The driver turned off his lights and continued driving up the driveway before stopping. The deputy followed and arrested the driver, John Raymond.

Mr. Raymond testified in his own defense that he drove to see how fast his Chevy Malibu could go. He topped out at 130 m.p.h. that night, but had slowed down before he encountered the officer. He did not see the officer's lights until he was in his driveway.

The defense sought an instruction defining the word "immediately." The court declined to give the instruction, reasoning that it was not relevant to the defendant's theory of the case. The defense argued the case to the jury based on Mr. Raymond's testimony that he did not know the officer was pursuing him. The jury, nonetheless, convicted him of eluding a pursuing police vehicle. The court imposed a standard range sentence of 15 days.

Mr. Raymond timely appealed to this court. A panel considered his case without hearing argument.

ANALYSIS

Mr. Raymond argues that the evidence was insufficient to support the jury's verdict and that the trial court erred by failing to give his proposed instruction. We address the contentions in that order.

Sufficiency of the Evidence

Mr. Raymond contends that the prosecution failed to establish that he drove in a reckless manner or that he failed to immediately stop the vehicle. Properly viewed, the evidence permitted the jury to find those elements.

Review of this contention is in accord with long settled standards. Evidence is sufficient to support a verdict if the trier-of-fact has a factual basis for finding each element of the offense proved beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979); *State v. Green*, 94 Wn.2d 216, 221-222, 616 P.2d 628 (1980). The evidence is viewed in the light most favorable to the prosecution. *Green*, 94 Wn.2d at 221. Appellate courts defer to the trier-of-fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990).

The crime of eluding is defined in RCW 46.61.024(1):

> Any driver of a motor vehicle who willfully fails or refuses to *immediately bring his or her vehicle to a stop* and who *drives his or her vehicle in a reckless manner* while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens.

(Emphasis added.)

"To operate a motor vehicle in a reckless manner means to drive in a rash or heedless manner, indifferent to the consequences." Clerk's Papers at 14.

Emphasizing that speed alone cannot constitute reckless driving and that the incident was over so rapidly, Mr. Raymond contends that the State did not prove its case. He overly simplifies the facts.

The incident took place in the middle of a dark night on a winding, rural road with a 40 m.p.h. speed limit. There were various curves that required vehicles to slow, as well as other roads connecting to North Wenas Road. There also were places to pull over and stop safely. Mr. Raymond also had to make a hard stop and turn to enter his driveway, sliding as he did so. A jury could conclude that traveling at nearly double the speed limit under those conditions constituted driving in a reckless manner.

Similarly, there was evidence that there were places that Mr. Raymond safely could have pulled over and stopped in response to the deputy's signal to do so. Although his trial defense was that he did not know that he needed to stop, he now argues that the State failed to prove that he was capable of stopping sooner than his slide into his own driveway. There was no need to prove more than what the State did prove—that there were locations where a driver could have pulled off the road prior to where Mr. Raymond did so. The State's obligation in this regard is not governed by how out of control the driver was.

The evidence permitted the jury to conclude that the mad midnight dash constituted an effort to evade the officer. It was sufficient to allow the jury to conclude Mr. Raymond was attempting to elude Deputy Paganelli.

Immediately Instruction

Mr. Raymond also argues that the trial court erred in refusing to define the word "immediately" for the jury. The trial court correctly concluded that the instruction was not necessary.

Long-standing principles govern our review of jury instruction questions. Trial courts have an obligation to provide instructions that correctly state the law, are not misleading, and allow the parties to argue their respective theories of the case. *State v. Dana*, 73 Wn.2d 533, 536-537, 439 P.2d 403 (1968). The instructions must set forth the elements of the crimes that are before the jury. *State v. Allen*, 101 Wn.2d 355, 358, 678 P.2d 798 (1984). There is no need to define those elements that are commonly understood. *Id*. However, when the elements have technical definitions, the definitional instruction must be given when requested. *Id*. at 358, 361-362. Ordinary words and self-explanatory ones need not be defined. *State v. Brown*, 132 Wn.2d 529, 611-612, 940 P.2d 546 (1997). Typically, courts are afforded broad discretion in the wording of jury instructions. *Petersen v. State*, 100 Wn.2d 421, 440-41, 671 P.2d 230 (1983).

The word "immediately" is not a technical term that requires a definition; it means stopping as soon as possible. *State v. Sherman*, 98 Wn.2d 53, 57, 653 P.2d 612 (1982). Similarly, the term "immediate flight" is self-explanatory and does not need an instruction. *Brown*, 132 Wn.2d at 612-613. Nothing about the word "immediate" requires judicial explanation.

In addition, the absence of the instruction was of no moment to the defense of this case. Mr. Raymond testified that he did not know the deputy was signaling him to stop. The timeliness of his stopping was irrelevant to this case where both sides agreed that Mr. Raymond did not stop as a result of the deputy signaling to do so. The trial court correctly determined that the definition was unnecessary.

The court did not err in rejecting the proposed instruction.

Affirmed.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

Korsmo, A.C.J.

WE CONCUR:

Fearing, J.

Lawrence-Berrey, J.

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. JOHN RAYMOND, Petitioner.	)))))))))	COA NO. 36782-7-III

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 17TH DAY OF SEPTEMBER, 2020, I CAUSED THE ORIGINAL **PETITION FOR REVIEW TO THE SUPREME COURT** TO BE FILED IN THE **COURT OF APPEALS** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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SIGNED IN SEATTLE, WASHINGTON THIS 17TH DAY OF SEPTEMBER, 2020.

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WASHINGTON APPELLATE PROJECT

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