

NO. 73204-8-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

JAMAR PEELER,

Appellant.

FILED
Mar 18, 2016
Court of Appeals
Division I
State of Washington

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE THERESA B. DOYLE

BRIEF OF RESPONDENT

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A. ISSUE PRESENTED

The State may amend an information at any time prior to resting its case unless the defendant meets his burden of demonstrating prejudice, meaning surprise or an inability to prepare a defense, not merely the possibility of a harsher penalty. An information charged Peeler with Promoting Prostitution in the Second Degree, a felony, but the elements paragraph included the word "attempt." Throughout the proceedings, the trial court, the State, and Peeler himself referred repeatedly to the charge as Promoting Prostitution, not as attempted promoting. Before the State rested its case, it moved to amend the information to remove the word "attempt." Peeler stated that the only effect of the amendment on his defense was an increase in the severity of the charge, and he acknowledged that he had been aware of the defect and had planned to use it to seek dismissal or reversal had the State not amended. Did the trial court act within its discretion by finding no prejudice and permitting the amendment?

B. STATEMENT OF THE CASE

1. PROCEDURAL FACTS

Peeler was charged by Second Amended Information in King County Superior Court with two counts: (1) Assault in the

Second Degree — Domestic Violence — alleging he assaulted S.G. on November 18, 2013; and (2) Promoting Prostitution in the Second Degree — Domestic Violence — alleging that he knowingly advanced and profited from the prostitution of S.G. between March 26, 2013 and November 18, 2013. CP 79. A jury convicted Peeler of Assault in the Second Degree and Promoting Prostitution in the Second Degree but rejected the domestic-violence allegations. CP 122-25. The trial court imposed concurrent standard-range sentences of 12 months in jail for Count One and eight months for Count Two. CP 129. Peeler timely appealed. CP 136.

2. SUBSTANTIVE FACTS

a. Facts Of The Crimes.

In early 2013, S.G. was a 35-year-old single mother trying to work her way through massage-therapy school. 5RP 56; 6RP 61; 7RP 75.¹ She had met 24-year-old Jamar Peeler about a year before, and after spending time with him and occasionally having sex, she considered him to be her boyfriend. 7RP 16-30.

¹ The verbatim report of proceedings consists of 12 individually numbered volumes, which the State refers to as follows: 1RP (January 5, 2015); 2RP (January 6, 2015); 3RP (January 12, 2015); 4RP (January 13, 2015); 5RP (January 14, 2015); 6RP (January 15, 2015); 7RP (January 20, 2015); 8RP (January 21, 2015); 9RP (January 22, 2015); 10RP (January 23, 2015 – Verdict); 11RP (January 23, 2015); 12RP (March 6, 2015).

In March, Peeler persuaded S.G. to participate in prostitution, beginning with posting online ads for “sensual touch,” which was a euphemism for so-called “happy ending” massages, which was a euphemism for sex for money. 7RP 37-46. At first, S.G. worried that the activity might jeopardize her ability to get a massage license. 7RP 38. But Peeler convinced her that it would be good for her and her young son. 7RP 42-43, 46, 75. Eventually, she not only answered calls from customers but also walked the streets to turn tricks. 7RP 48-57. S.G. gave almost all the money to Peeler, who placed all the ads and coached S.G. on how to be more alluring. 7RP 46-66.

Soon, S.G.’s mother deduced that S.G. was “whoring” because she would leave late every night and not come home until the wee hours of the morning. 5RP 62-70. They argued, and S.G.’s mother threatened to call the police and take custody of S.G.’s son. 5RP 71; 6RP 51-55.

Finally, predawn on November 18, 2013, Peeler called S.G. and demanded that she come immediately to a nearby schoolyard to meet him. 7RP 82-83. Peeler had S.G.’s car, and S.G.’s mother urged S.G. to call the police and report it stolen, and they argued. 7RP 83-86. S.G. walked down the street, and her mother called

911. 7RP 100; 5RP 82. S.G. found Peeler at his grandmother's house, and he came out and they got into S.G.'s car. 7RP 100-03. Peeler got angry that S.G.'s mother had called the police, so he repeatedly punched S.G. in the face and the side of her chest for minutes on end, leaving S.G. with an injury to her cheek and a broken rib. 7RP 104-09; 5RP 113.

S.G. went home and her mother called the police again. 7RP 110-13. S.G. reported the assault, and later reported Peeler's promoting of her prostitution. 7RP 114-20; 8RP 48, 81-82. Police obtained the online prostitution ads and records of text messages between S.G. and Peeler. 8RP 23, 27, 30; 6RP 10-23, 94-126; 5RP 147-51.

b. Relevant Facts Of The Trial.

Peeler was initially charged only with Assault in the Second Degree — Domestic Violence. CP 1. The State filed a First Amended Information pretrial, on November 18, 2014. CP 7. This amended information stated that Peeler was accused "of the following crime[s]: **Assault In The Second Degree — Domestic Violence, Promoting Prostitution In The Second Degree**, committed as follows." Id. (emphasis in original).

Count Two was titled, "Count 2 — Promoting Prostitution In The Second Degree." Id. The elements stated:

That the defendant, Jamar Patrick Peeler in King County, Washington, between March 7, 2013 and November 18, 2013, did knowingly attempt to advance and profit from the prostitution of S.N.G. (another person).

Id. The information did not refer to a charge of criminal attempt or the criminal attempt statute, RCW 9A.28.020.

When trial commenced on January 5, 2015, Peeler filed a Defendant's Trial Brief that began, "Jamar Peeler generally denies the State's allegations of Assault in the Second Degree – DV and Promoting Prostitution in the Second Degree – Domestic Violence." CP 9. Peeler's brief never referred to the charge as "attempted promoting prostitution." Id.

That same morning, January 5, the State submitted a State's Trial Memorandum that began by stating that Peeler was charged with second-degree assault and "Count II Promoting Prostitution In The Second Degree (Advance/Profit From Prostitution)." Supp. CP ___ (Sub #91, State's Trial Memorandum). The State simultaneously filed proposed jury instructions with a verdict form for "Promoting Prostitution in the Second Degree" and a definition of "promoting prostitution in the second degree" without any use of

the word “attempt.” Supp. CP __ (Sub #88, State’s Instructions To The Jury (With Citations)). The State’s proposed “to-convict” instruction for second-degree promoting prostitution did not contain any mention of “attempt,” but stated the relevant element as “(a) knowingly profited from prostitution, or (b) knowingly advanced prostitution.” Id.

Peeler’s counsel made no mention of or objection to the absence of the word “attempt” in any of the documents. 1RP 4-125. Nor did Peeler speak up when the prosecutor orally noted that he had “amended to add the promoting prostitution charge.” 1RP 36. To the contrary, while discussing upcoming voir dire, Peeler’s lawyer said that the “promoting prostitution in the second degree” charge allegedly occurred “all over King County.” 1RP 115.

Before full voir dire began, on January 12, 2015, Peeler asked the trial court to prohibit the State from using the word, “pimp” during voir dire. 3RP 41. The court noted that Peeler “is charged with promoting.” Id. Peeler’s lawyer replied, “*He is*, but not charged – what the – [S.G.] indicated throughout the course of the case that Mr. Peeler was not her pimp.” Id. (emphasis added). The court denied Peeler’s motion, saying, “Count two, Mr. Peeler promoting prostitution. Mr. Peeler’s charged. That is the basis for

the State's theory for count two." 3RP 41-42. Peeler did not take issue with that. Id.

During individual voir dire (before group voir dire commenced), the trial court informed one of the prospective jurors that "this case involves a charge of promoting prostitution." 3RP 76. Peeler made no objection to this. Id. When the court commenced the group voir dire, it announced to the entire venire that Peeler was charged with two counts, including "count two promoting prostitution in the second degree," and that Peeler had pleaded not guilty to this charge. 3RP 100. Peeler said nothing. Id.

Midway through the State's case, on January 15, 2015, Peeler unsuccessfully moved for a mistrial. 6RP 4, 155-56, 165-67; CP 55-59. The first section of Peeler's written motion began: "Mr. Peeler is currently in trial for Assault in the Second Degree – DV and *Promoting Prostitution in the Second Degree – DV.*" CP 56 (emphasis added).

The State called multiple witnesses, culminating with S.G.'s testimony. 4RP-8RP. After S.G.'s testimony and cross-examination, ending January 21, trial recessed for the day with the State indicating that it would not rest until the morning. 8RP 94.

Also on January 21, Peeler submitted his proposed jury instructions. CP 60-78. He did not propose any instructions on promoting prostitution to counter the State's earlier-submitted instructions lacking any mention of "attempt." Peeler submitted a proposed verdict form and instructions for a lesser-included offense of third-degree assault for Count One. CP 70-78.

The next morning, January 22, the trial court noted that the State would move to amend the information and then "needs to rest." 9RP 4. The State then moved to amend the information to "change the initial charging date of count 2 from March 7th, 2013, to March 26, 2013," based on S.G.'s testimony about when the first online ad went up. 9RP 4. The State also sought to remove the phrase "attempt to" from the elements of Count Two. Id. The prosecutor said he had thought that the word "attempt" was part of the statutory language of the crime of Promoting Prostitution. Id.

Peeler objected to the "removal of the attempt language," because "we are now post-omnibus," and the State "should have known" when it initially charged Peeler with Promoting Prostitution "that the Information should have not included the term Attempt." 9RP 5. For the first time, Peeler said that he had believed the

charge was “attempted promoting prostitution,” a gross misdemeanor, and the State was “elevating the charge.” Id.

The trial court asked, “What is the prejudice?” Id. Peeler replied, “Other than the fact that it is elevated to a felony, that is the prejudice.” 9RP 6. Peeler said he did not object to the “narrowing of the dates.” Id. The trial court said, “I don’t think that is a valid reason to object to an amendment, the fact that it changes it from a gross misdemeanor to a felony, if indeed that is correct.” Id. The court granted the amendment. Id.

Peeler’s lawyer then asked “to complete the record real quick,” and then stated that he had earlier reviewed the promoting-prostitution statute in search of the word “attempt” and did not find it. 9RP 7. The trial court noted that if the State had not amended, then Peeler might have later challenged a conviction. Id. Peeler’s lawyer replied, “*The court is picking up where the defense is hoping to go, if this had not been amended.*” Id. (emphasis added).

After granting the amendment, the trial court again directed that the State “will need to rest.” 9RP 8. But the State reminded the court that it still wished to present additional evidence to the jury in its case in chief — statements that S.G. had made to police — to rebut Peeler’s allegations in cross-examination that S.G. had made

prior inconsistent statements. 9RP 9. The trial court said that it was “going to take some time” to decide whether to admit that evidence, and in the meantime the trial would “go on to the defense case,” though the “State won’t rest right now before the jury.” 9RP 13. The trial court also announced that it would not allow the State to call any more witnesses — the trial court used the term “reopen” — even though the State had not rested and the court had not yet ruled on the State’s motion about S.G.’s prior statements. Id.

After Peeler presented his case — testimony of a police victim advocate — the trial court refused the State’s offer of S.G.’s prior statements. 9RP 30-44. The trial court then said the parties would discuss jury instructions, and then “I will have the State rest, and I will have the defense rest again as well.” 9RP 46. After the jury returned, the parties rested, and the case proceeded to closing argument. 9RP 71.²

In closing, Peeler argued that S.G. had “slandered” Peeler by falsely accusing him of the crimes out of spite. 9RP 101. He argued that S.G. was a “mastermind” who had framed the unaware young Peeler — “a father, son, brother and grandson” — by putting

² 9RP (January 22, 2015) has a page-numbering error in that every page after page 70 is numbered “70.” The State is referencing page numbers as if the volume had been properly numbered.

his contact information on the online ads to create a scapegoat for S.G.'s solo prostitution. 9RP 101-29.

C. ARGUMENT

THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN PERMITTING THE AMENDED INFORMATION BECAUSE THE STATE HAD NOT RESTED AND PEELER SUFFERED NO PREJUDICE.

This case is the quintessence of defense “sandbagging,” the time- and resource-wasting practice of recognizing a defect in the State’s charging document but not raising the issue until it is too late for the State to successfully amend and correct the mistake, resulting in a likely reversal without prejudice — a “do-over” for the defendant. In Peeler’s case, the State caught the defect in time, before it rested its case. Yet Peeler now seeks a new trial anyway, claiming that the trial court abused its discretion by allowing the amendment — even though Peeler is unable to show any prejudice whatsoever.

Here, Peeler actively acknowledged throughout the proceedings, along with everybody else, that he was charged with Promoting Prostitution in the Second Degree, a felony. Only when the State realized there was a defect in the charging document did Peeler cry foul — at the same time admitting that he had known of the defect all along and had been holding it as a trump card to

challenge his conviction. Just as the State's amendment canceled Peeler's insurance policy, this Court now should foreclose on Peeler's effort to win a new trial because he cannot meet his burden of showing surprise or any tangible effect on his defense.

This Court reviews a trial court's decision to grant a motion to amend for abuse of discretion. State v. Schaffer, 120 Wn.2d 616, 621-22, 845 P.2d 281 (1993). Under CrR 2.1(d), a trial court may permit the State to amend the information at any time before the verdict if the defendant's substantial rights are not prejudiced. At the same time, article I, section 22 of the Washington Constitution guarantees that a defendant "must be informed of the criminal charge he or she is to meet at trial, and cannot be tried for an offense not charged." Schaffer, 120 Wn.2d at 619-20.

To resolve tension between the court rule and the constitution, our supreme court has established a per se rule that amending the information *after the State rests* violates the defendant's rights under article I, section 22 because the risk of prejudice is so great. State v. Pelkey, 109 Wn.2d 484, 487, 745 P.2d 854 (1987). But our supreme court has refused to "redraw the line established in Pelkey to a point earlier in the criminal process." Schaffer, 120 Wn.2d at 622. Article I, section 22 is not a "blanket

prohibition against midtrial amendments.” Id. “Our longstanding court rule ... amply delineates the constitutional boundaries applicable to amendments during the State’s case.” Id.

Thus, if the State has not yet rested its case, the defendant has the burden of showing prejudice. Id. at 620. “If a defendant is prejudiced by an amendment, then he or she should be able to demonstrate this fact.” Id. at 623. But, “*the possibility of a harsher penalty, standing alone, cannot constitute specific prejudice.*” State v. James, 108 Wn.2d 483, 489-90, 739 P.2d 699 (1987) (emphasis added).

Instead, a defendant must show “surprise or an inability to prepare a defense because of the trial court’s ruling.” Id. at 489-90. A midtrial amendment will be upheld if the defendant is not “misled or surprised.” State v. Mahmood, 45 Wn. App. 200, 724 P.2d 1021, review denied, 107 Wn.2d 1002 (1986). If a new theory presented in the amended information arises out of the same general factual circumstance, there is no prejudice. Schaffer, 120 Wn.2d at 622. If an amendment arises from the “same factual scenario,” it does not jeopardize a defendant’s ability to defend himself. State v. Hakimi, 124 Wn. App. 15, 28, 98 P.3d 809 (2004).

Similarly, “[w]here the principal element in the new charge is inherent in the previous charge and no other prejudice is demonstrated, it is not an abuse of discretion to allow amendment on the day of trial.” State v. Gosser, 33 Wn. App. 428, 435, 656 P.2d 514 (1982). “Technical defects not affecting the substance of the charged offense do not prejudice the defendant.” State v. Leach, 113 Wn.2d 679, 696, 782 P.2d 552 (1989).

A key purpose of CrR 2.1(d), with its liberal application and emphasis on prejudice, is to prevent “sandbagging,” a “defense practice wherein the defendant recognizes a defect in the charging document but foregoes raising it before trial when a successful objection would usually result only in an amendment of the pleading.” State v. Phillips, 98 Wn. App. 936, 940, 991 P.2d 1195 (2000) (quoting State v. Kjorsvik, 117 Wn.2d 93, 101-02, 812 P.2d 86 (1991) (citing 2 Wayne R. LaFave & Jerold H. Israel, Criminal Procedure § 19.2, at 442 & n. 36 (1984))). “[S]andbagging’ is exactly what” our supreme court “sought to avoid” through the “liberal amendment rule” working in tandem with “liberal construction of informations challenged initially on appeal.” State v. Johnson, 119 Wn.2d 143, 149-50, 829 P.2d 1078 (1992).

Yet the Pelkey per se rule still “invites the defendant, aware of a constitutionally defective information, to wait until the State rests before raising his or her challenge.” Phillips, 98 Wn. App. at 941. Such sandbagging results in an “expensive, wasteful dismissal of the case without prejudice.” Id. Our courts are “disturbed ... by the possibility that a defendant may be well aware at the outset of the proceedings that the charging document fails to state a crime, and yet maintain silence until appeal.” Id. (quoting Leach, 113 Wn.2d at 700 (Brachtenbach, J., concurring)).

1. The State Had Not Rested Its Case At The Time Of The Amendment So Peeler Must Show Prejudice.

The record is plain here that the State moved to amend the information before it rested its case. Not only did the State not formally rest before amending the information, but it resisted the trial court’s urgings to rest because the State hoped to present additional evidence. Pelkey’s Rubicon was not crossed. Peeler was, and is, obligated to demonstrate prejudice.

Peeler charges that this is “split[ting] hairs” because honoring the line between resting and not resting “elevate[s] form over substance.” Brief of Appellant (BOA) at 9. He alleges that the State had rested “for all intents and purposes” because its offer of

additional evidence was later denied. BOA at 9-10. This argument fails because it is essentially the same argument our supreme court rejected in Schaffer when it rejected a “per se rule prohibiting amendments during the State’s case” and found “no need to redraw the line established in Pelkey to a point earlier in the criminal process.” Schaffer, 120 Wn.2d at 620-22. Basically, Peeler wants this Court to enforce a bright-line rule, but he does not want a bright line. It is not splitting hairs to adhere to our supreme court’s holdings.

In a jury trial, the plaintiff either has rested or not; there is no resting “for all intents and purposes.” Our supreme court refused to paint the Pelkey line “with so broad a brush.” Schaffer, 120 Wn.2d at 621. Thus, even where the State has presented all its evidence but has not rested, the line is not crossed. See State v. Goss, 189 Wn. App. 571, 358 P.3d 436 (2015) (amendment offered after State’s evidence but before resting required defendant to show prejudice). Because the State amended to correct the defective information before it rested, Peeler must show prejudice.

2. Peeler Cannot Show Prejudice.

Peeler fails in his burden to show prejudice because (1) he has not offered a single, legally sufficient example of how the State's corrective amendment affected his ability to mount a defense, and (2) his transparent and admitted sandbagging disproves any allegations of surprise or of a genuine, substantive effect on his well-prepared defense.

- a. Peeler has not claimed any actual prejudice to his defense.

Dispositively, Peeler has not pointed to any specific prejudice from the State's amendment. By arguing so strenuously that the Pelkey per se prejudice rule should apply, he only further highlights his inability to meet his burden.

At trial, Peeler unequivocally told the court that he had suffered no prejudice from the amendment, "other than the fact that it is elevated to a felony." 9RP 6. Here, he argues the same, claiming again that allowing "the State to elevate one of its charges from a misdemeanor to a felony" requires reversal and a retrial. BOA at 10-11. But even if the amendment did "elevate" the charge, our courts have long ago settled that "the possibility of a harsher

penalty, standing alone, cannot constitute specific prejudice.”³

James, 108 Wn.2d at 489-90. What matters is surprise and the defendant’s ability to mount a defense to the charge, and Peeler has not offered any prejudice along those lines, though it is solely his burden to do so.

For the first time, Peeler now posits that he “prepared his entire defense strategy under the impression that he faced only one felony charge.” BOA at 10. But he does not explain why, if that were true, his trial attorney did not say so at the time the State was offering an amendment that was supposedly extinguishing his “entire defense strategy.” And Peeler does not explain how an “entire defense strategy” could be based on the classification of the charge rather than on the substance of the allegations and the

³ The State does not agree that its amendment “elevated the charge.” A charge of criminal attempt, which indeed would have been a gross misdemeanor here, is a separate crime arising from a separate statute, RCW 9A.28.020, which was not pleaded in any of the State’s charging papers. Rather than reducing the charge, the inclusion of the word “attempt” in the elements of Promoting Prostitution in the Second Degree may have made the information constitutionally defective because it misstated the statutory elements of that Class C felony. RCW 9A.88.080. “The remedy for an insufficient charging document is reversal and dismissal of charges without prejudice to the State’s ability to refile charges.” State v. Vangerpen, 125 Wn.2d 782, 792-93, 888 P.2d 1177 (1995). More than likely, had the information not been amended, Peeler would not have argued on appeal that he was properly convicted of attempted promoting prostitution; he would have argued that he was not properly convicted of anything. In fact, that was the direction he admitted he was “hoping to go.” 9RP 7.

evidence. Prejudice requires an actual effect on the defense to the accusations, not the jeopardy that attaches to them.

- b. Peeler's sandbagging disproves any claim of prejudice.

Peeler's claim about his "entire defense strategy" is belied by the trial record that shows that he was sandbagging — unless sandbagging was his entire defense strategy. Peeler cannot claim any surprise from the State's amendment because the record, including his own admissions, shows that Peeler was well aware throughout the proceedings that the word "attempt" in the First Amended Information was a defect in a felony charge of promoting prostitution that he hoped would go unnoticed. So Peeler's suggestion that he was misled into believing that he was charged merely with the gross misdemeanor of "attempted promoting prostitution in the second degree" is disingenuous.

His own pleadings stated repeatedly that he was charged with "Promoting Prostitution in the Second Degree," which is a felony. CP 9, 56. He stood mute when the trial court told the jury venire that he was charged with Promoting Prostitution in the Second Degree. 3RP 100. He stood mute when the State, at the outset of trial, proposed instructions for "Promoting Prostitution in

the Second Degree” that were devoid of the word “attempt.” He proposed no alternative jury instructions or verdict form on that count.

Then, when the State moved to amend, Peeler admitted that he had previously researched the statute and determined that the State’s information was defective. 9RP 7. And he expressly stated that he had been planning to take advantage of that defect to challenge a conviction “if this had not been amended.” Id. His current claim, that he had prepared an entire defense around a misunderstanding of the classification of the charge, is disproved by these admissions. The only preparation Peeler might have made based on the defect was to ready a motion to dismiss or notice of appeal.

Furthermore, Peeler’s actual defense was not related, even loosely, to a notion that Count Two was merely an inchoate crime amounting to a gross misdemeanor. Peeler’s defense was that S.G. was a “mastermind” who was making the whole thing up.⁴ The inclusion of the word “attempt” in the information had no effect

⁴ This defense did not change as a result of the State’s amendment. Though Peeler’s opening statement was not transcribed for the record here, the State recounted shortly afterward that “defense stated the theory of the case that [S.G.] made up the allegations of promoting prostitution and the assault for the purposes of getting the defendant into trouble.” 4RP 102.

on the substance of the charge — that Peeler acted as S.G.’s pimp — or his defense that he had nothing to do with any of it. To the contrary, by removing the word “attempt,” the State, at most, added to its burden to show that Peeler actually did act as S.G.’s pimp.

Still more, when the defense has interviewed the witnesses and had access to the police reports, the amendment does not involve additional discovery, and the defense does not request a continuance, then the defendant has not shown prejudice. State v. Ziegler, 138 Wn. App. 804, 810, 158 P.3d 647 (2007). Here, the record shows that Peeler’s counsel had thoroughly investigated the case and had interviewed S.G. several times, including after her revelation of the prostitution. 5RP 108; Supp. CP ___ - ___ (Sub #11, 17, 38, 41, 44, 46, 48, 50, 52, 56, 73 – orders continuing trial and omnibus hearings). The removal of the word “attempt” did not alter the factual scenario of the charge, and Peeler had already demonstrated that he was mounting a fully prepared defense to the felony charge of second-degree promoting prostitution. That is why Peeler could not identify any specific prejudice when the State discovered the defect and amended the charge — except to complain that he had lost an avenue of appeal.

In sum, Peeler has not provided a single example of how his ability to prepare or present a defense was affected. Indeed, the record shows it was not. He is unable to meet his burden of showing prejudice because, the record shows, he went to trial fully aware that he was facing a felony charge of second-degree promoting prostitution and what that charge entailed — but he thought a defect in the charging document gave him an insurance policy. This was the quintessence of sandbagging, and this Court should not reward it by reversing his conviction. The trial court acted well within its discretion by finding no prejudice and permitting the amendment. Peeler's argument to the contrary is without merit.

D. CONCLUSION

For all the foregoing reasons, the State respectfully asks this Court to affirm Peeler's judgment and sentence.

DATED this 18TH day of March, 2016.

Respectfully submitted,

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Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to Kevin A March, the attorney for the appellant, at MarchK@nwattorney.net, containing a copy of the BRIEF OF RESPONDENT in State v. Jamar Patrick Peeler, Cause No. 73204-8, 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 18 day of March, 2016.


Name:
Done in Seattle, Washington