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I. ISSUES

1. Did Darren Lafever commit the crime of criminal impersonation in the first degree when he impersonated the appellant and did the appellant's work crew?
2. Did Darren Lafever commit the crime of forgery when he forged the appellant's signature on the appellant's work crew sign-in sheet?
3. Was there sufficient evidence to find the appellant guilty as an accomplice to Darren Lafever's crimes of criminal impersonation in the first degree and forgery?

II. SHORT ANSWERS

1. Yes, Darren Lafever committed the crime of criminal impersonation in the first degree when he impersonated the appellant and did the appellant's work crew.
2. Yes, Darren Lafever committed the crime of forgery when he forged the appellant's signature on the appellant's work crew sign-in sheet.
3. Yes, there was sufficient evidence to find the appellant guilty as an accomplice to Darren Lafever's crimes of criminal impersonation in the first degree and forgery.

III. FACTS

On February 4, 2008, Judge David Koss of the Cowlitz County District Court sentenced the appellant to 5 days out-of-custody work crew in cause # 69589 and 5 days out-of-custody work crew in cause # 69590 for a total of 10 days out-of-custody work crew. Transcript Volume 1, p. 15-16. The court did not impose a deadline for when the appellant had to complete his work crew. Transcript Volume 1, p. 61-62. The appellant

received a referral and contacted Robin Lux of Offender Services on the same day to set up his work crew. Transcript Volume 1, p. 16 and 21-23. The appellant filled out his work crew application and paid his work crew fees. Transcript Volume 1, p. 24-26. Out-of-custody work crew is a voluntary program that appeals to people because people can live their normal lives, avoid jail, and receive one day credit towards a jail sentence for eight hours of work on the work crew. Transcript Volume 1, p. 20, 24-25, 35-37, and 106-107. If a person elects not to do the work crew, fails to follow the work crew rules, or drops out of the program, Offender Services will notify the court and the person will likely be required to serve jail time in lieu of work crew. Transcript Volume 1, p. 24, 35, and 108.

The work crew program is designed to work with each work crew applicant's personal life and schedule. The work crew schedule is specific to each individual applicant as each applicant sets the start date, decides whether to do work crew on the weekdays or weekends, picks the dates to do work crew, and determines the pace to fulfill the work crew obligation. In the event that an applicant's personal life changes, Offender Services will work with each applicant to change the work crew schedule to fit the applicant's schedule. Transcript Volume 1, p. 32-33, 36-38, 44-45, 55-56, and 60-62. The appellant signed his work crew rules and acknowledged

his voluntary participant in work crew program. Transcript Volume 1, p. 106-107.

The appellant elected to start his work crew on February 16, 2008, and wanted to do the work crew on the weekends. Transcript Volume 1, p. 34 and 106. The appellant expressed no desire to postpone his work crew and was advised to contact Offender Services immediately if he could not report for work crew because his failure to report for work crew may result in him being removed from the program and being placed into full-time confinement. Transcript Volume 1, p. 35 and 43-44. Ms. Lux informed the appellant of the time to report for work crew, the location to report for work crew, and the need to sign his work crew sign-in sheet. The appellant's work crew sign-in sheet is part of his official work crew file, records and notifies the court of his progress on work crew, and informs the work crew officer about the specific terms of the appellant's work crew schedule. Transcript Volume 1, p. 28, 31-32, 34, 39, and 52-57.

Vic Tiehen is a work crew officer who supervises out-of-custody inmates on the work crew. Transcript Volume 1, p. 38-39, 51-52, and 54. On February 16, 2008, Darren Lafever, the appellant's brother, appeared at the designated time, place, and date to start the appellant's work crew. At that point in time, Mr. Tiehen did not know the appellant or Darren Lafever. Transcript Volume 1, p. 57, 114-115, and 122. Mr. Tiehen asked

Darren Lafever for his name and Darren Lafever indicated that he was the appellant, forged the appellant's signature on the appellant's work crew sign-in sheet, and did the work crew for the appellant. Transcript Volume 1, p. 57-59, 122, and 127-128.

Darren Lafever continued to appear for the appellant, represent himself as the appellant, forge the appellant's signature on the appellant's work crew sign-in sheet, and do the work crew for the appellant on eight subsequent days in February 17th, February 23rd, February 24th, March 1st, March 2nd, March 8th, March 15th, and March 22nd of 2008. Darren Lafever did nine of the appellant's ten work crew days on the weekends. Mr. Tiehen was the work crew officer who supervised and signed in Darren Lafever for all nine work crew days. The appellant never appeared to start his work crew on February 16th, never showed up to do any of his work crew days, and never contacted Offender Services to notify Offender Services of his absence or to change his work crew schedule. Transcript Volume 1, p. 40, 59-63, 67-68, 122, and 127-128.

On March 31, 2008, Offender Services received information that called into question the identity of the person who did the appellant's work crew. The information was relayed to Mr. Tiehen and it was decided that Mr. Tiehen would ID Darren Lafever when he reported for the last day of the appellant's work crew. Transcript Volume 1, p. 38-39 and 63. On

April 1, 2008, Darren Lafever went to complete the appellant's work crew and was confronted by Mr. Tiehen about the allegation of him not being the appellant. Darren Lafever was asked for his ID and he indicated that his ID was at home. Mr. Tiehen told Darren Lafever to get his ID and bring it back to him. Darren Lafever left and never returned to work crew. Transcript Volume 1, p. 64-65 and 122-123. After the incident, Ms. Lux held onto the appellant's work crew file for a week or two hoping he would contact Offender Services. When the appellant failed to contact Offender Services, Ms. Lux sent a letter to Judge Koss notifying him of the situation. Transcript Volume 1, p. 39-40.

On April 3, 2008, Mr. Tiehen reported the incident to the Cowlitz County Sheriff's Office. Transcript Volume 1, p. 72-73. On April 13, 2008, Deputy Mark Johnson had a phone conversation with the appellant about the allegation of Darren Lafever doing the appellant's work crew and the appellant stated that he did his own work crew. Transcript Volume 1, p. 74-76 and 95-97. On May 13, 2008, Mr. Tiehen picked Darren Lafever out of a photo montage as the individual who did nine of the appellant's ten work crew days and attempted to do the appellant's tenth work crew day on April 1, 2008. Transcript Volume 1, p. 48-49 and 64-67.

On June 11, 2008, Judge Koss presided over a hearing to address the allegation of the appellant not doing his work crew. The appellant was represented by Jim Morgan and through Mr. Morgan, he told the court that he had completed nine of his ten work crew days and had attempted to do the tenth day, but Offender Services did not allow him to finish his work crew because he did not have his ID on the tenth day. Judge Koss proceeded to convert the appellant's ten work crew days into ten days in jail. Transcript Volume 1, p. 90, 109, 110-111, and 133-134.

Darren Lafever was eventually charged for impersonating the appellant, forging the appellant's signature, and doing the appellant's work crew. Darren Lafever accepted the State's plea offer and resolved his case. Transcript Volume 1, p. 125 and 127-130. On March 11, 2009, the appellant was charged as an accomplice to Darren Lafever's ten counts of criminal impersonation in the first degree and nine counts of forgery. Transcript Volume 1, p. 111-112.

At the appellant's trial, Darren Lafever testified that he stood in for the appellant and did the appellant's work crew because he knew the appellant was not going to do the work crew and wanted to prevent the appellant from having to go to jail. Darren Lafever indicated that the appellant was not aware of his plan and had no part in the formulation of the plan. Transcript Volume 1, p. 117-122 and 125. The appellant

testified that although he signed up for work crew, he never intended to do the work crew. The appellant indicated that he only signed up for work crew to buy time so that he could work during the busy two month work period. After the busy two month work period, he would then report to do his time in jail. Transcript Volume 1, p. 88-89 and 91. The jury found the appellant guilty as an accomplice to Darren Lafever's ten counts of criminal impersonation in the first degree and nine counts of forgery. Transcript Volume 2, p 193-196.

On February 23, 2010, the appellant argued that there was insufficient evidence to uphold the convictions and that the appellant's work crew sign-in sheet lacked legal efficacy to uphold the forgery convictions. Judge James Stonier of the Cowlitz County Superior Court denied the appellant's motion for arrest of judgment and for a new trial. Transcript Volume 2, p. 198-201. Judge Stonier vacated the forgery convictions in counts twelve through nineteen because those forgery convictions merge with the forgery conviction in count eleven, that the forgery conviction in count eleven and the criminal impersonation conviction in count one are same criminal conduct, and that the forgery conviction in count eleven and the criminal impersonation conviction in count one are separate criminal conduct with the criminal impersonation convictions in counts nine through ten. Transcript Volume 2, p. 201-208.

The appellant's convictions resulted in him having an offender score of nine and Judge Stonier sentenced the appellant to twenty two months in prison. Transcript Volume 2, p. 208-209.

IV. ARGUMENTS

1. DARREN LAFEVER COMMITTED THE CRIME OF CRIMINAL IMPERSONATION IN THE FIRST DEGREE WHEN HE IMPERSONATED THE APPELLANT AND DID THE APPELLANT'S WORK CREW.

A person is guilty of the crime of criminal impersonation in the first degree if he or she assumes a false identity and does an act in his or her assumed character with intent to defraud another. To convict a person of criminal impersonation in the first degree, the State must prove beyond a reasonable doubt that on a particular date, in the State of Washington, the defendant (1) assumed a false identity; (2) did an act in his or her assumed character; and (3) acted with intent to defraud another. The evidence indicates beyond a reasonable doubt that Darren Lafever committed ten separate acts of criminal impersonation in the first degree.

It is undisputed that the events pertain to Darren Lafever doing the appellant's work crew in County of Cowlitz, State of Washington. Darren Lafever falsely assumed the appellant's identity when he reported to Mr. Tiehen to do the appellant's work crew. Not only did Darren Lafever falsely assume the appellant's identity, but he also did an act in the

appellant's assumed character when he told Mr. Tiehen that he was the appellant, signed the work crew sign-in sheet as the appellant, and/or worked on the work crew as the appellant. Darren Lafever's actions were done with intent to defraud Mr. Tiehen, Offender Services, and the court as he desired to perform the appellant's work crew and have the appellant be credited with that work.

Darren Lafever did these acts on February 16th, February 17th, February 23rd, February 24th, March 1st, March 2nd, March 8th, March 15th, March 22nd, and April 1st of 2008. "The same criminal conduct rule requires two or more crimes to involve the same criminal intent, the same time and place, and the same victim. RCW 9.94A.589(1)(a). If one of these elements is missing, the offenses must be counted individually toward the offender score." State v. Allen, 150 Wash.App. 300, 316-317 (2009). In Allen, the court held that the defendant's two violations of a no contact order were not same criminal conduct, despite the two violations having the same criminal intent and same victim, because the two violations transpired on different dates. Id. at 316-317. As in Allen, Darren Lafever committed the crime of criminal impersonation in the first degree on ten separate dates and the ten instances do not constitute the same criminal conduct.

2. DARREN LAFEVER COMMITTED THE CRIME OF FORGERY WHEN HE FORGED THE APPELLANT'S SIGNATURE ON THE APPELLANT'S WORK CREW SIGN-IN SHEET.

A person commits the crime of forgery when, with intent to defraud, he or she falsely makes, completes, or alters a written instrument. Pursuant to RCW 9A.60.010(1)(a), written instrument means any paper, document, or other instrument containing written or printed matter or its equivalent. To convict a person of forgery, the State must prove beyond a reasonable doubt that on a particular date, in the State of Washington, the defendant (1) falsely made, completed, or altered a written instrument and (2) acted with intent to defraud. The evidence indicates beyond a reasonable doubt that Darren Lafever committed one act of forgery when he initially forged the appellant's signature on the appellant's work crew sign-in sheet on February 16, 2008.

In State v. Richards, 109 Wash.App. 648 (2001), the court held that signing another's name to a traffic citation constituted false completion of a written instrument having legal efficacy so as to support the defendant's conviction for forgery. Id. at 654. In Richards, the court noted that Washington courts have read into the definition of written instrument "the common-law requirement that the written instrument have 'legal efficacy.'" State v. Morse, 38 Wash.2d 927, 929, 234 P.2d 478

(1951). That is, the instrument must be ‘something which, if genuine, may have legal effect or be the foundation of legal liability.’” Id. at 654. The court noted that “it is forgery to sign the name of another person with the intent to defraud. CHARLES E. TORCIA, 4 WHARTON’S CRIMINAL LAW, § 479 at 75 (15th ed.1996). The same authority notes that any government or public record is susceptible to forgery. 4 WHARTON’S CRIMINAL LAW, § 491 at 93. ‘[A]ny document required by law to be filed or recorded or necessary or convenient to the discharge of a public official’s duties may be the subject of forgery.’ 4 WHARTON’S CRIMINAL LAW, § 491 at 94.” Id. at 654.

In State v. Williams, 118 Wash.App. 178 (2003), the court noted that the unit of prosecution with regards to the forgery charge is the written instrument that is falsely made or put off as true. Id. at 183. In Williams, the defendant was involved in a minor auto accident and assumed the false identity of Daryl Taylor. Subsequently, the defendant partially completed an attorney’s “Client Information Sheet” in Taylor’s name and a chiropractor’s intake form in Taylor’s name. Id. at 180. The defendant was charged with forgery for those two written instruments and a jury found him guilty of those two charges. Id. at 181-182. The Appellate court affirmed the defendant’s convictions. Id. at 185.

The evidence indicates beyond a reasonable doubt that Darren Lafever committed one act of forgery. On February 16, 2008, he first reported to Vic Tiehen to start the appellant's work crew. In the process, Darren Lafever forged the appellant's signature on the appellant's work crew sign-in sheet. It is undisputed that Darren Lafever acted with intent to defraud and the acts occurred in the State of Washington.

Darren Lafever falsely made, completed, or altered a written instrument when he forged the appellant's signature on the appellant's work crew sign-in sheet. The court had sentenced the appellant to ten days work crew and Offender Services was assigned the task of carrying out and monitoring that sentence. The appellant's work crew sign-in sheet is a document kept as part of the appellant's work crew file and is necessary for the discharge of Offender Services' duties. The sign-in sheet is used to monitor the appellant's performance of his work crew sentence and in the event that he does not perform his sentence as documented by his work crew sign-in sheet, Offender Services will notify the court and the court can terminate the appellant from work crew and impose jail time. Therefore, like the traffic citation in Richards and the attorney's client information sheet and the chiropractor's intake form in Williams, the appellant's work crew sign-in sheet has legal efficacy and is susceptible to forgery.

When Darren Lafever forged the appellant's signature on the appellant's work crew sign-in sheet, he committed the crime of forgery. Darren Lafever is liable for only one count of forgery that transpired on February 16, 2008. Darren Lafever's subsequent acts of forging the appellant's signature to the same work crew sign-in sheet do not amount to any additional charges of forgery because the crime of forgery had been completed on February 16, 2008, and the subsequent acts involved the same written instrument.

3. THERE WAS SUFFICIENT EVIDENCE TO FIND THE APPELLANT GUILTY AS AN ACCOMPLICE TO DARREN LAFEVER'S CRIMES OF CRIMINAL IMPERSONATION IN THE FIRST DEGREE AND FORGERY.

"[A]ccomplice liability represents a legislative decision that one who participates in a crime is guilty as a principal, regardless of the degree of the participation." State v. McDonald, 138 Wash.2d 680, 689 (1999). "There is no requirement that the accomplice must share the same mental state as the principal. State v. Guloy, 104 Wash.2d 412, 431, 705 P.2d 1182 (1985), cert. denied, 475 U.S. 1020, 106 S.Ct 1208, 89 L.Ed.2d 321 (1986). The accomplice statute predicates criminal liability on general knowledge of the crime, not on specific knowledge of the elements of the participant's crime." State v. Boot, 89 Wash.App. 780, 793-794 (1998). "In Washington, an accomplice need not be aware of the exact elements of

the crime. See Roberts, 142 Wash.2d at 512, 14 P.3d 713. As long as the defendant engaged in conduct that is ‘the crime,’ the defendant may be found guilty.” State v. Berube, 150 Wash.2d 498, 509 (2003).

“Under the laws of the State of Washington, people who help commit crimes, people who set the wheels in motion, people who assist in the commission of crimes are called accomplices or aiders and abettors, as we more commonly know them to be. And in the eyes of the law, you are no less guilty because you drive the getaway car or because you solicit a crime to occur. You’re no less guilty for helping than you are for pulling the trigger.” Sarausad v. State, 109 Wash.App. 824, 840 (2001). “A person is an accomplice of another person in the commission of a crime if: (a) with knowledge that it will promote or facilitate the commission of the crime, he (i) solicits, commands, encourages, or requests such other person to commit it; or (ii) aids or agrees to aid such other person in planning or committing it.” RCW 9A.08.020(3).

The appellant “contends that there was insufficient evidence to support his conviction under an accomplice liability theory. When reviewing a conviction for sufficiency of the evidence, [the courts] view the evidence in the light most favorable to the State to determine whether any rational trier of fact could have found the elements of the crime beyond a reasonable doubt. State v. Bencivenga, 137 Wash.2d 703, 706,

974 P.2d 832 (1999). A[n] [appellant's] claim of insufficiency of the evidence admits the truth of the State's evidence and all inferences that can reasonably be drawn from the evidence. State v. Salinas, 119 Wash.2d 192, 201, 829 P.2d 1068 (1992). All reasonable inferences from the evidence must be drawn in favor of the State and most strongly against the [appellant]. Salinas, 119 Wash.2d at 201, 829 P.2d 1068. No distinction exists between circumstantial evidence and direct evidence, as both are equally reliable. Bencivenga, 137 Wash.2d at 711, 974 P.2d 832, State v. Delmarter, 94 Wash.2d 634, 638, 618 P.2d 99 (1980).

In determining whether the necessary quantum of proof exists, [the courts] need not be convinced of the [appellant's] guilt beyond a reasonable doubt, but only that substantial evidence supports the State's case. Summers, 107 Wash.App. at 388, 28 P.3d 780 (citing State v. Fiser, 99 Wash.App. 714, 718, 995 P.2d 107, review denied, 141 Wash.2d 1023, 10 P.3d 1074 (2000)). Substantial evidence is evidence that 'would convince an unprejudiced, thinking mind of the truth of the fact to which the evidence is directed.'" State v. Gallagher, 112 Wash.App. 601, 613 (2002). "Credibility determinations are for the trier of fact and cannot be reviewed on appeal." State v. Camarillo, 115 Wash.2d 60, 71, 794 P.2d 850 (1990).

In Gallagher, an officer executed an arrest warrant for Jason Slinker at the defendant's residence. The officer and a narcotics detective observed several items that indicated methamphetamine was being manufactured in Mr. Slinker's bedroom. There was a strong, solvent-type odor in the home. The defendant's fingerprints were found on a can of denatured alcohol from Slinker's room and on a glass vinegar jar from the bathroom adjacent to the master bedroom. The defendant was charged as an accomplice to Mr. Slinker's unlawful manufacture of methamphetamine. 112 Wash.App. at 606-607. Mr. Slinker pled guilty to manufacturing methamphetamine prior to the defendant's trial and testified on behalf of the defendant at the defendant's trial. Mr. Slinker testified that he was the primary actor and that the defendant was not aware and did not assist him in manufacturing methamphetamine. The jury found the defendant guilty as an accomplice of manufacturing methamphetamine. Id. at 607 and 614. In upholding the defendant's conviction, the court noted that there was both direct and circumstantial evidence of the defendant's complicity. "All this evidence supports the jury's conclusion that [the defendant] was involved in the process of manufacturing methamphetamine, either personally, or knowingly giving aid or assistance to Slinker. There was substantial evidence for a jury to find [the defendant] guilty as an accomplice." Id. at 614.

In State v. Collins, 76 Wash.App. 496 (1995), the police served a warrant at an apartment leased to Marcia Early and found the defendant, Larry Collins, seated at a coffee table on which crack pipes and cocaine were located. In the apartment, the police found personal belongings of the defendant and answered four to five telephone calls asking for Larry. Two of the telephone calls made references to what the police believed to be drug transactions. The telephone calls were admitted at trial as circumstantial evidence tending to show the defendant's dominion and control over the apartment. Id. at 497-498. In Collins, the court noted that "to be guilty as an accomplice, the defendant must do more than be present with knowledge of the criminal activity." Id. at 502. "[The defendant's] presence in the apartment, therefore, is not enough. However, [the defendant's] involvement was greater than that. The statements of the callers tended to show that [the defendant] was involved with drug trafficking. [The defendant] also admitted at trial that he had told his friend Bliss that he could buy drugs at the apartment, and was present when Bliss called, asking for [the defendant], and then came to the apartment. The jury could reasonably believe, due to the callers' statements and [the defendant's] presence, knowledge, and active involvement, that [the defendant] had agreed to aid the possessor in the delivery of a controlled substance." Id. at 502.

In State v. Rangel-Reyes, 119 Wash.App. 494 (2003), a police informant met Jose Garcia to buy some cocaine. Mr. Garcia mentioned that his brother in law was going to do the hookup and would appear in a red extended cab pickup. Within a few minutes, the defendant drove to the scene in a silver car and Mr. Garcia got into the defendant's car and both talked about prices and how much drugs the informant could get. The defendant was a friend of Mr. Garcia's brother in law and lives at the same residence with Mr. Garcia's brother in law. Mr. Garcia then emerged from the car and told the informant to go to Garibaldi's restaurant to complete the drug transaction. The defendant proceeded to drop Mr. Garcia off at Centennial Park and drove back to his residence. Several minutes later, the defendant returned to pick Mr. Garcia up from the park, dropped Mr. Garcia off at the restaurant, and left the scene. Mr. Garcia sold the drugs to the informant. Id. at 496-498. In Rangel-Reyes, the court found the defendant guilty as an accomplice to the drug sale and stated that "although there was no direct evidence that [the defendant] knowingly facilitated the drug transaction, the circumstantial evidence was substantial. Before meeting [the defendant], Mr. Garcia was unable to give [the informant] a price for the cocaine. But after speaking privately with [the defendant], Mr. Garcia was able to give both the price and the amount of the proposed sale. Mr. Garcia and [the defendant] left, and Mr.

Garcia waited alone at a nearby park while [the defendant] drove away. A few minutes later, [the defendant] picked up Mr. Garcia and drove him to Garibaldi's restaurant, where the sale was made. A reasonable inference from this evidence is that [the defendant] was Mr. Garcia's cocaine supplier, and that [the defendant] knowingly facilitated the transaction." Id. at 500.

Like the defendants in Gallagher, in Collins, and in Rangel-Reyes, the appellant was an accomplice to Darren Lafever's crimes and the jury correctly found him guilty of those crimes. Admitting the truth of the State's evidence, viewing the evidence in the light most favorable to the State, and drawing all reasonable inferences in favor of the State and most strongly against the appellant, the evidence established beyond a reasonable doubt that the appellant was an accomplice to Darren Lafever's crimes of criminal impersonation in the first degree and forgery.

When Darren Lafever reported to start the appellant's work crew on February 16, 2008, and did nine of the appellant's ten work crew days on the weekends, it is reasonable infer that the appellant or another person had informed Darren Lafever of the appellant's work crew schedule. Darren Lafever's actions exhibited an intimate knowledge of the appellant's work crew schedule. Not only did Darren Lafever report on

the correct start date, but he also followed the appellant's weekend work crew schedule.

The appellant's complicity is implicated by the fact that the appellant never appeared to start his work crew, never appeared to do any of his work crew days, never informed Offender Services of his complete absence from the work crew program, and attempted to take credit for Darren Lafever's work on the work crew. On February 4, 2008, Judge Koss ordered the appellant to ten days work crew. On the same day, the appellant contacted Offender Services to set up his work crew, paid his work crew fees, arranged his work crew schedule, and was advised of the risk of going to jail for unexcused absences from work crew. Work crew is preferable to jail because the appellant can live his normal life, stay out of jail, receive one day credit towards a jail sentence for eight hours of work, and schedule the work crew to fit his life. It is reasonable to infer from the appellant's prompt actions of signing up for work crew that he preferred to do work crew rather than go to jail.

Therefore, it is reasonable to expect the appellant to report for his work crew on February 16, 2008, and do his work crew on the weekends. Had the appellant not been an accomplice to Darren Lafever's plan to do his work crew, it is reasonable to expect that both Darren Lafever and the appellant would have appeared together at some point, if not on the

starting date, to sign in and do the appellant's work crew. The appellant's complete absence from work crew and failure to notify Offender Services of his absence are indicative of his knowledge and active participation in having Darren Lafever do his work crew.

The appellant's collusion with Darren Lafever is substantiated by his intimate knowledge of Darren Lafever's actions. On April 13, 2008, Deputy Johnson confronted the appellant about not doing his own work crew and he indicated that he had done his own work crew. On June 11, 2008, the appellant through his attorney, Jim Morgan, proffered to Judge Koss that he did his own work crew. The appellant indicated that he completed nine of the ten work crew days and had attempted to do the tenth day, but Offender Services did not allow him to finish his work crew because he did not have his ID on the tenth day. It is reasonable to infer that the appellant knew Darren Lafever did his work crew because his statement to Judge Koss accurately reflected the events that transpired with Darren Lafever.

The appellant's attempts to take credit for Darren Lafever's work with Deputy Johnson and Judge Koss illustrate his active involvement in having Darren Lafever do his work crew. The appellant knew that in order for Darren Lafever to do his work crew, Darren Lafever would have to impersonate the appellant and falsely sign the appellant's signature to

the appellant's work crew sign-in sheet. The appellant never appeared to do his work crew and never informed Offender Services of his absence because he knew Darren Lafever did his work crew. The appellant's attempts to take credit for Darren Lafever's work show his active participation in having Darren Lafever do his work crew. Only the appellant stood to benefit from the arrangement and it is the only reasonable explanation for why he never appeared to do his work crew in light of his desire to do work crew to avoid going to jail.

Furthermore, the appellant's statement to Judge Koss rebutted his claim of innocence. At trial, the appellant testified that he only signed up for work crew to buy time to work the busy two month work period and after the busy work period, he would then report to do his time in jail. If that was his plan, then it is reasonable to expect that on June 11, 2008, he would have told Judge Koss that he failed to do his work crew and was ready to serve his jail sentence because June 11, 2008, was almost four months from when he first signed up for work crew. Instead, he tried to take credit for the work crew done by Darren Lafever and falsely put himself off as the person who did the work crew. Therefore, the jury correctly found him not credible and correctly found him guilty as an accomplice to Darren Lafever's crimes of criminal impersonation in the first degree and forgery.

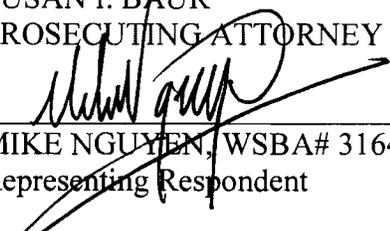
V. CONCLUSION

The appellant's convictions for criminal impersonation in the first degree and forgery should be affirmed because there is sufficient evidence to prove he was an accomplice to Darren Lafever's crimes of criminal impersonation in the first degree and forgery.

Respectively submitted this 19 day of October, 2010.

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MIKE NGUYEN, WSBA# 31641
Representing Respondent

**COURT OF APPEALS, STATE OF WASHINGTON
DIVISION II**

STATE OF WASHINGTON,)	NO. 40418-4-II
)	Cowlitz County No.
Respondent,)	09-1-00220-4
)	
vs.)	CERTIFICATE OF
)	MAILING
DANNY JAMES LAFEVER,)	
)	
Appellant.)	
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COURT OF APPEALS
DIVISION II
OCT 20 2010

I, Michelle Sasser, certify and declare:

That on the 20th day of October, 2010, I deposited in the mails of the United States Postal Service, first class mail, a properly stamped and address envelope, containing Brief of Respondent addressed to the following parties:

Court of Appeals
950 Broadway, Suite 300
Tacoma, WA 98402

John Hays
Attorney at Law
1402 Broadway
Longview, WA 98632

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

Dated this 20th day of October, 2010.



Michelle M. Sasser