

NO. 44801-7-II

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

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STATE OF WASHINGTON,

Respondent,

v.

SEAN FORSMAN,

Appellant.

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

The Honorable Jerry Costello, Judge

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BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. The trial court abused its discretion in denying Forsman's motions to compel the State to disclose the identity of the confidential informant used in the three controlled buys.

2. The trial court abused its discretion in denying Forsman's requests for an in camera hearing on the question of whether disclosure of the informant's identity was required.

3. Forsman's right to a fair trial was violated by the trial court's erroneous denial of his motions to compel the disclosure of the confidential informant's identity.

Issues Pertaining to Assignments of Error

1. Whether the trial court abused its discretion and violated Forsman's right to a fair trial when it denied Forsman's motions to compel the disclosure of the identity of the confidential informant where that informant was an essential witness to all three transactions and disclosure could have been relevant and helpful to the defense.

2. Whether the trial court abused its discretion by denying his request for an in camera hearing before ruling on the motion for disclosure.

B. STATEMENT OF THE CASE

This case began when an unnamed confidential informant (CI) approached Lakewood police officer Jeffrey Martin and offered to set up drug buys targeting Sean Forsman in return for being paid \$100. 2RP 253, 279, 301. Ultimately, the same CI was used to conduct three controlled buys with Forsman, which led to these charges. 1RP 144.

Forsman was initially charged with one count of unlawful delivery of a controlled substance, to wit: Cocaine. CP 1. The charges were later amended to add two more counts of unlawful delivery, and adding school zone enhancements for counts II and III. CP 111-112, 1RP 51.

The defense moved repeatedly pre-trial and during trial for an order compelling the State to disclose the identity of the confidential informant. CP 19, 24-30, 103-7; 1RP 26. The trial court denied these motions. 2/11/13 RP 103; 1RP 28, 30. The court also denied Forsman's pre-trial request for an in camera hearing on whether the CI's identity should be disclosed. CP 106-7; 1RP 28, 30.

Forsman also moved to suppress his alleged statements to police when he was questioned during the search of his apartment,

arguing that the statements were coerced. CP 31-35, 67-80. Forsman argued that the police officer questioning him threatened him with jail time if he did not confess and promised that anything he said would not later be used against him. CP 75-76. Officer Martin testified at the suppression hearing that Forsman understood and waived his rights before speaking with him. 2/11/13 RP 15, 17. The court found that Forsman was not coerced, and that he knowingly, voluntarily and intelligently waived his rights to talk with Officer Martin, denying the motion to suppress. CP 99-100, 2/11/13 RP 83-84.

The jury trial commenced on March 26, 2011. 1RP.

Officer Martin testified that the same CI was used in all three controlled buys. 1RP 144. She was female and had worked as a "mercenary" CI since 2006. 1RP 144, 146. According to Martin, he had paid this CI to complete over 24 controlled buys for him. 1RP 146. Martin told the jury that the State had decided not to call the CI as a witness in this case "for her safety," and because if her identity were disclosed, she could not do further work as a CI. 1RP 148.

On December 14, 2011, the CI set up a meeting with Forsman at an open retail market. 1RP 165. Officer Martin

testified that he always searched the CI and her vehicle before going to the meeting location. 1RP 154-55. The CI was given \$250 in marked money. 1RP 172. The officers saw Forsman arrive as a passenger in a Crown Victoria, park next to the CI's car, and get into the passenger side of the CI's car. 1RP 168-69. The officers could see the CI and Forsman from the head up. 1RP 169. They did not see drugs or money exchanged. 2RP 257, 259. One officer testified that he saw Forsman lean back as though he was reaching into his pants, but could not see below his shoulders. 2RP 312, 314. After less than a minute, Forsman got out of the vehicle and left the area. 1RP 170, 2RP 264. After this meeting, the CI turned over two baggies later found to contain 6.4 grams of crack cocaine. 1RP 75, 80, 171-72. The post-meeting search of the CI and the vehicle did not reveal any further drugs or money. 1RP 175.

The CI next approached Officer Martin after she had arranged for a second meeting with Forsman on December 27, 2011. 2RP 195. The location of this meeting was at a strip-mall parking lot. 2RP 195-96. Officer Martin testified that he searched the CI before the meeting and gave her \$250 to purchase seven grams of crack cocaine. 2RP 200. Officers followed her to the

meeting location. 2RP 200. Officer Martin saw Forsman arrive in a Yukon Denali, park near the CI, and get into the car with her. 2RP 202-203. After a minute or two, Forsman got out of the vehicle and left in his vehicle. 2RP 203-4. Again, the officers could only see from the shoulders up and did not actually see a drug transaction. 2RP 204, 2RP 273. After the meeting, the CI turned over 6.3 grams of crack. 1RP 75-6, 80; 2RP 205-6. The post-meeting search of the CI did not reveal any money or drugs. 2RP 205.

Officer Martin testified that he used a school district map of bus stops as reference and used a laser device to measure that it was 755.7 feet from the meeting location to the nearest bus stop. 2RP 247.

On February 7, 2012, the CI again called Officer Martin to say she had arranged to meet with Forsman, giving him only 30 minutes notice of the meeting. 2RP 207, 213. Martin searched the CI before the meeting, then followed her to another commercial parking lot. 2RP 208. He gave her \$125 to buy 3.5 grams of crack. 2RP 212. He saw Forsman arrive in the Denali and get in with the CI. 2RP 216-7. Forsman was inside the CI's car for around two minutes, then left in his Denali. 2RP 217. Again, the officers could only see from the chest up and could not see a hand-to-hand

transaction. 2RP 217, 274. After the meeting, the CI turned over 3.1 grams of crack and the search did not turn up any more money or drugs. 1RP 76-77, 80; 2RP 218.

A Tacoma school district official testified to two unmarked high school bus stops for buses with more than a capacity of 10 within 1,000 feet of the meeting location. 2RP 326, 328. Officer Martin testified that it was 835.1 feet from the meeting location to the nearest bus stop. 2RP 250.

Officer Martin used the three controlled buys with the CI to obtain a search warrant of Forsman's apartment and vehicle. 2RP 220. On February 14, police set up surveillance of Forsman's apartment and stopped him as he arrived home with his teenage son. 2RP 222, 2RP 274. Then, they detained Forsman in one of the bedrooms while the apartment was searched. 2RP 223.

Officer Martin testified that his goal with Forsman from the start was to turn Forsman into a confidential informant against a supplier. 2RP 221. He said that at the start of the interview, he told Forsman that this was his goal and that he had been seen delivering drugs. 2RP 225-6. Martin testified that Forsman told him he had been selling four to six ounces of crack cocaine every couple of days and that he had twelve to fifteen clients. 2RP 227.

No crack cocaine was found in the searches of Forsman's apartment and vehicle. 2RP 233. \$1,050 of cash was found in the pocket of a man's shirt in the apartment. 2RP 233. None of this cash matched the marked bills given to the CI. 2RP 272. Amanda Forsman testified that the cash was hers and that she had given it to her husband. 3RP 404.

Forsman testified that he believed the CI was his friend "Marie" because he remembered the meeting with her in December where he arrived in a Crown Victoria. 3RP 457, 462. He said that he met with Marie often and at the meeting in December, specifically, they met because she called him and asked to borrow some money. 3RP 457-458. He gave her \$20. 3RP 457. He also remembered meeting her in February to give her \$40 she said she needed to borrow. 3RP 463.

Forsman denied selling cocaine to Marie or anyone else. 3RP 459-460. Forsman also denied telling Officer Martin that he was a cocaine dealer. 3RP 475.

At the end of the trial, Forsman requested a missing witness instruction be given so he could argue to the jury that in light of the State's failure to call the CI, the jury could presume the CI would have given exculpatory testimony. 4RP 542-44. The court found

that the State had given a reasonable explanation for its decision not to call the CI and that in light of the defendant's testimony that he thought he knew who the CI was, the witness was not exclusively in the State's control, and refused to give the missing witness instruction. 4RP 547-48.

Forsman was found guilty on all three counts, including the special verdict findings. CP 164-68. He filed a pro se motion to set aside the jury verdict, arguing in part that his constitutional right to a fair trial was violated when his motion to have the CI's identity disclosed was denied. CP 169-72. The court considered and denied this motion. CP 173. Forsman's motion for reconsideration was also denied. CP 185-88; 4RP 614, 617.

At sentencing, Forsman requested an exceptional sentence downward, arguing that the multiple offense policy in this case results in a presumptive sentence that is clearly excessive. CP 189-217. The court sentenced Forsman to a standard range sentence of 90 months for each offense, concurrent, and 48 months for the school zone enhancements. CP 301. A timely notice of appeal followed. CP 309-325; 4RP 648-649.

C. ARGUMENT

1. THE TRIAL COURT ABUSED ITS DISCRETION AND VIOLATED FORSMAN'S RIGHT TO A FAIR TRIAL WHEN IT DENIED FORSMAN'S MOTION TO COMPEL THE DISCLOSURE OF THE IDENTITY OF THE CONFIDENTIAL INFORMANT WHERE THAT INFORMANT WAS AN ESSENTIAL WITNESS TO ALL THREE TRANSACTIONS AND COULD HAVE BEEN RELEVANT AND HELPFUL TO THE DEFENSE.

- a. Facts relevant to issue

Forsman first asked for the identity of the informant during discovery. CP 19. He made a formal motion to compel disclosure of the CI's identity on August 20, 2012, stating that the CI's testimony was potentially important to the defense because she was the only witness to the actual transactions (the officers did not see the exchange of drugs) and would also have relevant information about the extent of the pre-buy searches. CP 25-26. The motion stated that without being able to interview this material witness, Forsman would be hampered in preparing a defense that is based on an argument that the CI fabricated the drug exchanges. CP 26, 28.

In the first hearing on the issue, Forsman limited his request for information to the sex of the CI and her criminal history. 9/25/12 RP 13-14. This was granted by the court. 9/25/12 RP 18.

Forsman raised the motion again in pre-trial motions, moving to compel the State to disclose the informant's identity. 2/11/13 RP 99-100. The court considered the motion and denied it, also declining the defense's request to have an in camera review of whether the CI had any exculpatory information. 2/11/13 RP 103.

Forsman again moved to disclose the CI's identity on March 19, 2013, reiterating that the CI was an essential witness in that the defense was that the CI set up Forsman and that the pre-buy searches could have missed drugs she was hiding on her body. CP 103-6. Forsman also requested an in camera hearing for the judge to interview the CI to determine if the informant had information relevant or helpful to the defense. CP 106-107. This motion was considered on March 26. 1RP 19-20.

Forsman argued in the hearing that the CI was an essential witness in that she was the only witness to the actual transactions and could provide exculpatory information that would help with the defense, such as a reason she might have faked the purchases. 1RP 26. The court again denied the motion to disclose the CI's identity or to hold an in camera meeting with the CI to determine if she could provide any information that would be relevant or helpful to the defense. 1RP 28, 30.

Forsman's renewed motion to compel the disclosure of the CI's identity at the close of the State's evidence was also denied. 3RP 390.

- b. The trial court violated Forsman's right to a fair trial when the judge denied the motion to compel the State to disclose the CI's identity where the defense had made a prima facie case that the CI was a material witness that could be relevant and helpful to the defense.

The Court of Appeals reviews a trial court's decision to refuse to order disclosure of an informant's identity for abuse of discretion. State v. Harris, 91 Wn.2d 145, 152, 588 P.2d 720 (1978); State v. Petrina, 73 Wn. App. 779, 782, 871 P.2d 637 (1994). A trial court abuses its discretion when it bases the decision on untenable grounds or for untenable reasons or when its decision is manifestly unreasonable. State ex rel. Carroll v. Junker, 79 Wn.2d 12, 26, 482 P.2d 775 (1971).

In Washington, CrR 4.7(f)(2) and RCW 5.60.060(5) have codified an "informer's privilege that allows the government in certain circumstances to refuse to disclose the identity of an informant providing information of criminal violations." Harris, 91 Wn.2d at 148. CrR 4.7(f)(2) provides (in part) that:

Disclosure of an informant's identity shall not be required where the informant's identity is a

prosecution secret and a failure to disclose will not infringe upon the constitutional rights of the defendant.

“The purpose of the ‘informer’s privilege’ is to further effective law enforcement and to encourage citizens to report their knowledge of criminal activities.” Petrina, 73 Wn. App. at 783, citing Roviaro v. United States, 353 U.S. 53, 59, 77 S.Ct. 623, 1 L.Ed.2d 639 (1957).

However, the government’s privilege is not absolute — it is limited by the defendant’s constitutional right to due process and a fair trial. United States v. Raddatz, 447 U.S. 667, 679, 100 S.Ct. 2406, 2414, 65 L.Ed.2d 424 (1980); Roviaro, 353 U.S. at 60; Harris, 91 Wn.2d at 149; Petrina, 73 Wn. App. at 783. “When ‘disclosure of an informer’s identity . . . is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, the privilege must give way.’” Petrina, 73 Wn. App. at 783-84, quoting Roviaro, 353 U.S. at 60.

The defendant also has a Sixth Amendment right to compel the attendance of a witness who could materially aid his defense. State v. Smith, 101 Wn.2d 36, 41-42, 677 P.2d 100 (1984). “If a defendant establishes ‘a colorable need for the person to be summoned,’ then the person is a material witness whose identity the State must disclose to allow the defendant to compel

attendance.” Petrina, 73 Wn. App. at 784, citing Smith, 101 Wn.2d at 41-42, and State v. Casal, 103 Wn.2d 812, 816, 699 P2d 1234 (1985).

In ruling on the defense’s request for disclosure of the informant’s identity, the court must weigh “the public interest in protecting the flow of information against the individual’s right to prepare his defense.” Roviaro, 353 U.S. at 52; *accord* Harris, 91 Wn.2d at 150. The court should consider the facts of the case, such as the possible defenses and the possible significance of the informant’s testimony. Roviaro, 353 U.S. at 62; *accord* Harris, 91 Wn.2d at 150. The defendant bears the burden of overcoming the privilege by showing that his need outweighs the government’s privilege. Petrina, 73 Wn. App. at 784.

A defendant can overcome the privilege by showing that the informant is a material witness relevant and helpful to the defense, *See, e.g.,* Roviaro, 353 U.S. at 61-62; Harris, 91 Wn.2d 148; Petrina, 73 Wn. App. at 785. Citing Roviaro, the Harris court held that if the defense can establish that the informant can provide information that is either relevant and helpful to the defense or essential to a fair determination, fundamental fairness requires the disclosure of the informant’s identity. 91 Wn.2d at 149.

In this case, Forsman demonstrated a “colorable need” for the identity of the CI and an opportunity to at least interview her. The CI in this case set up all three of the meetings resulting in the charges for this case. Because the defense was denial, the informant was an essential witness that could provide information on the extent of the pre-buy search and whether that could have discovered drugs she was hiding on her body. Furthermore, the CI was the only eyewitness, other than Forsman, to these transactions and the only person who could potentially corroborate his testimony that he did not deliver drugs to her in any of the three meetings. Washington courts have held that the argument for disclosure “is most compelling” when the informant was “an eyewitness or participant in the crime.” Petrina, 73 Wn. App. at 786, see also Vazquez, 66 Wn. App. at 581.

In Roviaro, the U.S. Supreme Court addressed the same issue as the one raised here — whether the Government may withhold the identity of an informant who set up the commission of the crime and who was present at its occurrence. Roviaro was charged with the equivalent crime to unlawful delivery of a controlled substance, as well as illegally transporting heroin. Two federal agents testified that they used an informant to conduct the

buy from Roviario. They testified that they searched the informant prior to the meeting with Roviario, followed him to the meeting, and observed a meeting where Roviario entered the informant's car, directed the informant to another location, and retrieved and delivered a package to the informant that contained heroine. One agent had been in the trunk of the informant's car and could hear Roviario giving directions to retrieve the package. Roviario's repeated motions to compel the disclosure of the informant's identity were denied and Roviario was convicted. 353 U.S. at 55-56.

The Roviario court held that the trial court had erred in denying the defendant's motion to disclose the informant's identity, declaring:

The circumstances of this case demonstrate that [the informant's] possible testimony was highly relevant and might have been helpful to the defense. . . . [The informant] had helped to set up the criminal occurrence and had played a prominent part in it. His testimony might have disclosed an entrapment. He might have thrown doubt upon petitioner's identity or on the identity of the package. . . .

353 U.S. at 64. The Court noted that where the informant was the sole participant in the transaction, other than the accused, the informant is the "only witness in a position to amplify or contradict

the testimony of government witnesses.” 353 U.S. at 64. The Court stated that cross examination of police officers “was hardly a substitute for an opportunity to examine the man who . . . took part in the transaction.” 353 U.S. at 64. Ultimately, “[t]he desirability of calling [the informant] as a witness, or at least interviewing him in preparation for trial, was a matter for the accused rather than the Government to decide.” Roviaro, 353 U.S. at 64. The Court held that under these circumstances, the trial court committed prejudicial error in failing to require the disclosure of the informant’s identity. 353 U.S. at 65.

Likewise, in Harris, the defendant was charged with delivery of a controlled substance and the CI was an eyewitness to the transaction. Four people were present when the crime was allegedly committed, including the informant and an undercover police officer. The meeting was arranged by the informant. The State alleged that Harris unlawfully delivered a prescription drug to the undercover officer in return for cash. At trial, Harris testified that he did not deliver the drugs, but rather that the officer forcibly took his prescription drugs from him. He moved for the disclosure of the identity of the informant, whose identity and whereabouts had

not been disclosed to him. The motion was denied and Harris was convicted. Harris, 91 Wn.2d at 146-47.

The Court of Appeals held that Harris' motion for disclosure was improperly denied because the informant "was a material witness to the crime whose testimony could have corroborated either the arresting officer or Harris' testimony" and remanded for a new trial after disclosure of the informant's identity. 91 Wn.2d at 147.

Like in Harris and Roviaro, in this case, because the CI set up the meetings and was involved in the transactions, she was an essential witness and Forsman was entitled to have her identity disclosed. Under the Roviaro test, Forsman only had to show that the informant could provide information that is relevant or helpful to the defense or essential to a fair determination. Harris, 91 Wn.2d at 148. Forsman showed that the identity of the informant in this case is relevant or helpful to the defense by explaining to the court that the defense was denial and only the CI could corroborate Forsman's defense.

It does not matter if the judge deemed it unlikely that the CI would admit to having faked the transactions. Failure to disclose the informant's identity when the defense has established that the

informant could provide information that is relevant or helpful to the defense is a matter of fundamental fairness that “would prejudice the defendant, even if the trial court ‘believes the testimony could not benefit the accused. . . . [I]t does not matter whether the testimony of the informer would support the accused or not.’” Petrina, 73 Wn. App. at 785, quoting Harris, 91 Wn.2d at 149. “The desirability of calling [the informant] as a witness, or at least interviewing him in preparation for trial, was a matter for the accused rather than the government to decide.” Roviaro, 353 U.S. at 64. Thus, once the defense established that the informant could have information relevant or helpful to the defense, fundamental fairness required the trial court to compel the disclosure of the informant’s identity.

Moreover, the trial court’s error in failing to order disclosure was not cured at trial when Forsman testified that he believed he knew who the CI was (his friend Marie). There is no way to know if Marie actually was the informant — the State never confirmed or denied. Therefore, the defense was still deprived of information that could have been relevant or helpful to the defense. In Harris, the informant’s identity was ultimately revealed when he testified in the co-defendant’s trial on behalf of the State. 91 Wn.2d at 148.

Yet, the Harris court still held that the trial court was required to hold an in camera hearing to determine if he had any information that would be potentially relevant or helpful to the defense. Harris, at 152.

The bottom line is that Forsman met his burden of demonstrating that the CI could have relevant and useful information for the defense. Therefore his motion to compel the State to reveal the identity of the CI should have been granted. The trial court abused its discretion and violated Forsman's right to a fair trial in denying the motion to disclose.

Where disclosure is required under the Roviaro test, but the trial court refused to compel disclosure, the Harris court held that the remedy is a new trial. 91 Wn.2d at 149. The reason for this remedy is that failure to disclose the informant's identity under these circumstances violates "the fundamental requirements of fairness" and deprives the defendant of a fair trial. Harris, 91 Wn.2d at 149, citing Roviaro, 353 U.S. at 60.

Consequently, the trial court's erroneous denial of Forsman's motion to compel the CI's identity requires the reversal of his convictions and a new trial.

2. THE TRIAL COURT ABUSED ITS DISCRETION BY DENYING HIS REQUEST FOR AN IN CAMERA HEARING BEFORE RULING ON THE MOTION FOR DISCLOSURE.

Forsman's repeated requests for an in camera hearing for the judge to evaluate whether the CI had any information that would be relevant or helpful to the defense were also denied. 2/11/13 RP 103; 1RP 28, 30. If the trial court determined that it did not have sufficient information to rule on Forsman's motion to disclose the CI's identity, Forsman had at least established a colorable need for an interview of the CI and the trial court should have held an in camera hearing. Therefore, the trial court abused its discretion in denying the motion for disclosure without first granting Forsman's request for an in camera hearing in which the judge could meet with the confidential informant and determine if she had any information that could be relevant or helpful to the defense.

In *Harris*, the Washington Supreme Court held that the "preferred method" for determining if disclosing an informant's identity could be relevant and helpful to the defense "is for the court to hold an in camera session [pursuant to CrR 4.7(h)(6)] at which the judge hears the informer's testimony and applies the *Roviario* standard." (Italics added). 91 Wn.2d at 150. An in camera hearing

may be the only way for the trial court to gather the information necessary to balance the benefit to the defendant of disclosure against the public interest in nondisclosure. Harris, 91 Wn.2d at 151. The trial court's decision whether or not to hold an in camera hearing on whether disclosure of the informant's identity is required is also reviewed for abuse of discretion. Vazquez, 66 Wn. App. 573, 582, 832 P.2d 883 (1992).

Although a trial court could refuse to hold a hearing if the defendant's reason for seeking the informant's testimony is only speculative, the Washington Supreme Court has noted that "the hearing judge should take into consideration the difficulty of explaining in a vacuum why the testimony is crucial. Doubt should be resolved in favor of holding the in camera hearing." State v. Cleppe, 96 Wn.2d 373, 382, 635 P.2d 435 (1981).

In this case, the fact that the CI was the only witness other than Forsman who could corroborate his testimony that the CI faked the transactions, and testify to the extent of the search of her person, was sufficient to establish at least a colorable need for information from the CI. On that basis alone, the trial court should have at least granted Forsman's motions for an in camera hearing.

The trial court abused its discretion by denying the motions for an in camera hearing.

In Harris, the Court held that the record was insufficient for the Court to determine if disclosure was necessary. 91 Wn.2d at 148. Consequently, the Court remanded for an in camera hearing and if the trial court found after this hearing that the disclosure was required, a new trial. Harris, at 148.

Under Harris, if the Court here finds that the record is not sufficient to determine if the CI's identity should have been disclosed, it should order remand for an in camera hearing to make that determination.

D. CONCLUSION

Forsman's right to a fair trial was violated when the trial court denied his motions to compel the disclosure of the informant's identity. Consequently, the case should be remanded for disclosure and a new trial. In the alternative, if the Court concludes the record does not contain sufficient information to determine if disclosure is required, the Court should remand for the trial court to hold an in camera hearing to determine if disclosure of the informant's identity could be relevant and helpful to the defense.

DATED: November 15, 2013

Respectfully submitted,

NIELSEN, BROMAN & KOCH



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

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STATE OF WASHINGTON	)	
	)	
Respondent,	)	
	)	
v.	)	COA NO. 44801-7-1
	)	
SEAN FORSMAN,	)	
	)	
Appellant.	)	

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**DECLARATION OF SERVICE**

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 15<sup>TH</sup> DAY OF NOVEMBER 2013, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] SEAN FORSMAN  
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P.O. BOX 769  
CONNELL, WA 99326

**SIGNED** IN SEATTLE WASHINGTON, THIS 15<sup>TH</sup> DAY OF NOVEMBER 2013.

x *Patrick Mayovsky*

# NIELSEN, BROMAN & KOCH, PLLC

**November 15, 2013 - 2:51 PM**

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