

71820-7

71820-7

NO. 71820-7-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

CRAIG BROWN,

Appellant.

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE BRUCE HELLER

BRIEF OF RESPONDENT

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FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2015 MAR -9 PM 3:01

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A. ISSUES PRESENTED.

1. A defendant opens the door to prior acts by testifying to those acts on direct examination. The defendant opened the door to his knowledge of and experience with internet prostitution by raising the subject in direct examination. There was no objection to the prosecutor's cross-examination on the subject. Did the defendant both waive this claim of error and open the door to this testimony?

2. Testimony and argument that provides a context for the crime is not prejudicial or an improper appeal to the jury's passion. The State offered brief testimony and very limited argument explaining the type of undercover investigation into internet child prostitution involved in this case. There was no objection. Did the defendant waive this claim of error, and was the testimony and argument proper?

3. In order to establish ineffective assistance of counsel, a defendant must overcome the strong presumption that challenged actions are legitimate strategy, and show prejudice. Here, the presumption of competence cannot be overcome because no evidence was improperly admitted or excluded. Has the defendant failed to establish ineffective assistance of counsel?

B. STATEMENT OF THE CASE.

1. PROCEDURAL FACTS.

Craig Brown was charged with the crime of attempted commercial sexual abuse of a minor. CP 7. A jury found him guilty as charged. CP 31. Brown was sentenced to 15.75 months of confinement. CP 53.

2. FACTS OF THE CRIME.

On September 17, 2013, Detective Tye Holland of the Seattle Police Department vice unit placed an advertisement on the internet site Craigslist, posing as a young girl interested in meeting older men for sexual encounters. 3RP 42.¹ Detective Holland had worked for years investigating internet crimes against children, and had received training in undercover work in that area. 3RP 16-23. At the time of this incident, his investigative work focused on people looking for juvenile prostitutes on the internet. 3RP 21. He explained that he posts an advertisement on an internet site, usually Craigslist, posing as a young girl. 3RP 23-24. He also

¹ The State will reference the Verbatim Report of Proceedings as follows: March 10 and 11, 2014 jury selection only will be referenced as 1RP; March 10, 11, 14 and April 8, 2014 will be referenced as 2RP; March 12, 2014 will be referenced as 3RP; and March 13, 2014 will be referenced as 4RP.

sometimes responds to people that appear to be looking for juvenile prostitutes. 3RP 23. The initial advertisement does not have an age, because an advertisement posted by a 15-year-old looking for sex would immediately be flagged as illegal and be removed. 3RP 27-28. Once he starts corresponding with people who are responding to his advertisement, he tells them he is a 15-year-old girl and then weeds out the people who state they are only interested in sex with an adult. 3RP 32. He keeps corresponding with people who believe he is a 15-year-old girl and indicate they are interested in meeting for sex, and eventually makes an agreement to meet with them. 3RP 33-34, 39. When that person arrives at the appointed meeting time and place, he is placed under arrest. 3RP 39-40.

On September 17, 2013, Detective Holland placed an advertisement in the "Casual Encounters" section of Craigslist stating:

Student looking for older men –w4m (anywhere). Just as the title says. Cute young girl interested in NSA sex. Email me. Please don't be judgmental. I am fun sexy and aim to please.

Ex. 1. The advertisement was posted at 8:52 p.m. Id. At 9:34 p.m., Craig Brown responded under a fictitious name, Brian Jacobs, and wrote:

This is a long shot. I am a 43 yo white male in Bremerton. When are you available? Just so I know, what does it take for men to satisfy you, are you just more comfortable with them? Also, where are you located?

Ex. 2, at 1.

In responding to Brown, Detective Holland, posing as “Jen jen” stated, “I charge by sex act not time.” Id. Brown responded by asking what her charges were. Ex. 2, at 2. When Detective Holland wrote that “Jen jen” was in high school, Brown asked “how old are you?” and stated that “I will not destroy my life for underage sex.” Ex. 2, at 3. Detective Holland responded, “I am not 18. Sorry.” Id. Brown responded, “I will not have sex with you, but am willing to help you.” Ex. 2, at 4. When Detective Holland failed to respond, Brown sent several more emails, urging “Please don’t give up on me.” Ex. 2, at 6.

When Detective Holland finally responded, Brown stated that he wanted to meet and was “super curious to find out what you look like.” Ex. 2, at 7. Detective Holland told Brown that “Jen jen” was 15 years old. Ex. 2, at 9. Brown then asked whether “Jen jen” was

“involved in law enforcement” and stated that he was “trying to protect himself.” Ex. 2, at 11. Detective Holland told Brown he was not affiliated with law enforcement and inquired what kind of sex Brown wanted. Ex. 2, at 12-13. Brown responded that he wanted “regular sex to start.” Ex. 2, at 18. He asked about the date of her 16th birthday, after being told by “Jen jen” that the age of consent is 16 in Washington, and posited that perhaps they should wait until her birthday. Ex. 2, 17. He continually asked for her “stats” and wanted a picture of her. Ex. 2, at 14, 16, 17 and 29. He showed interest in her previous experiences with anal sex. Ex. 2, 19 and 27. He told her he preferred a “tight pussy.” Ex. 2, 29. Eventually Brown agreed to meet “Jen jen” at a McDonald’s in Seattle on September 24, 2013. 3RP 74. In final text message exchanges, Brown agreed to pay “Jen jen” \$100 for oral and regular sex. 3RP 85; Ex. 2, at 55. The defendant arrived at the McDonald’s at the appointed time and was placed under arrest. 3RP 96-97. He consented to a search of his vehicle and the cell phone in his vehicle, on which his text message exchange with “Jen jen” was found. 3RP 100, 126, 129-30. The defendant had \$142 in cash in his wallet. 3RP 132.

Brown testified in his own defense. 4RP 21. He admitted to using a false name and age in his interactions with “Jen jen.” 4RP 21, 27. He testified that he is a married father of four children, and that he was on Craigslist looking for a prostitute or someone not a prostitute to have sex with due to marital problems. 4RP 26-27, 28. His exact testimony on direct examination was “we were having marital problems, and I looked on Craigslist just to see if I could find a prostitute.” 4RP 26. He thought he would have a better chance of finding someone, not a prostitute, who would have sex with him if he represented himself as being ten years younger. 4RP 27. However, once he was informed that “Jen jen” was 15 years old his intent changed to wanting to help her. 4RP 29-30. He testified that this was not out of character for him because he is the type of person that “follows through” and that “It is not unusual for me to get total strangers to come to my house.” 4RP 30. He was primarily concerned about her “personal destructive behavior” and that she might be “suicidal” and that he never intended to have sex with her. 4RP 40, 54, 56. He testified that he wanted to get her name, school and address so he could “go to the authorities to help her.” 4RP 35.

However, in other portions of his testimony he completely contradicted himself. In the middle of cross-examination, Brown testified that he had lied on direct examination about his purpose for looking at Craigslist, and that he was only “looking for prostitutes to help.” 4RP 83. He also contradicted himself by testifying on cross-examination that “there were no marital problems at that time.” 4RP 106. Then on redirect examination, when asked if he was having problems in his marriage in late September of 2013, he responded “Yes.” 4RP 116. He also testified that if “Jen jen” had been of legal age he might have had sex with her, contradicting himself again. 4RP 118. When asked why he didn’t contact authorities once he had the email address and phone number of “Jen jen,” he responded “I had tunnel vision.” 4RP 111.

Finally, on re-cross examination the prosecutor asked Brown whether he was online to find sex or to help people. 4RP 121. Brown responded, “We—my wife and I talked about that during lunch, and we are going to say it was a combination of the two.” 4RP 121.

C. ARGUMENT.

1. THE DEFENDANT OPENED THE DOOR TO TESTIMONY ABOUT HIS PRIOR EXPERIENCE WITH INTERNET PROSTITUTION AND KNOWLEDGE OF THE "PROTOCOL."

Brown argues that the prosecutor improperly elicited prior bad acts that were inadmissible under ER 404(b) in cross-examination. However, the defendant opened the door by testifying to his knowledge of internet prostitution "protocol" on direct examination. The defense failed to preserve an objection to the cross-examination and the trial court properly exercised its discretion in denying the subsequent defense motion for a mistrial.

On direct examination, Brown testified that he asked "Jen jen" whether she was a police officer because "That is standard protocol on the internet. . . . Anytime you are meeting somebody else, if it's going to be for money you ask them are you law enforcement." 4RP 36. On cross-examination, the prosecutor asked, "How did you learn about the protocol?" 4RP 79. Brown eventually responded, "I went on Craigslist often, and I was looking for prostitutes to help. In three months I gave over \$4000 to different prostitutes to keep them out of prostitution." 4RP 83. When asked, "You had testified that you would be potentially willing

to pay them for sex; and is that not true?” Brown responded, “I have had sex with a person that I met through the internet. . . for money.” 4RP 84.

There were no defense objections to the prosecutor’s line of questioning, but there was a break in the proceedings to address Brown’s reluctance to answer the question. 4RP 79-80. Brown was apparently confused about whether he could refer to matters that had been discussed during his statement to police, which had not been offered by the State because his statements were primarily self-serving. 4RP 81. The trial court explained to Brown that he could answer the question. 3RP 82. There were no objections to the State’s questions. 3RP 83-84. As such, the defense waived any objection. State v. Mason, 160 Wn.2d 910, 933, 162 P.3d 396 (2007) (failure to object to alleged ER 404(b) waives issue on appeal). An objection must be made as soon as the basis for the objection becomes known and at a time when the trial court may correct any error. State v. Leavitt, 49 Wn. App. 348, 357, 743 P.2d 270 (1987). Defense counsel’s untimely motion for mistrial made after Brown’s testimony was complete did not preserve the issue for appeal. 4RP 96.

Even if this issue was preserved for appeal, the trial court properly exercised its discretion in denying the motion for a mistrial. Testimony about internet prostitution protocol came from the defendant on direct examination, and the State had the right to question the defendant about his testimony, as the trial court reasoned. 4RP 101. A criminal defendant who mentions his or her past misconduct on direct examination opens the subject for further exploration on cross-examination. 5 Wash. Prac., Evidence Law and Practice § 103.14 (5th ed.). “It would be a curious rule of evidence which allowed one party to bring up a subject, drop it at a point where it might appear advantageous to him, and then bar the other party from further inquiries about it.” State v. Gefeller, 76 Wn.2d 449, 455, 458 P.2d 17 (1969). See also State v. Bennett, 42 Wn. App. 125, 127, 708 P.2d 1232 (1985) (defendant’s testimony about prior spankings allowed State to clarify the testimony on cross examination). Having raised the subject of his knowledge of internet prostitution protocol on direct examination, the State was not barred from inquiring into the basis for his knowledge.

Moreover, any error was harmless, given the defendant’s testimony on direct examination. The erroneous admission of ER 404(b) evidence does not require reversal unless there is a

reasonable probability that without the error the outcome of the trial would have been materially affected. State v. Gower, 179 Wn.2d 851, 321 P.3d 1178 (2014). The primary facts were not in dispute in this case. The case rested on the defendant's credibility when he claimed he only intended to help "Jen jen" and did not intend to have sex with her. But the content of his email correspondence, which asked for pictures, repeatedly requested her "stats," and discussed her sex life, severely undermined the credibility of that claim. His contradictory statements during testimony also fatally undermined his credibility.

The defendant had already testified that he was looking for prostitutes to buy sex from on the internet. His testimony as to the "standard protocol" when "meeting somebody else" "for money" clearly implied that the defendant had prior experience with internet prostitution. 4RP 36. There is no reasonable probability that his subsequent admission to patronizing a prostitute, which he had already alluded to on direct examination, materially affected the outcome of the trial. The trial court properly exercised its discretion in denying the motion for a mistrial.

The defense argues in the alternative that the defendant's testimony made his prior statements to the police admissible as

prior consistent statements. 4RP 102-03. ER 801(d)(1) provides that a prior statement by a witness is not barred by the hearsay rule if it is a prior consistent statement and is offered to rebut an implication that the testimony is recently fabricated. However, a prior statement is only admissible if it predates the motive to fabricate. Tome v. U.S., 513 U.S. 150, 156, 115 S. Ct. 696, 130 L. Ed. 2d 574 (1995). In this case, the motive for the defendant to fabricate arose as soon as he was arrested. Because his statements to police were made after his arrest, they did not predate the motive to fabricate and were not admissible pursuant to ER 801(d)(1). See State v. Stubsoen, 48 Wn. App. 139, 146-47, 738 P.2d 306 (1987) (defendant's prior consistent statements inadmissible when made after she had a motive to fabricate an explanation for her conduct).

2. THE PROSECUTOR DID NOT COMMIT MISCONDUCT IN PRESENTING TESTIMONY AND CLOSING ARGUMENT REGARDING UNDERCOVER OPERATIONS AIMED AT CHILD PROSTITUTION.

Brown argues that the prosecutor committed misconduct in eliciting testimony and making argument about “the horrors of child prostitution.” Brief at 20. However, this is a mischaracterization of

the testimony offered and argument made. The testimony and the prosecutor's argument did not improperly appeal to the passions or prejudices of the jury.

Brown challenges the detectives' testimony briefly outlining their level of experience and training and their work in the vice unit of the Seattle Police Department. None of this testimony delved into the true "horrors of child prostitution"² other than to explain that they had adopted a demand-side approach that focuses on "people that are looking to actually meet children for sex." 3RP 21. The defense fails to cite to an evidence rule that would render testimony about the officers' experience and training inadmissible. There were no timely objections made to the testimony of Detective Holland or Detective McDonald. On appeal, a party may only assign error to evidentiary ruling on a specific ground raised at trial. State v. Blake, 172 Wn. App. 515, 529, 298 P.3d 769 (2012). This issue was not preserved for appeal.

Brown also challenges the portion of the prosecutor's closing argument where he summarized the evidence as to how this type of sting operation is set up and then stated:

² There was no testimony about the frequent victimization of child prostitutes or the high level of drug use among child prostitutes, for example.

If you didn't know about this issue before, you probably learned something during the course of this trial about what's going on. And now you have a sense of why. Maybe wondering where [sic] the police would do a sting. Well, now you know. Why Detective Holland is there.

RP 135.

The appellate court reviews a prosecutor's allegedly improper remarks in closing argument in the context of the total argument, the issues in the case, the evidence addressed in the argument, and the instructions given to the jury. State v. Russell, 125 Wn.2d 24, 85-86, 882 P.2d 747 (1994). In determining whether prosecutorial misconduct occurred, the court first evaluates whether the prosecutor's comments were improper. State v. Reed, 102 Wn.2d 140, 145, 684 P.2d 699 (1984). A defendant bears the burden of establishing that the prosecutor's conduct was both improper and prejudicial. State v. Finch, 137 Wn.2d 792, 839, 975 P.2d 967 (1999).

Prosecutors have a duty to seek verdicts free from passion and prejudice. State v. Perez-Mejia, 134 Wn. App. 907, 915, 143 P.3d 838 (2006). A prosecutor's argument should not appeal to jurors' fear of criminal groups or invoke racial, ethnic or religious prejudice as a reason to convict. Id. at 916. Incitements to

vengeance, exhortations to wage war against crime, or appeals to patriotism are also improper. Id.

A prosecutor may not suggest that evidence not presented at trial provides additional grounds for finding a defendant guilty. Id. It is improper for a prosecutor to exhort the jury to use its verdict to send a message to society about the type of crime at issue. Finch, 137 Wn.2d at 841.

The argument quoted above was not an appeal to the passion or prejudice of the jury, and was not an exhortation to the jury to send a message with its verdict. It was a simple and brief acknowledgement that the subject matter of the case was probably new to most jurors. It was also a brief reference to the unchallenged testimony about the volume of responses that occur when advertisements are placed by detectives, and the uncontroversial notion that internet child prostitution is a problem.

The defense did not raise an objection to the argument or ask for a curative instruction, although the defense did move for a mistrial after argument was completed. When a timely objection is not made to alleged misconduct, reversal is not required unless the misconduct is so flagrant and ill-intentioned that it causes enduring prejudice that could not have been neutralized with a curative

instruction. State v. Calvin, 171 Wn. App. 1, 316 P.3d 496, 503 (2013). Even if this argument was misconduct, it was not so flagrant or ill-intentioned and prejudicial that it could not have been cured with an instruction.

3. THE DEFENDANT HAS FAILED TO ESTABLISH
INEFFECTIVE ASSISTANCE OF COUNSEL.

Brown alleges that he was denied effective assistance of counsel at trial. His claim of ineffective assistance of counsel should be rejected. Brown has not shown that evidence was improperly admitted or omitted due to deficient performance. Brown cannot show prejudice either. Thus, he has failed to establish ineffective assistance of counsel.

A criminal defendant has a constitutional right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). The benchmark for judging a claim of ineffective assistance of counsel is whether counsel's conduct "so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Id. at 686.

The defendant has the burden of establishing ineffective assistance of counsel. Id. at 687. To prevail, the defendant must show that: (1) counsel's representation was deficient, meaning it fell below an objective standard of reasonableness based on consideration of all the circumstances (the performance prong); and (2) the defendant was prejudiced, meaning there is a reasonable probability that the result of the proceeding would have been different (the prejudice prong). Id.; State v. McFarland, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995). If the court decides that either prong has not been met, it need not address the other prong. State v. Garcia, 57 Wn. App. 927, 932, 791 P.2d 244 (1990).

The inquiry in determining whether counsel's performance was deficient is whether counsel's assistance was reasonable considering all of the circumstances. Strickland, 466 U.S. at 688. Courts are required to begin their analysis with a strong presumption of competence. Id. at 689. This presumption of competence includes a presumption that the challenged actions were the result of reasonable trial strategy. Id. at 689-90. If counsel's conduct can be characterized as a legitimate trial strategy, the performance prong is not met. State v. Grier, 171 Wn.2d 17, 33, 246 P.3d 1260 (2011). Courts should recognize

that, in any given case, effective assistance of counsel can be provided in countless ways, with many different tactics and strategic choices. Strickland, 466 U.S. at 689. The defendant must establish deficient performance based on the record. Grier, 171 Wn.2d at 29.

In addition to overcoming the strong presumption of competence, the defendant must affirmatively show prejudice. Strickland, 466 U.S. at 693. Prejudice is not established by showing that counsel's error had some conceivable effect on the outcome of the proceeding because virtually any act or omission would meet such a low standard. Id. The defendant must establish a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. Id. at 694. The difference between Strickland's prejudice standard and a more-probable-than-not standard is slight. Harrington v. Richter, 562 U.S. 86, 131 S. Ct. 770, 792, 178 L. Ed. 2d 624 (2011). The prejudice standard requires a finding that counsel's error had a substantial and injurious effect on the proceedings. In re Crace, 174 Wn.2d 835, 843, 280 P.3d 1102 (2012).

Brown first contends that trial counsel was ineffective in failing to object to the testimony of Detectives Holland and

McDonald regarding their experience and prior investigations and the prosecutor's closing argument. However, as argued above, this testimony was not inadmissible and the argument was not improper or prejudicial.

Brown also contends that trial counsel was ineffective in not offering witnesses who would purportedly testify to Brown's reputation for generosity. Brown argues that the testimony of numerous witnesses would have been admissible pursuant to ER 404(a). ER 404(a) allows evidence of a pertinent character trait of the accused. City of Kennewick v. Day, 142 Wn.2d 1, 6, 11 P.3d 304 (2000). Pursuant to ER 405(a), "In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation." However, courts have questioned how pertinent reputation evidence is in cases involving child sex crimes. In State v. Perez-Valdez, 172 Wn.2d 808, 819, 265 P.3d 853 (2011), the defendant was charged with rape of a child and offered evidence of his reputation for good moral character. The state supreme court held that the defendant's reputation for good moral character was not pertinent to the crime charged. Id. Similarly, in State v. Jackson, 46 Wn. App. 360, 730 P.2d 1361 (1986), this Court held that a reputation for moral

decency is not pertinent to a charge of indecent liberties, stating, “The crimes of indecent liberties and incest concern sexual activity, which is normally an intimate, private affair not known to the community.” Id. This Court noted that a person’s public reputation often has no correlation to his private sexual conduct. Id. For this reason, reputation evidence is of doubtful relevance in cases involving sex crimes against children.

Specific instances are not admissible to prove character unless the character is a specific element of a crime or a defense. ER 405(b). Character is not an essential element of any charge, claim, or defense for the crime of attempted commercial sexual abuse of a child, and thus specific instances of generosity would not be admissible under ER 405(b). See State v. Stacy, 181 Wn. App. 553, 566, 326 P.3d 136 (2014) (specific instances of peacefulness of defendant not admissible in assault case).

Specific acts are not admissible to prove character or show action in conformity therewith pursuant to ER 404(b). Thus, examples of Brown helping others in other instances would not have been admissible to show that he was acting to help “Jen jen” in this case, and counsel was not deficient for not offering this testimony.

The only way evidence of Brown's prior generosity to others could have been properly admitted would have been by reputation evidence. A witness offering reputation testimony must lay a foundation establishing that the subject's reputation is based on perceptions in a relevant community. State v. Callahan, 87 Wn. App. 925, 935, 943 P.2d 676 (1997). The witness's personal opinion is not admissible. Id. Further, the proponent must establish that the reputation exists within a "neutral and generalized community." Id. Factors to consider in determining whether a relevant, neutral and generalized community has been established include "the frequency of contact between members of the community, the amount of time a person is known in the community, the role a person plays in the community, and the number of people in the community." Id. On appeal, Brown has not attempted to show that any of the potential witnesses could testify to Brown's reputation in a relevant, neutral and generalized community. Family does not constitute a community that is both neutral and general. State v. Gregory, 158 Wn.2d 759, 804, 147 P.3d 1201 (2006), overruled on other grounds by State v. W.R., Jr., 181 Wn.2d 757, 336 P.3d 1134 (2014).

Thus, even assuming that a reputation for generosity could be considered pertinent in this case, Brown cannot establish on the record on appeal that a sufficient foundation could have been laid to present evidence of Brown's reputation for generosity in a relevant, neutral and generalized community. Because Brown cannot establish that a proper foundation could have been laid for reputation evidence of a pertinent character trait, he cannot establish that trial counsel was deficient.

Finally, Brown argues that the evidence could have been admissible as evidence of habit pursuant to ER 406. In determining whether conduct rises to the level of a habit, the court must consider the regularity of the acts and the similarity of circumstances. State v. Young, 48 Wn. App. 406, 411-12, 739 P.2d 1170 (1987). A habit is a person's "regular practice of responding to a particular kind of situation with a specific type of conduct." Id. "[B]efore a court may admit evidence of habit, the offering party must establish the degree of specificity and frequency of uniform response that ensures more than a mere 'tendency' to act in a given manner, but rather, conduct that is 'semi-automatic' in nature." Simplex, Inc. v. Diversified Energy Systems, Inc., 847 F.2d 1290, 1293 (7th Cir. 1988). The acts outlined in Brown's brief do

not show a degree of similarity, specificity or frequency of uniform response that rises above a general tendency to be generous and indicates conduct that is “semi-automatic.” Brown cannot show that this evidence was admissible as habit evidence under ER 406, and thus he cannot show that trial counsel was deficient.

There is also no reasonable probability that such evidence would have changed the outcome of the trial. Brown clearly agreed to pay “Jen jen” \$100 for sex in the email and text exchanges, believing that she was 15 years old. His defense was that he did not intend to actually have sex with her. Only Brown could testify to this. No other witness could have testified to his intent in this instance. The defense was based solely on Brown’s credibility. And his testimony was so inconsistent and repeatedly contradictory that it was simply not credible. Brown might well be a generous person, but that does not preclude what the evidence clearly showed in this case: that he was interested in having sex with a juvenile prostitute. There is no reasonable probability that reputation evidence of generosity would have changed the outcome of the trial. As such, Brown has failed to establish ineffective assistance of counsel.

D. CONCLUSION.

The conviction should be affirmed.

DATED this 9th day of March, 2015.

Respectfully submitted,

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Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to David Zuckerman, the attorney for the appellant, at David@DavidZuckermanLaw.com, containing a copy of the Brief of Respondent, in State v. Craig Charles Brown, Cause No. 71820-7, in the Court of Appeals, Division I, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Dated this 9 day of March, 2015.



Name:
Done in Seattle, Washington

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