

NO. 48154-5-II

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

STATE OF WASHINGTON, Respondent

v.

RUBEN EDWARD CORTEZ, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
CLARK COUNTY SUPERIOR COURT CAUSE NO.15-1-00243-1

BRIEF OF RESPONDENT

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RESPONSE TO ASSIGNMENTS OF ERROR

- I. **The trial court's failure to enter written findings on the CrR 3.5 hearing was harmless.**
- II. **The State presented sufficient evidence to prove Cortez's identity at trial.**

STATEMENT OF THE CASE

Ruben Edward Cortez (hereafter 'Cortez') was arrested on February 9, 2015 by Vancouver Police Officer Jason Mills on a new charge of failure to register as a sex offender and on a warrant out of King County. RP 128. Cortez was taken to the Clark County jail where he went through the booking process and was then interviewed by Officer Mills. RP 131-32. Officer Mills identified Cortez in the courtroom during trial as the person he arrested on February 9, 2015. RP 129. During their conversation, Cortez told Officer Mills that he had been convicted as a juvenile and knew he had to register if he lived in the state of Washington. RP 134. Cortez told Officer Mills that he moved from King County to Portland, Oregon in February 2014. RP 133. Cortez indicated he moved to Clark County in April 2014 and lived with his father in Vancouver at a residence on Alabama street until September 2014 when he obtained his own residence and lived with his significant other and his children. RP 133-34. Cortez told Officer Mills he did not try to register when he moved

to Clark County in April 2014, nor when he moved residences within Clark County in September 2014. RP 135.

After his arrest, the Clark County Prosecuting Attorney's Officer charged Cortez with Failure to Register as a Sex Offender. CP 1-2. Prior to trial, the trial court held a hearing pursuant to CrR 3.5 to determine whether Cortez's statements to Officer Mills would be admissible at trial. RP 11-35. The trial court did not enter written findings on the CrR 3.5 hearing, but orally ruled the statements admissible. RP 34-35. In its ruling, the court stated:

THE COURT: Based on the information I have, I find the undisputed evidence or undisputed facts are that the officer arrested Mr. Cortez, placed him in custody. He was transported to the Clark County Jail and there he was subjected to an interrogation. He was asked questions about why he was there and he answered those questions. I find as an undisputed fact that he was advised of his constitutional rights prior to that occurring. I can't -- the only evidence I have is the officer's testimony that although he can't recall specifically whether he did it from memory on this occasion or whether he did it reading from a form, that he advised Mr. Cortez of those rights. Mr. Cortez didn't contest that. He just said he can't recall one way or the other, because he was distraught. He was advised of his rights. He understood his rights based on the objective evidence at the time and he agreed to answer the questions of the officer. And he did so without any trick or coercion by the officer, no threats or promises being made. Both of the people who testified agreed to that. Mr. Cortez apparently was upset. Both Mr. Cortez and the officer testified he was concerned about his family and apparently, his daughter, but he was aware of his surroundings and knew what he was doing. The fact he doesn't recall the

details of it now is understandable, but not a basis for me finding that something improper occurred. So for that reason, I do find that the statements that he made to the officer on this particular day were admissible under 3.5.

RP 34-35. The case then proceeded to trial. At trial, the State admitted multiple exhibits of certified copies of documents relating to Cortez's prior 1994 conviction for Rape of a Child in the First Degree and his prior 2004 conviction for Failure to Register as a Sex Offender with a prior conviction. RP 40; Ex. 1, 2, 4. The State also admitted a copy of Cortez's Washington State Driver's license. RP 182; Ex. 8. Rape of a child in the first degree, and failure to register when you have a prior conviction are offenses convictions for which the offender is required to register as a sex offender. RP 87-88.

At trial the evidence showed that after being convicted of his first sex offense, Cortez initially registered as a sex offender in Clark County in 1996. RP 91. The Clark County sex offender registration office has no record of Cortez registering or attempting to register between May 28, 2014 and February 9, 2015. RP 92-93. If Cortez had contacted the sex offender registration office a record of that contact would have been kept in the registration office's file. RP 93. The State also admitted a document showing Cortez's last registration in King County as occurring on

September 3, 2013, and heard testimony from a records specialist from King County about the registration process there. Ex. 6; RP 104-05.

On February 19, 2014, Detective Lancaster of the Tukwila City Police Department contacted Cortez at a motel in the City of Tukwila. RP 185. Detective Lancaster identified Cortez in court at trial as the person he had contact with on February 19, 2014. RP 185. Detective Lancaster confirmed Cortez was staying at the motel and informed him that he needed to register his current address with the King County Sheriff's Office. RP 187-88. This motel was located near the area of town that Cortez indicated at his last registration in King County, in September 2013, that he could be located at. Ex. 6; RP 189.

On June 17, 2014 Cortez was issued a Washington State Driver's License which listed his address as 7413 Alabama Drive, Vancouver, Washington 98664, a location in Clark County, Washington. RP 179; Ex. 8.

On January 22, 2015, Officer Taylor of the Vancouver Police Department responded to a residence located at 7528 Delaware Lane in the City of Vancouver. RP 117. He responded there at approximately 1:00a.m. to verify the safety of a reported runaway. RP 117-18. He made contact with Cortez, whom he identified in court during the trial, at that

residence. RP 117. Cortez came to the door and met with Officer Taylor and told him his daughter was asleep in the other room. RP 118.

The exhibits admitted at trial included the following:

- Exhibit 1 is a certified copy of a booking photo of Ruben Edward Cortez taken on February 9, 2015, as well as a certified copy of a fingerprint card of the fingerprints taken on February 9, 2015. RP 50; Ex. 1. This exhibit shows a photograph of Cortez taken on February 9, 2015, which contains the name “Cortez, Ruben Edward” and “DOB: 5/23/1979.” Ex. 1. The second sheet attached to the photograph in Exhibit 1 is a fingerprint card that is identified with the name “Cortez, Ruben Edward” and “Date of Birth” as “05/23/1979.” Ex. 1. Both of these documents further describe the person as a male of Indian ethnicity, 6’ tall, 210lbs, with brown eyes and black hair. Ex. 1.
- Exhibit 2 includes certified copies of several documents pertaining to a Clark County Juvenile Case in cause number 94-8-00146-4. Ex. 2. The information is against a person named “Ruben Edward Cortez, Jr.” with a date of birth of “05-23-79.” Ex. 2. Exhibit 2 also contains the order of commitment on this case showing a conviction for Rape of a Child in the First Degree. Ex. 2. The signature line of this order of commitment shows it was signed on September 8, 1994, and it includes two thumbprints of the “youth who appeared in court on this document.” Ex. 2. These documents pertain to Cortez’s prior conviction for Rape of a Child in the First Degree. RP 149; Ex. 2.
- Exhibit 4 contains several documents from King County Superior Court pertaining to case number 04-1-14263-2 SEA, involving a “Ruben E. Cortez, Jr.” Ex. 4; RP 151. Included in this exhibit is the King County judgment and sentence for this case number, having found Cortez guilty of Failure to Register as a Sex Offender, and sentencing him on March 4, 2005. Ex. 4.

Fingerprints of the defendant associated with this judgment were affixed to the judgment and sentence. The fingerprint page indicates they are for “Ruben Edward Cortez” with a date of birth of “May 23, 1979.”.

- Exhibit 8 is a certified copy of Cortez’s driver’s license issued on June 17, 2014. RP 174; Ex. 8. This license shows a photograph of Cortez, a date of birth of May 23, 1979, it shows he is a male who is 6’ tall, weighs 207 pounds and has brown eyes. Ex. 8.

Nancy Druckenmiller, an identification specialist with the Clark County Sheriff’s Office, testified that she examined the document that was admitted as Exhibit 1, including the fingerprints obtained. RP 46, 50. Ms. Druckenmiller testified that in her analysis in comparing the fingerprints from the person arrested on February 9, 2015, whose fingerprints appear on the booking fingerprint document with the name Ruben Edward Cortez and a date of birth of 05/23/79, with the fingerprints on this order of commitment, that the fingerprints are of the same person. RP 151. Ms. Druckenmiller also compared the fingerprints from the judgment and sentence contained in Exhibit 4, with the fingerprints of the person arrested and fingerprinted on February 9, 2015, and found that these two sets of fingerprints were obtained from the same person. RP 152.

The jury returned a verdict of guilty on the one count of Failure to Register as a Sex Offender. CP 67. The trial court sentenced Cortez to the low end of the standard sentencing range, which was 43 months based on

an offender score of 9+. CP 101-05. Cortez then filed the instant appeal. CP 118.

ARGUMENT

I. The trial court's failure to enter written findings on the CrR 3.5 hearing was harmless.

Cortez argues the trial court erred in failing to enter written findings pursuant to CrR 3.5 after it held a hearing on the admissibility of Cortez's statement to police. Cortez further argues this Court should reverse his conviction, and remand the matter to the trial court for entry of findings and conclusions pursuant to CrR 3.5 and a new trial. Although the trial court did err in failing to enter written findings and conclusions pursuant to CrR 3.5, its oral findings and conclusions are clear enough to allow review and thus Cortez has not been prejudiced. Remand is not required to correct this issue, and there is no authority to support that the trial court's failure to enter written CrR 3.5 findings requires reversal of the conviction..

CrR 3.5 is the procedure by which a trial court determines whether statements of a defendant, offered by the State at trial, are admissible into evidence. CrR 3.5(a). This rule requires that the trial court, "set forth in writing: (1) the undisputed facts; (2) the disputed facts; (3) conclusions as to the disputed facts; and (4) conclusion as to whether the statement is

admissible and the reasons therefor.” CrR 3.5(c). The trial court did hold a hearing pursuant to CrR 3.5 prior to Cortez’s trial, however the trial court did not enter any written findings pursuant to CrR 3.5(c). The trial court instead, gave an oral ruling finding the statement Cortez made to law enforcement officers admissible. RP 34-35.

The trial court made the following findings and conclusions, orally, regarding the CrR 3.5 hearing:

THE COURT: Based on the information I have, I find the undisputed evidence or undisputed facts are that the officer arrested Mr. Cortez, placed him in custody. He was transported to the Clark County Jail and there he was subjected to an interrogation. He was asked questions about why he was there and he answered those questions. I find as an undisputed fact that he was advised of his constitutional rights prior to that occurring. I can't -- the only evidence I have is the officer's testimony that although he can't recall specifically whether he did it from memory on this occasion or whether he did it reading from a form, that he advised Mr. Cortez of those rights. Mr. Cortez didn't contest that. He just said he can't recall one way or the other, because he was distraught. He was advised of his rights. He understood his rights based on the objective evidence at the time and he agreed to answer the questions of the officer. And he did so without any trick or coercion by the officer, no threats or promises being made. Both of the people who testified agreed to that. Mr. Cortez apparently was upset. Both Mr. Cortez and the officer testified he was concerned about his family and apparently, his daughter, but he was aware of his surroundings and knew what he was doing. The fact he doesn't recall the details of it now is understandable, but not a basis for me finding that something improper occurred. So for that reason, I do find that the statements that he made to the officer on this particular day were admissible under 3.5.

RP 34-35.

Although a trial court's failure to enter written findings and conclusions pursuant to CrR 3.5(c) is error, it is harmless error as long as the oral findings are sufficient to allow appellate review. *State v. Thompson*, 73 Wn.App. 122, 130, 867 P.2d 691 (1994) (citing to *State v. Riley*, 69 Wn.App. 349, 352-53, 848 P.2d 1288 (1993) and *State v. Clark*, 46 Wn.App. 856, 859, 732 P.2d 1029, *rev. denied*, 108 Wn.2d 1014 (1987)). In *State v. Haynes*, 16 Wn.App. 778, 559 P.2d 583, *rev. denied*, 88 Wn.2d 1017 (1977) this Court found that the trial court's failure to enter written findings and conclusions on the CrR 3.5 hearing was not reversible absent prejudice to the defendant. *Haynes*, 16 Wn.App. at 788. This Court reasoned that the trial court gave "adequate oral reasoning in ruling that the statements, if indeed made, were voluntary" and the absence of written findings "did not hinder [its] review...." *Id.* Many courts have since upheld this reasoning. *See e.g. State v. Grogan*, 147 Wn.App. 511, 195 P.3d 1017, *rev. granted, cause remanded*, 168 Wn.2d 1039, 234 P.3d 169, *on remand*, 158 Wn.App. 272, 246 P.3d 196 (2008) (holding a trial court's failure to enter findings required is harmless error if the court's oral findings are sufficient to permit appellate review); *State v. Miller*, 92 Wn.App. 693, 703, 964 P.2d 1196 (1998) (holding a trial court's failure to comply with CrR 3.5(c) is harmless error if the court's

oral findings are sufficient to allow appellate review); *State v. Phillip Arthur Smith*, 67 Wn.App. 81, 834 P.2d 26, *reviewed and affirmed on other grounds*, 123 Wn.2d 51, 864 P.2d 1371, (1992) (holding a trial court's failure to enter written findings following the denial of a motion to suppress was harmless error where the court's oral findings were sufficient to permit appellate review).

Cortez cites to no case that supports his contention that the failure of a trial court to enter written findings after a CrR 3.5 hearing requires automatic reversal of the conviction and remand for entry of written findings and a new trial because the fact of failing to enter findings prevents appellate review. Where the court's oral findings are sufficient to allow appellate review, then the failure to enter written findings after a CrR 3.5 hearing is harmless. *Grogan, supra, Miller, supra*. Cortez never suggests the trial court's findings are insufficient or unclear, and does not further explain how he is unable to obtain appellate review of the CrR 3.5 decision absent written findings. A simple reading of the transcript shows this issue was simple and clear and the court's findings appropriate. If Cortez wanted appellate review of the admissibility of his statement to police, the record is sufficiently clear to allow such review. The trial court's erroneous failure to enter written findings is harmless; Cortez has

not been prejudiced. This Court should deny Cortez's claim that reversal and remand is necessary.

II. The State presented sufficient evidence to prove Cortez's identity at trial.

Cortez argues the State failed to present sufficient evidence to prove beyond a reasonable doubt that he is the same person who was previously convicted of multiple sex offenses which required he register as a sex offender. Through the testimony of multiple witnesses and the admission of many exhibits, the State proved that Cortez had a duty to register, had knowledge of his duty, and failed to register as a sex offender. Cortez's claim fails.

When reviewing a claim of insufficiency, the Court of Appeals must determine whether, when viewing the evidence in the light most favorable to the State, any rational trier of fact could have found the elements of the offense beyond a reasonable doubt. *State v. Green*, 94 Wn.2d 216, 221, 616 P.2d 628 (1980). A challenge to the sufficiency of the evidence admits the truth of the State's evidence and all reasonable inferences therefrom. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). A person is guilty of failing to register as a sex offender when he or she has a duty to register under RCW 9A.44.140 for a felony sex offense and knowingly fails to comply with any of the requirements of

RCW 9A.44.130. RCW 9A.44.132. Cortez specifically argues the State's evidence was insufficient to prove he was the same person who was convicted of sex offenses in 1994 in Clark County and in 2005 in King County.

The State bears the burden of establishing all the elements of a crime beyond a reasonable doubt, including identity of the defendant as the person who committed the offense. *State v. Hill*, 83 Wn.2d 558, 560, 520 P.2d 618 (1974).

It is axiomatic in criminal trials that the prosecution bears the burden of establishing beyond a reasonable doubt the identity of the accused as the person who committed the offense. Identity involves a question of fact for the jury and any relevant fact, either direct or circumstantial, which would convince or tend to convince a person of ordinary judgment, in carrying on his everyday affairs, of the identity of a person should be received and evaluated.

Id. As with all factual issues, it is for the trier of fact, in this case the jury, to determine. The evidence should not be weighed again on appeal to determine if the State has proven beyond a reasonable doubt that the defendant was the person who committed the offense. *State v. Johnson*, 12 Wn.App. 40, 45, 527 P.2d 1324 (1974). Rather, “[t]he function of an appellate court is only to assess that there was substantial evidence from which the trier of fact could infer that the burden of proof had been met and that the defendant was the one who perpetrated the crime.” *Id.*

In general, the best evidence to establish the existence of a prior conviction is a certified copy of the relevant judgment and sentence. *State v. Rivers*, 130 Wn.App. 689, 698, 128 P.3d 608 (2005). However, where a former judgment is an element of the substantive crime being charged, identity of names alone is not sufficient proof of the identity of a person to allow the court to admit the prior judgment of conviction. *See State v. Hunter*, 29 Wn.App. 218, 221, 627 P.2d 1339 (1981).

The State must provide independent evidence that the person named in the former judgment and sentence is the defendant in the present action. *Id.* When a defendant's guilt depends on his being the person to whom a document pertains, the State must show beyond a reasonable doubt "that the person named therein is the same person on trial." *State v. Kelly*, 52 Wn.2d 676, 678, 328 P.2d 362 (1958); *see also State v. Brezillac*, 19 Wn.App. 11, 12, 573 P.2d 1343 (1978).

There are many ways in which the State can meet its burden of proving a defendant's identity. It may be proved by booking photographs, booking fingerprints, eyewitness identification, or distinctive personal information. *See State v. Murodck*, 91 Wn.2d 336, 338, 340, 588 P.2d 1143 (1979); *State v. Johnson*, 33 Wn.App. 534, 538, 656 P.2d 1099 (1982); *Brezillac*, 19 Wn.App. at 13. In *Brezillac*, the Court on Appeal found the State introduced sufficient evidence to prove the defendant's

identity through evidence of a detailed physical description of the defendant along with his wife's name and address that was included on documents pertaining to his prior conviction. *Brezillac*, 19 Wn.App. at 13.

In *State v. Clark*, 18 Wn.App. 831, 572 P.2d 734 (1977), the Court on Appeal found the State proved the defendant's prior conviction of burglary despite the defendant's claim that the State did not present sufficient evidence to prove his identity as the defendant in the prior burglary case. There, the State presented a judgment and sentence of a prior conviction, a warrant of commitment, a fingerprint card and a mugshot, all associated with a specific conviction. *Clark*, 18 Wn.App. at 833. The appellate court found this evidence was competent to show that the defendant was the person with this prior conviction. *Id.*

In Cortez's case below, the State introduced sufficient evidence to prove Cortez was the person previously convicted of Rape of a Child in the First Degree in 1994, and Failure to Register as a Sex Offender with a prior conviction in 2005. Officer Mills testified that he arrested Cortez, the man he identified in court during trial, on February 9, 2015, whereafter the defendant was brought to jail, completed the booking process, and then had a conversation with Officer Mills. RP 128-29. Nancy Druckenmiller, an identification specialist with the Clark County Sheriff's Office, testified that examined the document that was admitted as Exhibit 1. RP 46, 50.

Exhibit 1 contains a booking photograph of Ruben Edward Cortez, taken on February 9, 2015, and fingerprints of the same person taken at the time of his arrest on February 9, 2015. RP 50; Ex. 1. This exhibit shows a photograph of Cortez taken on February 9, 2015, which contains the name “Cortez, Ruben Edward” and “DOB: 5/23/1979.” Ex. 1. The second sheet attached to the photograph in Exhibit 1 is a fingerprint card that is identified with the name “Cortez, Ruben Edward” and “Date of Birth” as “05/23/1979.” Ex. 1. Both of these documents further describe the person as a male of Indian ethnicity, 6’ tall, 210lbs, with brown eyes and black hair. Ex. 1.

Exhibit 2 was admitted at trial. RP 40. Exhibit 2 includes certified copies of several documents pertaining to a Clark County Juvenile Case in cause number 94-8-00146-4. Ex. 2. The information is against a person named “Ruben Edward Cortez, Jr.” with a date of birth of “05-23-79.” Ex. 2. Exhibit 2 also contains the order of commitment on this case showing a conviction for Rape of a Child in the First Degree. Ex. 2. The signature line of this order of commitment shows it was signed on September 8, 1994, and it includes two thumbprints of the “youth who appeared in court on this document.” Ex. 2. Ms. Druckenmiller testified that in her analysis in comparing the fingerprints from the person arrested on February 9,

2015 (who Officer Mills identified as Cortez) with the fingerprints on this order of commitment, that the fingerprints are of the same person. RP 151.

Exhibit 4 was admitted at trial. RP 40. Exhibit 4 contains several documents from King County Superior Court pertaining to case number 04-1-14263-2 SEA, involving a “Ruben E. Cortez, Jr.” Ex. 4; RP 151. Included in this exhibit is the King County judgment and sentence for this case number, having found Cortez guilty of Failure to Register as a Sex Offender, and sentencing him on March 4, 2005. Ex. 4. Fingerprints of the defendant associated with this judgment were affixed to the judgment and sentence. The fingerprint page indicates they are for “Ruben Edward Cortez” with a date of birth of “May 23, 1979.” Ms. Druckenmiller compared the fingerprints from this judgment and sentence contained in Exhibit 4, with the fingerprints of the person arrested on February 9, 2015 (who Officer Mills identified as Cortez) and found that these two sets of fingerprints were obtained from the same person. RP 152.

Exhibit 8 was admitted at trial. RP 182. Exhibit 8 is a certified copy of Cortez’s Washington State driver’s license. This license shows a photograph of Cortez, a date of birth of May 23, 1979, it shows he is a male who is 6’ tall, weighs 207 pounds and has brown eyes. Ex. 8.

The evidence the State presented here, certified copies of documents from two prior convictions of sex offenses, all labeled with

Cortez's name, and the same date of birth, all with fingerprints that match the fingerprints of a person by the name of Ruben Edward Cortez who went through the booking procedure on February 9, 2015 at the Clark County jail, is more than sufficient evidence to convince any reasonable trier of fact that the person sitting in the courtroom, that Officer Mills identified as Ruben Cortez, the man he investigated and arrested on February 9, 2015, is the same person who was convicted in 1994 and again in 2004 of sex offenses. Moreover, Cortez's state-issued driver's license again shows a photograph of him, with the same name and date of birth as Exhibits 1, 2 and 4, and an address which he had previously lived at by his own admission. Ex. 8; RP 133-34. The driver's license also shows the same physical description as the booking record shows from the arrest on February 9, 2015. Ex. 1; Ex. 8. This evidence, when taken in the light most favorable to the State, is more than sufficient to establish that Cortez is the same person with the prior convictions for sex offenses. The evidence at trial shows there is sufficient evidence even without Cortez's admissions to police. However, his admissions were properly considered by the jury and by this Court as Cortez's argument that there was insufficient evidence of the corpus delicti of his identity to allow admission of his statements is without merit. "Corpus delicti" means the "body of the crime." *State v. Aten*, 130 Wn.2d 640, 655, 927 P.2d 210

(1996) (quoting 1 McCormick on Evidence §145 at 227 (John W. Strong ed., 4th ed. 1992)). When determining whether corpus delicti is established, a court must assume the truth of the State's evidence and all reasonable inferences from it in a light most favorable to the State. *State v. Ray*, 130 Wn.2d 673, 679, 926 P.2d 904 (1996) (quoting *Aten*, 130 Wn.2d at 655). A defendant's admission must be corroborated by other evidence tending to prove the corpus of the crime. *State v. Aten*, 130 Wn.2d 640, 656, 927 P.2d 210 (1996). The independent evidence does not need to prove the crime beyond a reasonable doubt, or even by a preponderance of the evidence. *Id.* (quoting *State v. Meyer*, 37 Wn.2d 759, 763-64, 226 P.2d 204 (1951)). Given the independent proof the State presented that Cortez was the same person who had been convicted of the prior crimes –by copies of certified records which established Cortez's name, date of birth, and fingerprints all analyzed as matching and coming from the same person—there was more than sufficient evidence to allow Cortez's admission of his prior conviction for a sex offense into evidence at trial, despite the corpus delicti rule.

Simply put, more than sufficient evidence proves Cortez is the same person who was convicted of the 1994 and 2004 sex crimes from Clark and King counties. Though there was no eyewitness testimony that Cortez put his fingerprints on the February 9, 2015 booking sheet, there

was sufficient circumstantial evidence that leads to reasonable inferences that show he was indeed the person whose fingerprints appeared on that booking sheet. To determine sufficiency of the evidence, this Court must weigh the evidence in favor of the State, making all reasonable inferences, and assuming the truth of the evidence. Officer Mills indicated Cortez was arrested on February 9, 2015 and that he was taken to the Clark County jail where he was processed through booking. Exhibit 1 includes a photograph (mugshot) of Cortez taken on February 9, 2015, which includes his name and date of birth and physical description, which is attached to a fingerprint card which has Cortez's name and date of birth on it. By circumstantial evidence and reasonable inferences, the fingerprints contained on the February 9, 2015 fingerprint card are from the Cortez that Officer Mills arrested, who Officer Mills testified was the man sitting in the courtroom. There was sufficient evidence that this booking fingerprint card was from Cortez, and those fingerprints matched the fingerprints contained on the certified documents pertaining to two prior convictions for sex offenses. The evidence clearly established, beyond a reasonable doubt, that the Cortez arrested, charged and convicted, was the same Cortez who was convicted of Rape of a Child in the First Degree in 1994 and of Failure to Register as a Sex Offender with a prior conviction in 2004. Cortez's claim that the State failed to present sufficient evidence

to sustain his conviction is without merit. Cortez's conviction should be affirmed.

CONCLUSION

For the foregoing reasons the trial court should be affirmed in all respects.

DATED this 17 day of June, 2016.

Respectfully submitted:

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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: Jennifer M Casey - Email: jennifer.casey@clark.wa.gov

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

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