

NO. 44525-5-II

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

vs.

ROBIN LAVIN,

Appellant.

STATE'S RESPONSE TO APPELLANT'S BRIEF

DAVID J. BURKE
Prosecuting Attorney
Pacific County, Washington

Office Address:

300 Memorial Avenue
PO Box 45
South Bend, WA 98586

Telephone: (360) 875-9361

TABLE OF CONTENTS

TABLE OF CONTENTS.....i

TABLE OF AUTHORITIESii

**STATE’S RESPONSE TO APPELLANT’S ASSIGNMENTS
OF ERROR1**

**STATE’S RESPONSE TO APPELLANT’S ISSUES
PERTAINING TO ASSIGNMENTS OF ERROR
.....1**

**STATEMENT OF THE CASE
..... 2**

ARGUMENT.....5

CONCLUSION.....17

TABLE OF AUTHORITIES

FEDERAL CASES

Carey v. Musladin, 549 U.S. 70, 127 S.Ct. 649, 166 L.Ed.2d 482
(2006).....14

Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct. 2052,
80 L.Ed.2d 674 (1984).....14

WASHINGTON STATE CASES

Jones v. Hogan, 56 Wash.2d. 23, 351 P.2d 153
(1960).....11

State v. Atkinson, 19 Wash.App. 107, 575 P.2d 240
(1978).....11

State v. Belgarde, 110 Wash.2d. 504, 755 P.2d 174
(1988).....13

State v. Bencivenga, 137 Wash.2d 703, 974 P.2d 832
(1999).....5

State v. Brown, 132 Wash.2d 529, 940 P.3d 546
(1997).....10

State v. Clafin, 38 Wash.2d. 847, 690 P.2d 1186
(1984).....13

State v. Delmarter, 94 Wash.2d 634, 618 P.2d 99
(1980).....5

State v. Finch, 137 Wash.2d 792, 975 P.2d 967
(1999).....10

State v. Fleming, 75 Wash.App. 270, 877 P.2d 243
(1994).....17

<u>State v. Grier</u> , 171 Wash.2d 17, 246 P.3d 1260 (2011).....	14, 15
<u>State v. Hatch</u> , 4 Wash. App. 691, 694, 483 P. 2d 864 (1971).....	7, 9
<u>State v. Hendrickson</u> , 129 Wash.2d 61, 917 P. 2d 563 (1996).....	14
<u>State v. Johnston</u> , 143 Wash.App. 1, 177 P.3d 1127 (2007).....	15
<u>State v. Kinneman</u> , 155 Wash.2d. 272, 119 P.3d 350 (2005).....	17
<u>State v. Madison</u> , 53 Wash.App. 754, 770 P.2d 662 (1989).....	15
<u>State v. Pirtle</u> , 127 Wash.2d. 628, 904 P.2d 245 (1995).....	10
<u>State v. Reed</u> , 102 Wash.2d 140, 684 P.2d 699 (1984).....	13
<u>State v. Reichenbach</u> , 153 Wash.2d 126, 101 P.3d 80 (2004).....	15
<u>State v. Russell</u> , 125 Wash.2d 24, 882 P.2d 747 (1994).....	10, 11
<u>State v. Salinas</u> , 119 Wash.2d 192, 829 P.2d 1068 (1992).....	5
<u>State v. Swan</u> , 114 Wash.2d. 613, 790 P.2d 610 (1990).....	10, 11
<u>State v. Walton</u> , 64 Wash.App. 410, 824 P.2d 533 (1992).....	5

WASHINGTON STATUTES

RCW 9A.82.050.....2

RCW 9A.82.055.....2

A.
**STATE'S RESPONSE TO APPELLANT'S
ASSIGNMENTS OF ERROR**

1. There was sufficient evidence to support Mr. Lavin's conviction for trafficking in stolen property in the second degree.
2. The deputy prosecutor did not commit misconduct in closing argument.
3. Mr. Lavin was not denied effective representation when trial counsel choose not to object to potential hearsay that a hoe pack was stolen.

**STATE'S RESPONSE TO APPELLANT'S SUPPLEMENTAL
ASSIGNMENTS OF ERROR**

The report of proceedings does not contain any information that ties Mr. Lavin to a stolen level laser, a cut-off saw, and a generator. Without a sufficient nexus between Mr. Lavin and these items, the trial court did not have authority to order restitution.

B.
**STATE'S RESPONSE TO APPELLANT'S ISSUES
PERTAINING TO ASSIGNMENTS OF ERROR**

1. Trafficking in stolen property in the second degree requires evidence that the trafficker of stolen property acted recklessly as to whether the property was stolen. The Appellant incorrectly asserts that the trafficker must know that the property was stolen.
2. Assuming arguendo that the deputy prosecutor made statements in closing argument that were not supported by the evidence admitted at trial, the argument was not so flagrant and ill-intentioned that any resulting prejudice could not have been cured by a limiting instruction. Further, because defense counsel did not object to the deputy prosecutor's argument, reversible error did not occur.

3. Defense counsel was not ineffective in not objecting to a question pertaining to stolen property. The response to the question was not the only evidence that the property was stolen. A key witness testified that he had personal knowledge of the stolen property. Therefore, the purported hearsay was not significant in determining the outcome of the trial.

**STATE'S RESPONSE TO APPELLANT'S ISSUES
PERTAINING TO SUPPLEMENTAL ASSIGNMENTS OF ERROR**

The trial court did not have authority to order restitution for a level laser, a cut-off saw and a generator. Therefore, the restitution order of \$3,300 should be vacated.

**C.
STATEMENT OF THE CASE**

Mr. Robin Lavin, the defendant, was charged by information with one count trafficking in stolen property in the second degree. CP 1-5. Trafficking in stolen property in the second degree is distinguished from trafficking in stolen property in the first degree by the required mens rea. For trafficking in the first degree, the State must prove that the defendant was knowingly trafficking in stolen property. RCW 9A.82.050. By contrast, trafficking in the second degree requires only a showing of recklessness as to the trafficking. RCW 9A.82.055.

On October 16, 2011 a hoe pack and several other items were stolen from Roglin's Inc. in Pacific County. RP 52. Before dawn on

October 16, 2011, Gary Habersetzer who lived next to the the Rognlin's Construction Company heard a "very loud, rambunctious, crash, bang, [and] boom" that was totally out of the ordinary. RP 52. Mr. Habersetzer observed a pickup truck with its headlights on. The light from the pickup truck provided illumination for two or three people who were accessing the cargo container. RP 53, 55. Mr. Habersetzer stated that the individuals ripped the door off the container. RP 53, 57. Officer Verboomen with the Raymond Police Department was called out at approximately 6:30 am that same morning. RP 59-60. When he arrived, it was apparent that a back hoe had been moved around and that it or some other heavy equipment had been used to rip the door off a Conex box (cargo container) on the property. RP 60. Kirk Hollatz, the project manager at Rognlin's, determined that during the month of October some Rognlin's items were stolen. His crew reported that a laser, a hoe pack, and a cut-off saw had been stolen. RP 28, 31.

During the month of October, the defendant, Mr. Lavin, approached Daniel Bayne and sold him the hoe pack and attempted to sell him a generator. RP 41. Mr. Bayne indicated that Mr. Lavin claimed that he had gotten the items from a friend whose father had died. RP 41.

Kirk Hollatz noted that the hoe pack apparently stolen on the 16th of October was recovered by David Frasier. RP 28 - 29. Mr. Frasier

worked for Rognlin's in October 2011. Around that time, Mr. Frasier heard that Dan Bayne had a hoe pack for sale. RP 34. Kirk Hollatz had Mr. Fraiser investigate this matter. Mr. Frasier contacted Mr. Bayne. Mr. Frasier looked over the hoe pack, and a decision was made to transport the hoe pack to Rognlin's. RP 34.

The hoe pack was examined at Rognlin's. The name and address of Rognlin's was stamped on the hoe pack. The stamp was approximately 10 x 12 inches. RP 35, 37. Mr. Frasier recognized the Rognlin's stencil on the hoe pack and realized that the hoe pack belonged to Rognlin's. RP 35.

Mr. Lavin did not testify at trial and presented no defense witnesses. RP 74.

Mr. Lavin was convicted of trafficking in stolen property in the second degree. Mr. Lavin subsequently was ordered to pay \$3,300 in restitution for losses involving a level laser, a cut-off saw, and a generator. These items were not directly related to the crime for which Mr. Lavin was convicted.

Mr. Lavin timely appealed his conviction and the restitution order.

**D.
ARGUMENT**

**I. THERE WAS SUFFICIENT EVIDENCE TO PROVE THAT
MR. LAVIN RECKLESSLY TRAFFICKED IN STOLEN
PROPERTY.**

A. Standard of review.

Evidence is sufficient to support a conviction if, after viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. State v. Salinas, 119 Wash.2d 192, 201, 829 P.2d 1068 (1992). A claim of insufficiency admits the truth of the State's evidence and all reasonable inferences that a trier of fact can draw from that evidence. Id. Circumstantial evidence and direct evidence are equally reliable. State v. Delmarter, 94 Wash.2d 634, 638, 618 P.2d 99 (1980). The trier of fact is the sole and exclusive judge of the evidence. State v. Bencivenga, 137 Wash.2d 703, 709, 974 P.2d 832 (1999). Appellate courts defer to the trier of fact who must resolve conflicting testimony, evaluate witness credibility, and make decisions regarding the persuasiveness of evidence. State v. Walton, 64 Wash.App. 410, 415–16, 824 P.2d 533 (1992).

B. Mr. Lavin did recklessly traffic in stolen property.

In order to affirm the verdict of the jury, there must be sufficient evidence when viewed in a light most favorable to the State that a reasonable trier of fact could find each of the following elements beyond a reasonable doubt:

(1) That on about October 27, 2011, the defendant recklessly trafficked in stolen property; and

(2) That the acts occurred in the State of Washington.

Supp. DCP, Court's Instructions to the Jury, Instruction 11.

Recklessness is defined as:

A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that a wrongful act may occur and this disregard is a gross deviation from conduct that a reasonable person would exercise in the same situation.

When recklessness as to a particular result or fact is required to establish an element of a crime, the element is also established if a person acts intentionally as to that result or knowingly as to that fact.

Supp DCP, Court's Instructions to the Jury, Instruction 6.

The Appellant assigns error to only the element of recklessness in the trafficking of stolen property. Appellant's Brief at 10. This has the effect of conceding remaining elements, i.e., that the trafficking occurred, that the trafficking was of stolen property, that it occurred on or about October 27, 2011, and that it occurred in the State of Washington. "The issue is whether there was sufficient proof that Mr. Lavin acted knowingly

or intentionally – or that he disregarded a substantial risk that a wrongful act might occur – in possessing and selling what in reality was a stolen hoe pack.” Appellant’s Brief at 10.

The Appellant claims that the case against him fails to “provide even the ‘slight corroborative evidence of other inculpatory circumstances tending to show ... guilt.’” State v. Hatch, 4 Wash. App. 691, 694, 483 P. 2d 864 (1971). The full quote found in State v. Hatch reads as follows:

Possession of recently stolen property and a dubious account concerning its acquisition is sufficient to present a question of fact and to meet the ‘beyond a reasonable doubt’ test of criminal evidence.

When a person is found in possession of recently stolen property, slight corroborative evidence of other inculpatory circumstances tending to show his guilt will support a conviction. When the fact of possession of recently stolen property is supplemented by the giving of a false or improbable explanation of it, . . . a case is made for the jury.

Hatch, 4 Wash.App. at 694.

In Hatch the defendant claimed to have purchased the stolen “shakes” (cedar planks) from someone whose name he could not remember. In our case, Mr. Lavin’s claim that he was attempting to sell the recently stolen property for an unnamed friend’s deceased father is likewise suspect under a “reasonable man” standard because it cannot be checked or rebutted. Id.

Standing alone, Mr. Lavin's possession of recently stolen property along with his suspect explanation is legally sufficient to have the case proceed and to sustain a guilty verdict on appeal. However, in this case there is additional evidence which is inculpatory, i.e., the property in question had a 10 x 12 inch stencil indicating that it belonged to Roglin's.

The Appellant argues that "[n]othing precludes the hoe pack from being stolen on October 1 and sold to Mr. Bayne on October 31." Appellant's Brief at 13. Judging from a light most favorable to the State, the jury could conclude that the hoe pack was stolen when the Conex container's door was ripped off on October 16, 2011. The jury could also reasonably conclude that since the hoe pack was recovered in October, Mr. Bayne must have purchased it from Mr. Lavin some time prior to the end of the month. A jury reasonably could reject the theory that Mr. Lavin acquired the hoe pack from an unnamed father of a friend or that the friend lied about the ownership of the hoe pack. In either case, the Roglin's stencil would cause a reasonable person to inquire further about the ownership of the hoe pack. Consequently, when the facts are viewed in a light most favorable to the State, the jury reasonably could have concluded that Mr. Lavin recklessly trafficked in stolen property.

In short, the Appellant's argument is a house of cards. Even if there were sufficient time for Mr. Lavin's unnamed friend's father to

acquire the stolen hoe pack, die, have his family sell off his belongings, and have Mr. Lavin unwittingly acquire the stolen hoe pack, this explanation requires one to embrace credulity. Thus, when the facts are viewed in a light most favorable to the State, the Appellant's theory of the case falls flat on its face. Similarly, the Appellant's alternative theory that Mr. Lavin's unnamed friend lied about having a father die¹ is likewise suspect because this explanation for possession of the recently stolen property "cannot be checked or rebutted." Hatch, 4 Wash.App. at 694.

Based on the foregoing analysis, the record contains sufficient evidence to support Mr. Lavin's conviction for trafficking in the second degree.

II. ASSUMING ARGUENDO THAT THE DEPUTY PROSECUTOR'S CLOSING ARGUMENT INCLUDED STATEMENTS THAT WERE NOT ADMITTED INTO EVIDENCE, THE ARGUMENT WAS NOT SO FLAGRANT AND ILL-INTENTIONED THAT THE RESULTING PREJUDICE COULD NOT HAVE BEEN CURED BY A LIMITING INSTRUCTION.

A. An allegation of prosecutorial misconduct must meet specific legal tests.

¹ The Appellant's claim (Appellant's Brief at 13) that Pacific County law enforcement could have looked into whether a contractor in the local or surrounding communities had died and the family was disposing of his property is undercut by this alternate theory.

A defendant who claims improper conduct on the part of the State's attorney must establish that the prosecutor's remarks were both improper and prejudicial. State v. Finch, 137 Wash.2d 792, 839, 975 P.2d 967 (1999). Any allegedly improper statements must be viewed in the context of the State's entire argument, the issues in the case, the evidence discussed in the argument, and the jury instructions. State v. Brown, 132 Wash.2d 529, 561, 940 P.3d 546 (1997). Where trial counsel does not object, the claim of error is waived unless the statement is "so flagrant and ill-intentioned that it causes an enduring and resulting prejudice that could not have been neutralized by a curative instruction to the jury." Id. At 561. Prejudice on the part of the State's attorney is established only when "there is a substantial likelihood the instances of misconduct affected the jury's verdict." State v. Pirtle, 127 Wash.2d. 628, 672, 904 P.2d 245 (1995). If the prejudice could have been cured by a jury instruction, but the defense did not request one, reversal is not required. State v. Russell, 125 Wash.2d 24, 85, 882 P.2d 747 (1994). The absence of a contemporaneous objection strongly suggests that the argument did not appear critically prejudicial to the defendant in the context of the trial. State v. Swan, 114 Wash.2d. 613, 661, 790 P.2d 610 (1990).

B. The closing argument of the deputy prosecutor was not flagrant or ill-intentioned; therefore, the verdict of the jury should not be reversed.

In this case, the deputy prosecutor did not make comments during closing argument that were so flagrant and ill-intentional that they could not be neutralized by a curative instruction. The allegations of prosecutorial misconduct discussed by Mr. Lavin at 16-22 of Appellant's Brief were not objected to by Mr. Lavin's trial counsel. In order for a reviewing court to consider alleged misconduct during the State's closing argument, a defendant ordinarily must ask for a mistrial or request a curative instruction. Swan, 114 Wash.2d. at 661.

Thus, much of Mr. Lavin's argument fails at the outset because Mr. Lavin's trial counsel did not preserve the issues that are being argued on appeal. As noted in Swan, "[c]ounsel may not remain silent, speculating upon a favorable verdict, and then, when it is adverse, use the claimed misconduct as a life preserver on a motion for a new trial or on appeal." Id., citing Jones v. Hogan, 56 Wash.2d. 23, 27, 351 P.2d 153 (1960) and State v. Atkinson, 19 Wash.App. 107, 111, 575 P.2d 240 (1978). If the defense had lodged a timely objection, any purported prejudice could have been rectified. Juries are presumed to follow court instructions that tell them to disregard improper evidence. Russell, 125 Wash.2d.at 84.

The Appellant now argues that the deputy prosecutor misstated the facts in arguing that a “laser level, a Honda generator, and a Teledyne Hoe Pack were stolen from the Roglin’s Conex container on October 16, 2011.” Appellant’s Brief at 17. The State concedes that the testimony at trial only concerned the hoe pack. Also, the Appellant chides the State for saying that Mr. Lavin got the hoe pack from an estate sale. Appellant’s Brief at 18. Finally, the Appellant argues that the deputy prosecutor should not have said that Mr. Lavin had the hoe pack for less than a week or that Roglin’s property stamp could be easily seen. Appellant’s Brief at 19.

Each of the examples cited by the Appellant is not so flagrant and ill-intentioned as to merit reversal. The deputy prosecutor made a reasonable inference that the hoe pack was stolen during the event that transpired on October 16, 2011. If the theft actually occurred on October 16, then it follows that Mr. Lavin only had the hoe pack for a short period of time. Similarly, the deputy prosecutor reasonably could infer that the Roglin’s stamp on the hoe pack could be easily seen because it was approximately 10 by 12 inches. Lastly, the deputy prosecutor’s reference to an estate sale goes beyond the exact testimony at trial, but this characterization is not germane to any issues of significance. While the State concedes that the deputy prosecutor

could have been more precise in the language that he used during closing argument, the purported misstatements could have been rectified by a curative instruction.

Because Mr. Lavin did not object to the State's closing argument at trial, he cannot prevail unless he can show that the comments were aimed at appealing to the passions and prejudices of the jury. The behavior of the deputy prosecutor in this case is qualitatively different from the actions of the prosecutor in State v. Belgarde, 110 Wash.2d 504, 755 P.2d 174 (1988); and State v. Reed, 102 Wash.2d 140, 684, P.2d 699 (1984); and State v. Claflin, 38 Wash.2d 847, 690 P.2d 1186 (1984). In these cases, the prosecutors went out of their way to excoriate the defense based on matters that were not adduced at trial. In the present case, while the deputy prosecutor inadvertent characterizations were somewhat problematic, they did not create a cloud of prejudice that tainted the fundamental fairness of the trial. Because the Appellant cannot show that a curative instruction would have been ineffectual, the verdict of the jury should not be reversed.

III. DEFENSE COUNSEL'S DECISION NOT TO OBJECT TO THE HEARSAY TESTIMONY ABOUT THE THEFT OF THE HOE PACK DID NOT CONSTITUTE INEFFECTIVE ASSISTANCE OF COUNSEL.

A. Standard of review for claims involving ineffective assistance of counsel.

To prevail on an ineffective assistance of counsel claim, the Appellant must show both that (1) defense counsel's representation was deficient and (2) the deficient representation prejudiced the defendant. Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); State v. Grier, 171 Wash.2d 17, 32–33, 246 P.3d 1260 (2011). The failure to show either element ends the inquiry. State v. Hendrickson, 129 Wash.2d 61, 78, 917 P.2d 563 (1996), overruled on other grounds by Carey v. Musladin, 549 U.S. 70, 127 S.Ct. 649, 166 L.Ed.2d 482 (2006). Representation is deficient if, after considering all the circumstances, it falls below an objective standard of reasonableness. Grier, 171 Wash.2d at 33. Prejudice exists if there is a reasonable probability that except for counsel's errors, the result of the proceeding would have been different. Id. at 34.

Courts give great deference to trial counsel's performance and begin their analysis with a strong presumption that counsel's performance was reasonable. Id. at 33. A claim that trial counsel was ineffective does not survive if trial counsel's conduct can be characterized as legitimate trial strategy or tactics. Id. to rebut the strong presumption that counsel's performance was effective, “the defendant bears the burden of establishing

the absence of any ‘conceivable legitimate tactic explaining counsel’s performance.’ “ Id. at 42, (quoting State v. Reichenbach, 153 Wash.2d 126, 130, 101 P.3d 80 (2004)).

“The decision of when or whether to object is a classic example of trial tactics.” State v. Madison, 53 Wash.App. 754, 763, 770 P.2d 662 (1989). Therefore, it is presumed that “the failure to object was the product of legitimate trial strategy or tactics, and the onus is on the defendant to rebut this presumption.” State v. Johnston, 143 Wash.App. 1, 20, 177 P.3d 1127 (2007). “Only in egregious circumstances, on testimony central to the State’s case, will the failure to object constitute incompetence of counsel justifying reversal.” Madison, 53 Wash.App. at 763. In order to show that defense counsel was ineffective for failing to make a particular objection, the defendant must show that (1) failure to object fell below an objective standard of reasonableness, (2) the proposed objection would likely have been sustained, and (3) the result of the trial would have differed had the objection been made. Grier, 171 Wash.2d at 33.

B. The Appellant’s claim of ineffective assistance of counsel has no merit.

The Appellant claims that “[t]he only evidence admitted at trial that the hoe pack was stolen was the hearsay testimony of Mr. Hollatz.”

Appellant's Brief at 22. This assertion is not true. Mr. Hollatz also testified from personal knowledge that the stolen hoe pack was recovered by David Frasier, an employee of Rognlin's. RP 29. Mr. Frasier testified that he was sent to find out if the hoe pack Mr. Bayne was selling was the one that had been stolen from the company. RP 34. Mr. Frasier confirmed that the hoe pack recovered was in fact a Rognlin's hoe pack based on the stenciling that he observed. RP 35.

Given this additional evidence that the hoe pack was stolen, the Appellant has failed to prove that the result of the trial would have been different if a proper objection had been raised by defense counsel. Additionally, the Appellant has failed to prove that there was not a conceivable trial tactic in choosing to not object. Mr. Hollatz testified that he was responsible for investigating when an item was stolen and for preparing a report for the police. Hence, Mr. Hollatz would be aware of any missing stolen equipment. RP 31. Given Mr. Hollatz' knowledge, defense counsel reasonably could have chosen not to object in order to move the trial along and not risk the possibility of having the jury hear this testimony in a more direct and damaging manner.

To summarize, the Appellant cannot prevail under the Strickland standard. His ineffective assistance of counsel argument should be rejected.

IV. THE TRIAL COURT ERRED IN ORDERING MR. LAVIN TO PAY RESTITUTION FOR A LEVEL LASER, A CUT-OFF SAW, AND A GENERATOR.

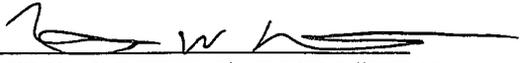
In general, a defendant may be required to pay restitution only for losses or damage that resulted from the precise crime charged. State v. Fleming, 75 Wash.App. 270, 277, 877 P.2d 243 (1994). In this case, Mr. Lavin was convicted of trafficking in stolen property in the second degree. The offense pertained to a hoe pack. The restitution order covered losses pertaining to a level laser, a cut-off saw, and a generator that were not part of the crime for which Mr. Lavin was convicted. Restitution is allowed only for losses that are causally connected to a crime and may not be imposed for a general scheme or for acts connected with the crime charged. State v. Kinneman, 155 Wash.2d. 272, 286, 119 P.3d 350 (2005). Because there was not a causal connection between Mr. Lavin's crime and the items covered under the restitution order, the trial court exceeded its authority in ordering restitution. The restitution order of \$3,300 which pertained to a level laser, a cut-off saw, and a generator should be vacated.

**E.
CONCLUSION**

For the foregoing reasons discussed above, Mr. Lavin's conviction should be upheld. The restitution order for \$3,300 should be vacated.

Respectfully submitted this 20th day of December, 2013.

DAVID J. BURKE
PACIFIC COUNTY PROSECUTOR

By. 
BRENT W. BOTTOMS, WSBA#36263
Senior Deputy Prosecuting Attorney
Pacific County, Washington

PACIFIC COUNTY PROSECUTOR

December 20, 2013 - 1:18 PM

Transmittal Letter

Document Uploaded: 445255-Respondent's Brief.pdf

Case Name: State of Washington v. Robin Lavin

Court of Appeals Case Number: 44525-5

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: Respondent's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Bonnie Walker - Email: **bwalker@co.pacific.wa.us**

A copy of this document has been emailed to the following addresses:
lisa.tabbut@comcast.net



Pacific County
PROSECUTING ATTORNEY

David Burke, Prosecutor

December 20, 2013

David Ponzoha, Clerk
Court of Appeals, Division II
950 Broadway, Suite 300
Tacoma, WA 98402-4454

**Re: Court of Appeals Case No. 44525-5-II
State v. Robin Lavin Pacific County Cause No. 12-1-00029-6**

Dear Mr. Ponzoha:

Enclosed please find State's Reply Brief with attached Certificate of Service, which are being electronically filed with your court today in the above-referenced matter.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Bonnie Walker
Paralegal

Enclosures

cc: Lisa Tabbut, Attorney