

NO. 45535-8-II

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

STATE OF WASHINGTON, RESPONDENT

v.

ELIZABETH VICTORIA MULLIGAN, APPELLANT
ROBERT LESTER MULLIGAN, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Ronald Culpepper

No. 13-1-01048-0,
13-1-01047-1

Brief of Respondent

MARK LINDQUIST
Prosecuting Attorney

By
JASON RUYF
Deputy Prosecuting Attorney
WSB # 38725

930 Tacoma Avenue South
Room 946
Tacoma, WA 98402
PH: (253) 798-7400

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A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Did the trial court properly find Elizabeth's¹ spontaneous repetition of the word "lawyer" was not an unequivocal request for counsel when it took place at a time when it was more likely intended as a threatened civil action and not a request for counsel?
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¹ The State will refer to the defendants by their first names to avoid confusion. No disrespect is intended.

B. STATEMENT OF THE CASE.

1. Procedure

On March 13, 2013, the Pierce County Prosecuting Attorney (State) charged Elizabeth Mulligan with one count of third-degree assault committed against Police Officer Steven Butts, one count of fourth-degree assault committed against the bartender inside of the tavern, one count of second-degree robbery committed against Officer Butts, one count of first-degree theft committed against Officer Butts, and one count of first-degree burglary for the assault of the bartender committed inside the tavern. CP 1-2, 5-7.

Prior to trial, Elizabeth filed a Knapstad motion as to the robbery, theft, and burglary charges. CP 9-12; RP(10/2/13) 140.² The court granted the motion in part, dismissing the robbery and theft charges but allowing the burglary charge to proceed to trial. CP 35-36; RP(10/2/13) 161-62. The State subsequently filed a second amended information, which amended the first-degree burglary³ charge to a second charge of fourth-degree assault committed against the bartender outside of the tavern. CP

² The State will refer to the verbatim report of proceedings as follows: the transcripts labeled volumes I-V will be referred to by the volume number followed by the page number. The remaining transcripts will be referred to by the date of the proceeding therein followed by the page number.

³ There is a typographical error in the transcript that erroneously states that Elizabeth's charge is amended from burglary in the *third* degree instead of burglary in the *first* degree. IRP 26; See CP 5-7.

37-38; 1RP 26, 29. Elizabeth only challenges on appeal the assault committed against the bartender inside of the tavern (Count III).

The State also charged Elizabeth's husband, Robert Mulligan, with one count of third-degree assault against Police Officer Steven Butts and one count of third-degree assault against Police Officer Brett Beall. CP 114-15. Robert only challenges on appeal the assault committed against Officer Butts (Count I).

A CrR 3.5 hearing was held before the Honorable Garold Johnson, who ruled defendants' statements to law enforcement were admissible in the State's case in chief. CP 29-34; RP(10/2/13) 5, 116-17, 136. Trial began on October 7, 2013, before the Honorable Ronald Culpepper. 1RP 35. Elizabeth announced her intent to raise self defense as to the assault committed against the bartender inside the tavern (Count III). 2RP 95-96. Both defendants subsequently testified at trial. 3RP 332, 379.

The jury found both defendants guilty as charged on all counts. CP 82-84, 155-56; 5RP 611-12. The court imposed a standard range sentence upon Elizabeth of 30 days confinement with one day credit for time served, but converted all but five days of the sentence into community service hours. CP 100; RP(11/1/13) 16. The court sentenced Robert to three months in custody with 46 days credit for time served. CP 198; RP(11/01/13) 34-35. The court allowed Robert to serve 30 days of his

sentence by community custody. CP 198; RP(11/01/13) 34. Robert and Elizabeth filed timely notices of appeal. CP 85, 188.

2. Facts

On March 11, 2013, Tami Kenan was working the night shift at the Flying Boots Tavern in Tacoma. 1RP 37-38. Shortly before midnight, Kenan observed three couples dressed in formalwear come in and sit in a booth in the bar area. 1RP 38-41. Kenan recognized one of the couples as defendants Robert and Elizabeth, who had frequented the tavern a few nights prior. 1RP 40-41. One of the couples left shortly thereafter, and the two couples, Robert and Elizabeth and David and Angela Anderson, remained. 1RP 41; 3RP 336. Robert and Elizabeth were sitting on one side of the booth, and David⁴ and Angela were sitting on the other side. 1RP 40.

Shortly thereafter, Kenan overheard the couples arguing when David accused Angela of flirting with Robert. 1RP 41. The argument escalated as David attempted to physically drag Angela out of the bar and Elizabeth began yelling at David. 1RP 43-44. Kenan approached the couples in an attempt to diffuse the situation but the conflict intensified when Robert joined in Elizabeth's argument with David. 1RP 45. The

⁴ The State will refer to the Andersons by their first names to avoid confusion. No disrespect is intended.

three began physically fighting until David eventually ran out of the bar followed by Angela. 1RP 46-47.

Elizabeth then approached the large, ten-foot plate glass window inside the bar and began pounding on it with her fists while shouting at David and Angela outside. 1RP 47, 76. Kenan approached Elizabeth and asked her several times to stop hitting the window. 1RP 47-49, 77. Kenan repeatedly told defendant Elizabeth that the window could easily break and she could get hurt, but Elizabeth ignored her. 1RP 47, 77. Kenan noticed that the window was bowing, grabbed Elizabeth from behind, pulled her away from the window, and then immediately released her. 1RP 49.

Kenan immediately tried to explain to Elizabeth that she had only grabbed Elizabeth to prevent her from breaking the window and hurting herself. 1RP 79. Elizabeth then turned around, looked right at Kenan, and punched her in the face.⁵ 1RP 49-50. Elizabeth began screaming and accusing Kenan of trying to choke her. 1RP 49. Robert then approached Kenan and began calling her a “bitch” and telling her to “fuck off” before both Elizabeth and Robert ran outside and began chasing David into the street. 1RP 49-50.

⁵ These actions were the basis for the fourth degree assault (Count III) and first degree burglary charges.

Kenan stayed in the bar and asked for someone to call the police. 1RP 52. Shortly thereafter, Kenan looked across the street and noticed a woman laying flat on the ground with her arms out. 1RP 52. Kenan ran across the street and saw that the woman on the ground was Elizabeth. 1RP 52. Kenan asked Elizabeth if she was okay and proceeded to help her up. 1RP 52. As soon as she stood up, Elizabeth punched Kenan in the face a second time,⁶ knocking her glasses off of her face. 1RP 52. Robert then approached Kenan and continued using derogatory language toward her. 1RP 54. Kenan walked back into the bar and the police arrived shortly thereafter. 1RP 54.

Tacoma Police Officer Steven Butts was one of several officers to respond to the scene. 2RP 164. As he arrived, he noticed another police officer talking to David while Angela, Robert, and Elizabeth were sitting on the ground nearby. 2RP 166. Officer Butts approached David and the other officer in an attempt to ascertain what was going on. 2RP 166. As Officer Butts was talking to David, Elizabeth stood up off of the ground, walked directly toward Officer Butts, made an "angry growling sound," and punched Officer Butts in the face.⁷ 2RP 168, 170. The blow knocked Officer Butts' glasses off of his face. 2RP 170.

⁶ These actions were the basis of the fourth degree assault charge (Count IV).

⁷ These actions were the basis of the third degree assault charge (Count I).

Officer Butts grabbed one of Elizabeth's arms and tried to spin her around to prevent her from hitting him again. 2RP 170. As he was doing so, Robert approached Officer Butts from the back and grabbed his shoulders.⁸ 2RP 110, 177. Robert attempted to pull Officer Butts away from Elizabeth. 2RP 111, 177.

Officer Hayward saw Robert grab Officer Butts from behind. 2RP 111. Officer Hayward immediately began pulling Robert off of Officer Butts while repeatedly commanding him to release Officer Butts. 2RP 111, 114. Robert responded "No, that's my wife" and refused to release his grip on Officer Butts. 2RP 114. Officer Bret Beall approached and also began pulling Robert. 2RP 117. At that point, the two police officers were finally able to get Robert off of Officer Butts and onto the ground. 2RP 117.

Robert then grabbed Officer Beall's forearm and began squeezing it. 2RP 274. Officer Beall tried to pull away but could not because of how tightly Robert was squeezing him. 2RP 274. Officer Beall then used physical force upon Robert and he finally let go. 2RP 274. Officer Butts attempted to handcuff Robert. 2RP 275. As he was doing so, Robert again grabbed Officer Beall, squeezing his hand and knuckles together tightly.⁹ 2RP 275. Officer Beall ordered Robert to let go of his hand but Robert

⁸ These actions were the basis of the third degree assault charge (Count I).

⁹ These actions were the basis of the third degree assault charge (Count II).

continued to squeeze. 2RP 275. Officer Beall again used physical force upon Robert, and Robert finally let go. 2RP 276.

As Officers Beall and Hayward were struggling with Robert, Officer Butts was attempting to restrain Elizabeth. 2RP 170. Officer Butts tried to prevent Elizabeth from striking him again by grabbing one of her arms as he attempted to spin her away. 2RP 170. Elizabeth was nevertheless able to rip Officer Butts' police radio from his uniform with her free hand. 2RP 171.

Elizabeth continued to hold on to the radio for an additional five to seven seconds until Officer Butts forcefully removed it from her hand.¹⁰ 2RP 172. As Officer Butts placed Elizabeth in handcuffs, she began using her fingernails to try to scratch and pinch him. 2RP 179. Elizabeth also attempted to kick the other officers surrounding her. 2RP 180.

Elizabeth then began screaming "lawyer" over and over. 2RP 181. Approximately one minute later, Elizabeth started smashing her head into the ground several times, causing her forehead to bleed. 2RP 181, 182. Police Officers held her down to prevent her from further injuring herself until firefighter medics were able to treat her. 2RP 182; 3RP 304. Elizabeth was subsequently transported to the hospital to have her injuries treated. 2RP 183.

¹⁰ These actions were the basis of the first degree theft and second degree robbery charges.

Officer Butts accompanied Elizabeth to the hospital and advised her of her *Miranda* rights once they arrived. 2RP 184. Elizabeth was no longer yelling at that point, her demeanor was calm, and she was talking and responsive to questions. 2RP 184. Elizabeth agreed to speak to Officer Butts and waived her *Miranda* rights. 2RP 184.

Officer Butts questioned Elizabeth about her actions that evening. 2RP 185. Elizabeth stated "Yes, I was belligerent; I was drunk; I was loud; I'll admit it." 2RP 186-87. She also admitted to attacking Kenan, stating "[y]eah, I went after her. I tried to hit her...." 2RP 186. Elizabeth told Officer Butts that she was upset at Kenan and did not understand why she was asked to leave the tavern. 2RP 185.

Robert was transported to the hospital by Officer Hayward for medical evaluation and treatment. 2RP 146. Robert repeatedly asked why he was being arrested along the way. 2RP 147. Officer Hayward informed Robert that he was charged with third-degree assault, to which he replied "Oh, I grabbed his fucking finger. Big fucking deal." RP(10/02/13) 89; 2RP 120. Robert continued screaming at Officer Hayward for the remainder of the car ride and made several belligerent sexual comments, calling Officer Hayward a "faggot" and saying "I know you want to fuck me." RP(10/02/13) 88, 103-04.

C. ARGUMENT.

1. THE TRIAL COURT PROPERLY FOUND ELIZABETH'S SPONTANEOUS REPETITION OF THE WORD "LAWYER" WAS NOT AN UNEQUIVOCAL REQUEST FOR COUNSEL WHEN IT TOOK PLACE AT A TIME WHEN IT WAS MORE LIKELY INTENDED AS A THREATENED CIVIL ACTION AND NOT A REQUEST FOR COUNSEL.

"In *Miranda v. Arizona*, the [United States Supreme] Court determined that the Fifth and Fourteenth Amendments' prohibition against compelled self-incrimination required that custodial interrogation be preceded by advice to the putative defendant that he has the right to remain silent and also the right to the presence of an attorney." *Edwards v. Arizona*, 451 U.S. 477, 481-82, 101 S. Ct. 1880, 68 L.Ed.2d 378 (1981) (citing *Miranda v. Arizona*, 384 U.S. 436, 479, 86 S. Ct. 1602, 16 L.Ed.2d 694 (1966)).

A suspect is in "custody" for *Miranda* purposes when the suspect's freedom of action has been curtailed to a degree associated with formal arrest. *State v. Daniels*, 160 Wn.2d 256, 266, 156 P.3d 905 (2007).

"Interrogation" includes express questioning or any words or actions on the part of the police that the police should know are reasonably likely to elicit an incriminating response from the suspect. *State v. Sargent*, 111 Wn.2d 641, 650, 762 P.2d 1127 (1988).

Miranda claims are issues of law reviewed de novo. See *State v. Daniels*, 160 Wn.2d 256, 261, 156 P.3d 905 (2007); *State v. Lorenz*, 152 Wn.2d 22, 36, 93 P.3d 133 (2004); *State v. Campos-Cerna*, 154 Wn. App. 702, 708, 226 P.3d 185 (2010)(citing *United States v. Connell*, 869 F.2d 1349, 1351 (9th Cir. 1989); *State v. Johnson*, 94 Wn. App. 882, 897, 974 P.2d 855 (1999). The trial court's "findings of fact...will be verities on appeal if unchallenged; and, if challenged, they are verities if supported by substantial evidence..." *State v. Campos-Cerna*, 154 Wn. App. at 708 n.4 (citing *State v. Broadway*, 133 Wn.2d 118, 131, 942 P.2d 363 (1997)); see also *State v. Gardner*, 28 Wn. App. 721, 723-24, 626 P.2d 56 (1981); *State v. McDonald*, 89 Wn.2d 256, 264, 571 P.2d 930 (1977)(overruled on other grounds by *State v. Sommerville*, 111 Wn.2d 524, 760 P.2d 932 (1988)).

"The State bears the burden of showing a knowing, voluntary, and intelligent waiver of *Miranda* rights by a preponderance of the evidence. " *State v. Campos-Cerna*, 154 Wn. App. at 709 (citing *State v. Athan*, 160 Wn.2d 354, 380, 158 P.3d 27 (2007); *State v. Aten*, 130 Wn.2d 640, 643, 927 P.2d 210 (1996); *State v. Rupe*, 101 Wn.2d 664, 679, 683 P.2d 571 (1994).

- a. Elizabeth did not unequivocally invoke her right to counsel at the scene before receiving the Miranda warnings approximately two hours later at the hospital.

"An accused's invocation of either the right to remain silent or the right to counsel must be unequivocal." *State v. Piatnitsky*, 170 Wn. App. 195, 213, 282 P.3d 1184 (2012). To be unequivocal, the defendant must articulate his desire to have counsel present sufficiently clearly that a reasonable police officer in the circumstances would understand the statement to be a request for an attorney. *State v. Nysta*, 168 Wn. App. 30, 41, 275 P.3d 1162 (2012) (quoting *Davis v. United States*, 512 U.S. 452, 459, 114 S. Ct. 2350, 129 L.Ed.2d 362 (1994)).

A request is equivocal if further questions are needed to determine if the suspect has made a request. *State v. Smith*, 34 Wn. App. 405, 408-09, 661 P.2d 1001 (1983). Law enforcement officers have no obligation to ask clarifying questions of an accused when he makes an ambiguous or equivocal statement regarding the invocation of his rights. *State v. Piatnitsky*, 170 Wn. App. at 214. "The Supreme Court has determined that requiring officers to cease interrogation where a suspect makes a statement that *might* be an invocation of his or her rights would create an unacceptable hindrance to effective law enforcement." *State v. Piatnitsky*, 170 Wn. App. at 214, citing *Davis v. United States*, 512 U.S. at 461 (emphasis in the original).

"There is good reason to require an accused who wants to invoke his or her rights to remain silent to do so unambiguously. A requirement of unambiguous invocation of *Miranda* rights results in an objective inquiry that 'avoid[s] difficulties of proof and...provide[s] guidance to officers on how to proceed in the face of ambiguity.'" *State v. Piatnitsky*, 170 Wn. App. at 214, (citing *Berghuis v. Thompkins*, 560 U.S. 370, 130 S. Ct. 2250, 2260, 176 L.Ed.2d 1098 (2010)) (alterations in the original). A trial court should consider the totality of the circumstances when determining whether an accused unequivocally invokes his or her rights. *State v. Piatnitsky*, 170 Wn. App. at 216.

Statements courts have previously held to be were equivocal requests for counsel include statements made by a defendant about possibly obtaining a lawyer, and inquiries by the defendant as to whether he needed a lawyer. *Davis v. United States*, 512 U.S. 452, 458-59, 129 L.Ed.2d 362, 114 S. Ct. 2350 (1994)(holding that "maybe I should talk to a lawyer" was ambiguous and thus not a request for counsel); *State v. Radcliffe*, 164 Wn.2d 900, 907-08, 194 P.3d 250 (2008)(holding that defendant's statements that he "didn't know how much trouble he was in and he did not know if he needed a lawyer" were not unequivocal); *United States v. Younger*, 398 F.3d 1179, 1187-88 (9th Cir. 2005)(suspect's question of "I can have a lawyer present through all of this, right?" was an equivocal request for a lawyer); *United States v. Ogbuehi*, 18 F.3d 807,

814 (9th Cir. 1994)("do I need a lawyer" or "do you think I need a lawyer" does not rise to the level of even an equivocal request for an attorney); *United States v. Doe*, 170 F.3d 1162, 1166 (9th Cir. 1995)("what time will I see a lawyer" was not an unequivocal request for a lawyer).

Similarly, Elizabeth's exclamation here of "lawyer, lawyer" as she was taken to the ground by police officers does not rise to the level of even an unequivocal request for an attorney. Under those circumstances, such a statement could easily be construed as a threat to sue the officers for use of force. This is further evidenced by the testimony of Tacoma Fire Lieutenant Carl Corn, who recalled that "[Elizabeth had] made some comments regarding suing law enforcement officers that were on the scene." 3RP 309.

In light of the fact that previous courts have held that significantly clearer statements regarding the right to counsel were equivocal, Elizabeth's sudden outburst of "lawyer, lawyer," coupled with the circumstances of when the statement was made does not constitute an unequivocal request for counsel. Thus, the trial court properly found that Elizabeth did not unequivocally invoke her right to counsel.

- b. Elizabeth's post-Miranda statements regarding her reason for assaulting the bartender were constitutionally obtained by a knowing, intelligent, and voluntary Miranda waiver.

Miranda requires that a suspect must be informed of the following four warnings when taken into custody: 1) that the suspect has the right to remain silent; 2) that anything he says can be used against him in a court of law; 3) that he has the right to an attorney, and; 4) that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires. *Miranda v. Arizona*, 384 U.S. at 479.

An accused may waive the rights conveyed in *Miranda* warnings provided the waiver is made voluntarily, knowingly, and intelligently. *Id.* at 444, 86 S. Ct. 1602; *Davis v. United States*, 512 U.S. 452, 460, 114 S. Ct. 2350, 129 L. Ed. 2d 362 (1994); *State v. Corn*, 95 Wn. App. 41, 57-58, 975 P.2d 520 (1999). "[T]he term 'voluntary' is used in the due process sense to assure the absence of physical or psychological compulsion." *State v. Cashaw*, 4 Wn. App. 243, 248, 480 P.2d 528 (1971).

"The use of the word 'knowingly' was intended to make clear the necessity for express *Miranda* warnings in every case of custodial interrogation as a condition precedent to the admissibility of answers obtained from such interrogation." *Id.* at 249. "The word 'intelligently' made it clear that such capacity to understand was a prerequisite to the

existence of waiver." *Id.* However, it "does not mean that the accused must be aware of the incriminating nature of the answers he gives in the course of custodial interrogation." *Id.*

Here, all challenged statements made by Elizabeth were done so after a knowing, voluntary, and intelligent waiver of her *Miranda* rights. RP(10/2/13) 22. After she was taken to the ground and restrained, Elizabeth was taken to the hospital to receive medical treatment from her self-inflicted wound to the forehead. 2RP 183. There, approximately two hours after the initial incident outside the bar, Elizabeth was fully informed of her *Miranda* rights. RP(10/2/13) 50-51; CP 28; Exh. 2, 5. Officer Butts advised Elizabeth of her rights from a pre-printed form that he always carries with him. RP(10/2/13) 20. He advised her as follows:

You have the right to remain silent. Any statement that you do make can be used as evidence against you in a court of law. You have the right at this time to talk to an attorney of your choice and to have your attorney present before and during any questioning and making any statement. If you cannot afford an attorney, you are entitled to have one appointed for you without cost to you, and to have the attorney present at any time during any questioning and making of any statement. You may stop answering questions or ask for an attorney at any time during questioning and making of any statement. Do you understand each of these rights I have explained to you? And having been made fully aware of these rights, do you voluntarily wish to answer questions now?

RP 20-21. Elizabeth had significantly "calmed down" when Officer Butts read her *Miranda* rights and when she acknowledged that she understood

them. RP(10/2/13) 22. Officer Butts read Elizabeth her rights "quite slow" and in a pace and manner that ensured that she would understand them. RP(10/2/13) 27, 33. Officer Butts believed Elizabeth understood her rights because she "was listening to what [Officer Butts] was saying," unlike before when she was being detained. RP(10/2/13) 31.

Elizabeth then acknowledged that she understood her rights and waived them. RP(10/2/13) 22. Elizabeth subsequently made several statements to Officer Butts, admitting that she was "belligerent," "drunk," and "loud." RP(10/2/13) 24; CP 32. Elizabeth also admitted that she had "gone after" Kenan because she was upset that Kenan had asked them to leave. RP(10/2/13) 22-23; CP 32. Officer Butts did not threaten Elizabeth or make any promises to her in order to induce those statements. RP(10/2/13) 22; CP 32.

In *State v. Cuzzetto*, our State Supreme Court noted that a *Miranda* waiver is involuntary when a defendant's impairment "amounted to mania" or a "border line mental defec[t]." *State v. Cuzzetto*, 76 Wn.2d 378, 386-87, 457 P.2d 204 (1969). In *Mincey v. Arizona*, the United States Supreme Court held that the defendant's statements to police were not the product of free choice when the defendant was interrogated in a hospital after suffering several gunshot wounds and was in a near comatose state after having received various drugs. 437 U.S. 385, 396, 398-99, 98 S. Ct. 2408, 57 L. Ed. 2d 290 (1978).

Conversely, in *United States v. George*, the court upheld the defendant's waiver when the defendant gave a statement to police officers while he was in the hospital recovering from a drug overdose. 987 F.2d 1428 (9th Cir. 1993). The court determined that even though George was in a critical condition his injuries did not render him unconscious or comatose. *Id.* at 1431. Furthermore, the police officer did not try to take advantage of George's weakened condition; he "asked simple questions, kept the interview short, and did not receive any indication from George that he wanted a lawyer before he answered anymore questions." *Id.*

Likewise, in *United States v. Martin*, the court also upheld the defendant's waiver as voluntary when Martin was in the hospital having received pain-killer medication. 781 F.2d 671, 673-74 (9th Cir. 1985). The court noted that Martin was awake, relatively coherent, and spoke freely with detectives. *Id.* at 673-74.

George and *Martin* apply here. Like in *George*, Elizabeth was not in an unconscious or comatose state at the time she spoke to Officer Butts. RP(10/2/13) 22. Furthermore, Officer Butts did not ask any complex questions or receive any indication that Elizabeth wanted a lawyer before she answered his questions. RP(10/2/13) 22, 52. Similarly, as in *Martin*, Elizabeth was coherent and spoke freely with Officer Butts. *See* RP 17-24. Elizabeth's state of mind was nowhere near as impaired as *Cuzetto* or *Mincey*. Elizabeth was fully conscious when she spoke to the police, and

was not under the influence of any drugs at the time.

All challenged statements Elizabeth made were done after she was clearly advised of her *Miranda* rights, and after she knowingly, voluntarily, and intelligently waived those rights. At no point did Elizabeth indicate that she did not understand her rights, that she wanted to speak to an attorney, or that she did not wish to speak with the Officer. The trial court properly found that Elizabeth's challenged statements were admissible.

- c. Any alleged error is harmless because of the overwhelming untainted evidence proving Elizabeth acted intentionally when she committed the assaults.

A constitutional error is harmless if the reviewing court is satisfied the untainted evidence was so overwhelming as to necessarily result in a guilty verdict. *State v. Easter*, 130 Wn.2d 228, 242, 922 P.2d 1285 (1996); *State v. Guloy*, 104 Wn.2d 412, 426, 705 P.2d 1182 (1985). The "overwhelming untainted evidence" test allows the reviewing court to "avoid reversal on merely technical or academic grounds...." *State v. Guloy*, 104 Wn.2d at 426.

Even if any alleged error occurred in this case, such error would be harmless because of the overwhelming evidence of Elizabeth's guilt. Elizabeth erroneously argues that the statements she made at the hospital were the only evidence from which a juror could conclude that she intended her actions. App.Br. at 14. Elizabeth's claim fails, as there was

abundant testimony from the bartender and several police officers that Elizabeth acted deliberately and with purpose when she committed the assaults. 1RP 50, 52, 84, 85; 2RP 108, 130-31, 169, 170, 172-73, 237.

Testimony at trial proved that Elizabeth was not "disoriented" or "out of it" when she committed the assaults. 1RP 85. Elizabeth assaulted Kenan the first time after Kenan prevented her from further hitting the window inside the bar. 1RP 49-50. Elizabeth then turned around, faced Kenan, "looked right at [her]" and punched Kenan in her face. 1RP 50, 79. Elizabeth assaulted Kenan a second time outside of the bar after Kenan had helped her up from the ground. 1RP 84. Elizabeth "realized it was [Kenan] helping her up" and immediately "swung at [Kenan]." 1RP 84.

Elizabeth also acted with purpose when she assaulted Officer Butts. Elizabeth was initially sitting on the ground when Officer Butts came onto the scene. 2RP 168. When she saw Officer Butts standing a few feet away from her she attempted to stand up several times and, when she finally succeeded, she walked directly toward Officer Butts, made "an angry, growling sound" as she approached him, and punched him in the face. 2RP 168. As Elizabeth was approaching, Officer Butts "took several steps out of [her] way" but Elizabeth "continued to change her direction toward [Officer Butts]" and punched him. 2RP 168.

Furthermore, contrary to Elizabeth's claim, "a criminal act committed by a voluntarily intoxicated person is not justified or excused."

State v. James, 47 Wn. App. 605, 608, 736 P.2d 700 (1987); RCW 9A.16.090. Elizabeth's actions are not any less culpable because she was intoxicated when she committed the assaults. Elizabeth relies on the testimony of Tacoma Fire Lieutenant Carl Corn, who testified that Elizabeth was in an "altered level of consciousness" when he arrived on the scene, to argue that she could not have formed the requisite intent to commit assault. 3RP 306-07; App.Br. at 14. However, Lieutenant Corn further testified that her altered state of consciousness was due to her being "combative" and that a person in an altered level of consciousness can still act with purpose. 3RP 306-37, 324.

Based upon these actions, the evidence was sufficient to prove Elizabeth acted with criminal intent when she assaulted Kenan and Officer Butts. Elizabeth assaulted Kenan intentionally and at a point in time where there was no need to defend herself. Elizabeth also acted intentionally when she assaulted Officer Butts, as she specifically approached him for the sole reason of punching him.

Even without Elizabeth's statements to Officer Butts, the jury could permissibly draw inferences from the officers' testimonies that Elizabeth was aware of her actions when she was committing the assaults. Thus, even if any alleged error occurred at the time Elizabeth gave a statement to Office Butts, such error is harmless because of the overwhelming untainted evidence proving Elizabeth acted with purpose.

2. THE STATE ADDUCED SUFFICIENT EVIDENCE OF ELIZABETH'S INTENT TO ASSAULT THE BARTENDER INSIDE THE TAVERN AND DISPROVE HER CLAIM OF SELF DEFENSE WHEN THE RECORD ESTABLISHES ELIZABETH DID NOT REASONABLY BELIEVE SHE NEEDED TO DEFEND HERSELF WHEN SHE NEEDLESSLY PUNCHED THE BARTENDER IN RETALIATION FOR BEING ASKED TO LEAVE.

The State bears the burden of proving each and every element of a criminal offense beyond a reasonable doubt. *State v. Bennett*, 161 Wn.2d 303, 307, 165 P.3d 1241 (2007). The applicable standard of review is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *State v. Joy*, 121 Wn.2d 333, 338, 851 P.2d 654 (1993). A challenge to the sufficiency of the evidence admits the truth of the State's evidence and any reasonable inferences from it. *State v. Goodman*, 150 Wn.2d 774, 781, 83 P.3d 410 (2004). All reasonable inferences from the evidence must be drawn in favor of the State and interpreted most strongly against the defendant. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

Circumstantial and direct evidence are considered equally reliable. *State v. Thomas*, 150 Wn.2d 821, 874, 83 P.3d 970 (2004). In considering this evidence, "[c]redibility determinations are for the trier of fact and

cannot be reviewed upon appeal." *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990).

When a defendant raises the issue of self-defense in an assault case, the State bears the burden of proving the absence of self-defense beyond a reasonable doubt. *State v. Acosta*, 101 Wn.2d 612, 615-19, 683 P.2d 1069 (1984). Evidence of self-defense is evaluated "from the standpoint of the reasonably prudent person, knowing all the defendant knows and seeing all the defendant sees." *State v. Janes*, 121 Wn.2d 220, 238, 850 P.2d 495 (1993). This standard incorporates both objective and subjective elements. *Id.* at 238. The subjective portion requires the jury to stand in the shoes of the defendant and consider all the facts and circumstances known to him or her; the objective portion requires the jury to use this information to determine what a reasonably prudent person similarly situated would have done. *Id.*

- a. Elizabeth did not reasonably believe she was about to be injured when she needlessly attacked the bartender in retaliation after being asked to leave the tavern.

The court instructed the jury regarding Elizabeth's self-defense claim as follows:

It is a defense to a charge of Assault in the Fourth Degree that the force used was lawful as defined in this instruction. The use of force upon or toward the person of another is lawful when used by a person who reasonably believes that

he is about to be injured and when the force is not more than is necessary.

The person using the force may employ such force and means as a reasonably prudent person would use under the same or similar conditions as they appeared to the person, taking into consideration all of the facts and circumstances known to the person at the time of the incident.

The State has the burden of proving beyond a reasonable doubt that the force used by the defendant was not lawful. If you find the State has not proved the absence of this defense beyond a reasonable doubt, it will be your duty to return a verdict of not guilty as to this charge.

CP 72; 178 (jury instruction 19).

In the present case, David and Angela ran outside and Elizabeth remained inside of the bar shortly after the initial fight began. 1RP 46-47. Elizabeth then walked up to the large, ten-foot plate glass window inside the bar and began pounding on it with both of her fists. 1RP 47. Kenan approached Elizabeth and verbally commanded her to stop several times. 1RP 47-49, 77. Kenan also told Elizabeth to "stop hitting the window before you break it" and "[y]ou're going to break that. If you break that, you're going to end up getting killed because it's such thick glass." 1RP 48-49. Kenan was standing approximately two feet away from Elizabeth the entire time she was talking to her. 1RP 77. Elizabeth refused to stop hitting the window, and Kenan noticed the window was "bowing" as Elizabeth was hitting it with her "whole body force." 1RP 47, 77.

Kenan then grabbed Elizabeth from behind, pulled her away from the window, and then immediately released her. 1RP 49. As Kenan was pulling Elizabeth away from the window, Elizabeth began screaming at Kenan and accusing Kenan of trying to choke her. 1RP 49. As Elizabeth was screaming and struggling against Kenan, Kenan repeatedly told her "[s]top it; I'm just trying to make sure you don't break the window." 1RP 63. Kenan released Elizabeth and Elizabeth turned around, faced Kenan, "looked right at [her]" and punched Kenan in her face. 1RP 50, 79. Kenan testified that "[Elizabeth] was facing me when she hit me. [Elizabeth] knew she was hitting me." 1RP 78-79.

- i. **Elizabeth did not reasonably believe she was about to be injured when she punched the bartender after all physical contact had ceased and no further physical contact would have occurred as long as Elizabeth refrained from continuing to hit the window.**

"Some evidence of aggressive or threatening behavior, gestures, or communication by the victim before defendant's use of force is required to show that the defendant had reasonable grounds to believe there was imminent danger of great bodily harm." *State v. Walker*, 40 Wn. App. 658, 663, 700 P.2d 1168 (1985).

In *State v. Walker*, this Court held that the defendant was not entitled to a self-defense instruction when Walker stabbed her estranged

husband. 40 Wn. App. at 665. Walker's estranged husband arrived at their apartment to retrieve the keys to his truck after Walker had moved his vehicle. *Id.* at 664. Walker admitted that she knew moving the victim's truck would anger him. *Id.* at 663. The victim did not confront Walker when he entered, but rather reached for his keys that were on the counter. *Id.* at 664. Nevertheless Walker grabbed a butcher knife and stabbed the victim in the back. *Id.* at 664. The victim was unarmed and made no threatening gestures or comments prior to the attack. *Id.* at 664. At trial, Walker argued that she feared for her life because her husband had abused her in the past. *Id.* at 664.

In affirming Walker's conviction, this Court held that the confrontation between the parties "did not supply a sense of imminent peril," and noted that Walker's actions were "intended to provoke and did invite a confrontation" with the victim. *Id.* at 663-64. This Court further noted that "it is the perceived imminence of danger, based on the appearance of some threatening behavior or communication, which supplies the justification to use deadly force under a claim of self defense." *Id.* at 665. This Court concluded that it was the "aggressive actions of [Walker]" that "set in motion for the chain of events culminating in the stabbing." *Id.* at 663.

Walker controls here. The evidence proves that Elizabeth did not have a reasonable belief that she was about to be injured by Kenan, and

that she punched Kenan in retaliation for Kenan moving her away from the window. As in *Walker*, Elizabeth "set in motion" the events that led to the assault by continuing to hit the window after being asked to stop. 1RP 47-49. Elizabeth's repeated hitting of the window, like Walker's, invited the confrontation with Kenan. And like in *Walker*, Kenan did not make any threatening gestures toward Elizabeth at the time Elizabeth decided to punch her. 1RP 49. Elizabeth was not in an imminent sense of peril when she assaulted Kenan, as Kenan had already released Elizabeth and was explaining that she had only grabbed Elizabeth to prevent her from further hitting the window. 1RP 79. Even if Elizabeth felt threatened at the moment she was being grabbed, Elizabeth punched Kenan after being released and when no additional contact was reasonably anticipated. 1RP 49, 79.

Elizabeth had the time and opportunity to stop yelling, turn around, face Kenan, look her straight in the eyes, and then punch her. 1RP 78-79. Elizabeth was well aware of her actions at that point in time and did not react out of fear or impulse, but rather acted deliberately and intentionally with the purpose of assaulting Kenan. This is further evidenced by Kenan's testimony, where she recalled how Elizabeth "knew she was hitting [her]." 1RP 78-79.

Elizabeth's claim of self-defense might have some merit if Elizabeth did not know who was grabbing her or why, then assaulted

Kenan while she was being removed from the window. However, as the record plainly establishes, Elizabeth was facing Kenan and looking right at her when she assaulted her. 1RP 78-79. Elizabeth was also told numerous times to stop hitting the window before Kenan physically removed her. 1RP 44-49. Thus, the evidence was sufficient to prove that Elizabeth did not reasonably believe that she was about to be injured when she punched Kenan.

From a subjective point of view, the jury could conclude that Elizabeth did not have any reason to think she was being attacked as she had been told over and over by Kenan to stop hitting the glass, and Kenan herself informed Elizabeth that that was why she was grabbing her. From an objective point of view, the jury could also conclude that a reasonably prudent person would not have felt threatened in a similar situation in light of the fact that Elizabeth was endangering her own safety and was told a considerable amount of times to stop before being physically removed from the window.

- ii. **Elizabeth used more force than was necessary where the evidence proved that Elizabeth did not have to use any force at all as any further physical contact could have been eliminated by Elizabeth refraining from hitting the window.**

A person can only use such force to protect himself as a reasonably prudent man would have used under the conditions appearing

to him at that time. *State v. Hill*, 76 Wn.2d 557, 566, 458 P.2d 171 (1969).

Any use of force beyond that is regarded by law as excessive. *State v.*

Dunning, 8 Wn. App. 340, 342, 506 P.2d 321 (1973).

Here, Elizabeth used excessive force when she punched Kenan after being pulled away from the window. The record establishes that Kenan only touched Elizabeth to remove her from the window, and then immediately released her. 1RP 49. There is no indication that Kenan would have touched Elizabeth a second time, or even touched her in the first place, had Elizabeth stopped pounding on the window when she was asked to do so several times prior to being physically removed. 1 RP 47-49, 77. Thus, Elizabeth did not have to use any force at all to protect herself from Kenan. All Elizabeth would have had to do to avoid further physical contact with Kenan was to refrain from hitting the window a second time. Therefore, Elizabeth's use of force against Kenan was completely unnecessary.

The State adduced sufficient evidence to prove that Elizabeth was not acting in self-defense when she punched Kenan. A jury could reasonably conclude, based on both a subjective and objective point of view, that Elizabeth was not acting in a manner consistent with a reasonably prudent person. Elizabeth did not have reason to believe that she was about to be injured, and the force she used was completely

unnecessary. Thus, this Court should affirm Elizabeth's conviction and sentence for the fourth-degree assault charge.

3. ROBERT FAILS TO PROVE HIS UNPRESERVED CLAIM THAT HE RECEIVED INADEQUATE NOTICE OF THE CHARGE AGAINST HIM WHEN THE INFORMATION'S BROADER ALLEGATION OF ACCOMPLICE LIABILITY CONTAINED THE ESSENTIAL ELEMENTS OF THE CHARGED ASSAULT AND THE EVIDENCE ADDUCED AT TRIAL ESTABLISHED THAT ROBERT ACTED AS A PRINCIPAL WHEN HE COMMITTED THE CRIME.

- a. Robert failed to preserve his claim of instructional error by not raising the issue in the court below.

This Court may refuse to review any claim of error which was not raised to the trial court and when such an error is not of constitutional magnitude. RAP 2.5(a); *See, e.g., State v. Kirkman*, 159 Wn.2d 918, 926, 155 P.3d 125 (2007); *State v. Fenwick*, 164 Wn. App. 392, 398, 264 P.3d 284 (2011); *State v. Brewer*, 148 Wn. App. 666, 673, 205 P.3d 900 (2009). The principle underlying this rule is to encourage efficient use of judicial resources, ensuring that "the trial court has the opportunity to correct any errors, thereby avoiding unnecessary appeals." *State v. Fenwick*, 164 Wn. App. at 398 (*quoting State v. Robinson*, 171 Wn.2d 292, 304-05, 253 P.3d 84 (2011)).

When a defendant fails to request a specific instruction, he cannot later predicate error on its omission. *Bean v. Stephens*, 13 Wn. App. 364,

365, 534 P.2d 1047 (1975) *citing McGarvey v. Seattle*, 62 Wn.2d 524, 532, 384 P.2d 127 (1963). "CrR 6.15(c) requires that timely and well stated objections be made to instructions given or refused 'in order that the trial court may have the opportunity to correct any error." *State v. Scott*, 110 Wn.2d 682, 685-86, 757 P.2d 492 (1988) *citing Seattle v. Rainwater*, 86 Wn.2d 567, 571, 546 P.2d 450 (1976).

Here, Robert did not propose an accomplice liability instruction. CP 124-131. Nor did Robert object to the State's proposed jury instructions, which did not include an accomplice liability instruction. 4RP 495. Thus, because Robert failed to preserve this issue by not bringing it up in the court below, he is now precluded from raising it on appeal and this Court should decline to review it.

- b. Robert's claim of inadequate notice is also meritless as being charged with the more general accomplice liability is sufficient notice of more specific principal liability.

Charging the accused as an accomplice is adequate notice of the potential for principal liability. *See State v. Teal*, 117 Wn. App. 831, 838, 73 P.3d 402 (2003); *State v. Allen*, 116 Wn. App. 454, 460, 66 P.3d 653 (2003)("there is no distinction between accomplice or principal liability, and 'the charging of one theory adequately apprises the defendant of his liability for the other.")(quoting *State v. Molina*, 83 Wn. App. 144, 148, 920 P.2d 1228 (1996)).

Accomplice liability is neither an element of the crime, nor an alternative means of committing the crime. *State v. Teal*, 152 Wn.2d 333, 338-339, 96 P.3d 974 (2004). The jury need not reach unanimity on whether a defendant acted as a principal or an accomplice. *Id.* So long as the jury is convinced that the crimes were committed and that the defendant participated in each of them, the jury need not be agreed as to whether the defendant acted as a principal or accomplice. *Id.*

In *State v. Carothers*, our State Supreme Court noted that:

The legislature has said that anyone who participates in the commission of a crime is guilty of the crime and should be charged as a principal, regardless of the degree or nature of his participation. Whether he holds the gun, holds the victim, keeps a lookout, stands by ready to help the assailant, or aids in some other way, he is a participant. The elements of the crime remain the same.

State v. Carothers, 84 Wn.2d 256, 264, 525 P.2d 731 (1974).

In *State v. Rodriguez*, the Court affirmed the defendant's conviction for second-degree assault when the defendant, along with several of her friends, assaulted a woman. *State v. Rodriguez*, 78 Wn. App. 769, 770-71, 898 P.2d 871 (1995). In affirming the conviction, the Court held that "the same criminal liability attaches to a principal and his accomplice because they share equal responsibility for the substantive offenses." *See also, State v. Silva-Baltazar*, 125 Wn.2d 472, 480, 886 P.2d 138 (1994)("The complicity rule in Washington is that any person who participates in the commission of the crime is guilty of the crime and is

charged as a principal."); *State v. Frazier*, 76 Wn.2d 373, 375-77, 456 P.2d 352; *State v. Graham*, 68 Wn. App. 878, 881, 846 P.2d 578, review denied, 121 Wn.2d 1031, 856 P.2d 382 (1993).

Here, the information regarding Robert's charges stated as follows:

...That ROBERT LESTER JOSEPH MULLIGAN, acting as an accomplice, in the State of Washington, on or about the 11th day of March, 2013, did unlawfully and feloniously, under circumstances not amounting to assault in the first or second degree, intentionally assault [sic] Steven Butts, who was a law enforcement officer who was performing his official duties at the time of the assault, contrary to RCW 9A.36.031(1)(g), and against the peace and dignity of the State of Washington.

CP 114. At trial, the court instructed the jury as follows:

To convict Defendant Robert Mulligan of the crime of Assault in the Third Degree as charged in Count I, each of the following elements of the crime must be proved beyond a reasonable doubt:

(1) That on or about the 11th day of March, 2013, Defendant Robert Mulligan assaulted Steven Butts;

(2) That at the time of the assault, Steven Butts was a law enforcement officer or other employee of a law enforcement agency who was performing his official duties; and

(3) That any of these acts occurred in the State of Washington.

If you find from the evidence that each of these elements has been proved beyond a reasonable doubt, then it will be your duty to return a verdict of guilty.

On the other hand, if, after weighing all the evidence, you have a reasonable doubt as to any one of these elements, then it will be your duty to return a verdict of not guilty.

CP 182.

In the case at hand, Robert was in fact put on greater notice by being charged as an accomplice than if he were only charged as a

principal. By being charged as an accomplice, Robert knew that he could be convicted for either directly assaulting Officer Butts or rendering aid to another who assaulted Officer Butts. Charging defendants with general accomplice liability and convicting them under more specific principal liability is consistent with previous Courts' holdings that it is permissible to charge a defendant with specific principal liability and convict under a more general accomplice liability. *See, e.g., State v. Teal*, 117 Wn. App. at 838; *State v. Allen*, 116 Wn. App. at 460; *State v. Molina*, 83 Wn. App. at 148; *State v. Carothers*, 84 Wn.2d 264. Thus, Robert was provided with more than enough notice of the charges against him.

- c. Robert fails to show he incurred prejudice when all of the necessary facts appeared on the charging document and he received adequate notice of the charges against him.

"When a defendant challenges the charging document for the first time on appeal, the appellate court must liberally construe all of the information in the document in favor of validity." *State v. Franks*, 105 Wn. App 950, 957, 22 P.3d 269 (2001) *citing State v. Kjorsvik*, 117 Wn.2d 93, 102, 812 P.2d 86 (1991). The test to determine the sufficiency of a charging document has two prongs: (1) do the necessary facts appear in any form, or by fair construction can they be found in the charging document; and, if so, (2) can the defendant show that he or she was nonetheless actually prejudiced by the inartful language which caused a

lack of notice. *State v. Kjorsvik*, 117 Wn.2d at 106.

In applying the first prong of the test, the court looks at the face of the document only. *State v. Franks*, 105 Wn. App at 957. "The information must be written in such a manner as to enable persons of common understanding to know what is intended." *Id.* "If the first prong is satisfied, the court in applying the second prong of the test 'may look beyond the face of the charging document if the accused actually received notice of the charges he or she must have been prepared to defend against.'" *State v. Franks*, 105 Wn. App. 957-58, *citing State v. Kjorsvik*, 117 Wn.2d at 106.

Robert fails to show that he was prejudiced by lack of notice as the charging document here satisfies the two-prong *Kjorsvik* test. 117 Wn.2d at 106. All the elements of the charge were included in the information and were written in such a manner that would enable a person of common understanding to know what the charge intended. CP 114-15. A more detailed description of the incident was also provided to him through the Declaration of Probable Case. CP 116-117. Additionally, Robert cannot show that he was prejudiced by the language in the information, or that he received lack of notice. As discussed above, Robert was put on greater notice by being charged as an accomplice than if he were only charged as a principal.

Robert erroneously relies on *State v. Cronin*¹¹ to argue that the jury was not properly instructed on the charges against him. App.Br. at 8; 142 Wn.2d 568, 14 P.3d 752 (2000). In *Cronin*, the court held that an instructional error required reversal when the jury was instructed that it could convict the defendant merely if it found that he knew he promoted or facilitated the commission of "a crime" instead of "the crime" he was charged with. *State v. Cronin*, 142 Wn.2d at 580, 586.

In the present case, there was no ambiguity as to the crime referred to by the jury instruction. Both the jury instruction and the information specifically identified Officer Steven Butts as the victim of Robert's assault. CP 114, 182. Thus, *Cronin* is inapplicable to the case at hand.

Finally, Robert argues that the State failed to present any evidence that he possessed knowledge that he was aiding in the assault against Officer Butts. App.Br. at 8. However, the record clearly shows that Robert approached Officer Butts, grabbed him by his shoulders, began pulling him, and refused to release him when commanded to do so several times by other officers. 2RP 110, 111, 114, 177. Robert replied "No, that's my wife" when ordered to release his grip on Officer Butts. 2RP 114. Thus, the State provided sufficient evidence to not only prove that Robert possessed knowledge that he was aiding in the assault, but that he was the principal actor of the assault as well.

¹¹ *State v. Cronin* is consolidated with *State v. Bui*. It is cited in appellant's opening brief as *State v. Bui*. See 142 Wn.2d 568, 14 P.3d 752 (2002); App.Br. at 8.

Because Robert failed to preserve the claimed instructional error and now fails to show he received inadequate notice or that he endured any prejudice, this Court should affirm his conviction and sentence for third-degree assault.

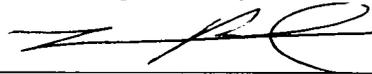
D. CONCLUSION.

The trial court properly found that Elizabeth's spontaneous repetition of the word "lawyer" was not an unequivocal request for counsel when it took place at a time when it was more likely intended as a threatened civil action and not a request for counsel. Furthermore, the State adduced sufficient evidence of Elizabeth's intent to assault the bartender and thus disprove her claim of self defense. Finally, Robert failed to prove his unpreserved claim that he received inadequate notice of the charges against him when the information's broader allegations of accomplice liability contained all of the essential elements of the charged assault and the evidence adduced at trial further established that Robert acted as a principal when he committed the crime.

For the foregoing reasons, the State respectfully requests this Court to affirm Robert and Elizabeth's convictions.

DATED: August 20, 2014.

MARK LINDQUIST
Pierce County
Prosecuting Attorney



JASON RUYF
Deputy Prosecuting Attorney
WSB # 38725



Miryana Gerassimova
Rule 9 Legal Intern

Certificate of Service:

The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

8/21/14 Cherise Kar
Date Signature

PIERCE COUNTY PROSECUTOR

August 20, 2014 - 4:19 PM

Transmittal Letter

Document Uploaded: 455358-Respondent's Brief.pdf

Case Name: St. v. Mulligan

Court of Appeals Case Number: 45535-8

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: Therese M Kahn - Email: tnichol@co.pierce.wa.us

A copy of this document has been emailed to the following addresses:

SCCAAttorney@yahoo.com

marietrombley@comcast.net