

NO. 48169-3-II

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

STATE OF WASHINGTON,

Respondent,

v.

PATRICK LEWIS,

Appellant.

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

The Honorable Derek Vanderwood, Judge

BRIEF OF APPELLANT

CATHERINE E. GLINSKI
Attorney for Appellant

Glinski Law Firm PLLC
P.O. Box 761
Manchester, WA 98353
(360) 876-2736

TABLE OF CONTENTS

A.	ASSIGNMENTS OF ERROR.....	1
	Issues pertaining to assignments of error.....	1
B.	STATEMENT OF THE CASE.....	1
	1. Procedural History	1
	2. Substantive Facts	2
C.	ARGUMENT.....	6
	1. COUNSEL’S FAILURE TO MOVE FOR MISTRIAL CONSTITUTES INEFFECTIVE ASSISTANCE OF COUNSEL..	6
	2. THIS COURT SHOULD EXERCISE ITS DISCRETION AND DECLINE TO IMPOSE APPELLATE COSTS.....	12
	a. The serious problems <i>Blazina</i> recognized apply equally to costs awarded on appeal, and this Court should exercise its discretion to deny cost bills filed in the cases of indigent appellants.	12
	b. Alternatively, this court should remand for superior court fact- finding to determine Lewis’s ability to pay.	17
D.	CONCLUSION.....	18

TABLE OF AUTHORITIES

Washington Cases

<u>Staats v. Brown</u> , 139 Wn.2d 757, 991 P.2d 615 (2000)	17
<u>State v. Benn</u> , 120 Wn.2d 631, 845 P.2d 289, <u>cert. denied</u> , 510 U.S. 944 (1993).....	8
<u>State v. Blank</u> , 131 Wn.2d 230, 930 P.2d 1213 (1997)	14
<u>State v. Blazina</u> , 182 Wn.2d 827, 344 P.3d 680 (2015).....	12, 13, 15, 16
<u>State v. Condon</u> , 72 Wn. App. 638, 865 P.2d 521 (1993), <u>review denied</u> , 123 Wn.2d 1031 (1994)	10
<u>State v. Escalona</u> , 49 Wn. App. 251, 742 P.2d 190 (1987).....	9, 11
<u>State v. Mahone</u> , 98 Wn. App. 342, 989 P.2d 583 (1999).....	15
<u>State v. Maurice</u> , 79 Wn. App. 544, 903 P.2d 514 (1995).....	9
<u>State v. Miles</u> , 73 Wn.2d 67, 436 P.2d 198 (1968).....	11
<u>State v. Mutchler</u> , 53 Wn. App. 898, 771 P.2d 1168 (1989)	10
<u>State v. Thomas</u> , 109 Wn.2d 222, 743 P.2d 816 (1987).....	7, 8
<u>State v. Wade</u> , 98 Wn. App. 328, 989 P.2d 576 (1999).....	10

Federal Cases

<u>Strickland v. Washington</u> , 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).....	7, 8
--	------

Statutes

RCW 10.01.160	14, 15
RCW 10.09.020	1
RCW 10.73.160(1).....	16
RCW 10.73.160(3).....	14

RCW 10.73.160(4).....	15
RCW 10.82.090(1).....	15
RCW 9.41.040	1
RCW 9A.36.021(1)(g)	1
Constitutionl Provisions	
U.S. Const. amend. VI	7
Wash. Const. art. I, § 22.....	7
Rules	
ER 403	6
ER 404	6, 10
ER 609	6
GR 34.....	16
RAP 15.2(e)	16
RAP 15.2(f).....	16
Other Authorities	
AM. CIVIL LIBERTIES UNION, IN FOR A PENNY: THE RISE OF AMERICA’S NEW DEBTOR’S PRISONS, at 68-69 (2010).....	13
KATHERINE A. BECKETT, ALEXES M. HARRIS, & HEATHER EVANS, WASH. STATE MINORITY & JUSTICE COMM’N, THE ASSESSMENT AND CONSEQUENCES OF LEGAL FINANCIAL OBLIGATIONS IN WASHINGTON STATE (2008),.....	13

A. ASSIGNMENTS OF ERROR

1. Trial counsel's failure to move for a mistrial constitutes ineffective assistance of counsel.

2. This Court should exercise its discretion to deny appellate costs should the State substantially prevail on appeal.

Issues pertaining to assignments of error

1. Although the trial court granted the defense motion in limine to exclude evidence of appellant's criminal history, the State's key witness testified that appellant had been incarcerated for most of the past eight years. Did trial counsel's failure to move for a mistrial constitute ineffective assistance of counsel which denied appellant a fair trial?

2. Given the serious problems with the LFO system recognized by our Supreme Court in Blazina, should this Court exercise its discretion to deny cost bills filed in the cases of indigent appellants?

B. STATEMENT OF THE CASE

1. Procedural History

On March 18, 2015, the Clark County Prosecuting Attorney charged appellant Patrick Lewis with second degree assault by strangulation, alleging that the crime was a domestic violence offense. CP 1-2; RCW 9A.36.021(1)(g); RCW 10.09.020; RCW 9.41.040. The case

proceeded to jury trial before the Honorable Derek Vanderwood, and the jury returned a guilty verdict. CP 51-52. The court imposed a standard range sentence of 47 months. CP 56. Lewis filed this timely appeal. CP 69.

2. Substantive Facts

Patrick Lewis was charged with second degree assault by strangulation based on allegations made by Aisha Johnson. Around 2:30 a.m. on March 13, 2015, Johnson called 911 and reported that Lewis was dropping her off at her motel, but when she tried to get out of his car he grabbed her hair and rammed her head into the dash, then he choked her. RP 90-91, 138.

Officer Scott Burnette responded to the motel. Johnson was upset and talking excitedly. RP 153. Johnson said that Lewis came to her motel so they could talk, and he wanted her to drive to Portland. She was afraid he would get violent, but she went with him anyway, and they drove to Portland and back. When they returned Lewis was angry that she was texting, so he grabbed her phone, then forcibly pushed her head against the passenger window. RP 155. She did not say he had pushed her head into the dash, as she had said in the 911 call. Johnson said Lewis then put one hand around her throat, she could not breathe for almost 30 seconds, and her vision became blurry. RP 155. He let go, and they both got out of the

car. She said she got in her car and locked the door, but Lewis tried to reach into her car through an open window, and she backed up, almost hitting Lewis's car. RP 158-59.

Burnette did not notice any injuries consistent with Johnson's head being forcibly pushed against a window, and he did not see any injuries consistent with the jaw pain she described. RP 153-55. He noticed that she appeared to have difficulty swallowing, and she had a deep voice, which she attributed to being strangled. RP 155-56. Burnette saw some reddening on Johnson's neck, and he took some photographs. RP 157. The case detective testified that visible signs of strangulation are present in about half the cases she investigates. RP 202-03.

At trial Johnson testified that she and Lewis were involved in a romantic relationship. They made plans to go out on March 13, but when he arrived at her motel he was hostile. RP 78-79. She testified that he got to the motel around 1:00 a.m. and came to her room for 15 minutes or so, although she never told Burnette that Lewis had been in her room. RP 108, 163. Johnson testified that she and Lewis decided to go to a bar, and they headed to Portland. RP 79-80. Johnson said she drove Lewis's car into Portland, but they started arguing and headed back to Vancouver. At some point Lewis told her to pull over, and they changed seats so that Lewis could drive. RP 81-82.

They were still arguing when they got back to Johnson's motel. Johnson testified that they "got into it" and Lewis choked her. RP 82. She said she was lying down on the armrest, and his hands were around her neck. She was kicking the window and trying to talk, but she was unable to. RP 83-84. He let her up when she gasped for air. At that point she hit him in the face with one of her shoes and got out of the car. RP 84-85. Although Johnson had told Officer Burnette she went straight to her car from Lewis's car, she testified at trial that Lewis got out of his car and started hitting her in the parking lot. RP 86, 165. She said she then retrieved her purse from Lewis's car and got in her own car. She thought about hitting Lewis with her car, but she decided against it. RP 86-87. When Lewis got back in his car and drove off, Johnson called to tell him she was calling the police and he was going to jail. RP 87.

Johnson testified that she did not remember many of the details from that evening. She could not remember if Lewis slammed her head into the window as she told Officer Burnette. RP 97, 155. She testified that Lewis did not push her head; he pulled her hair and her head hit the window. Then she ended up lying on the armrest. RP 116. She said that Lewis had both hands around her neck, choking her, although she had told the Officer he used one hand. RP 119; 155.

Johnson testified that she texted with Lewis after the incident, and copies of the text messages were admitted into evidence. RP 99; Exhibit 6. She testified that she tried to make Lewis angry by implying that she was with another man, and he would choke Lewis. RP 101-02, 138. She was upset and angry at Lewis because she believed they were in an exclusive relationship, but he was seeing other women. RP 136, 139. Lewis later texted that she broke his jaw, referring to when she hit him with her shoe. RP 102. He offered apologies in text messages and phone calls, but she did not believe he was sorry. RP 102.

Lewis testified in his defense. He said he had known Johnson for 15 to 20 years. RP 224. She was a close friend, but they never had a romantic relationship. RP 230. They had been texting on the night in question, and she asked him to come to her motel to help her with an incident with another man. RP 225, 239. When they spoke on the phone, Lewis could hear yelling in the background. RP 240. When he arrived around 1:30, he called to tell her he was there, and she came out to his car to talk. RP 227. The man who had been in the incident with Johnson had already left. RP 260. Johnson asked Lewis for help finding the man, but Lewis told her he did not want to get involved, and she became upset. RP 228, 261. They both started talking crazy and cussing at each other, and he told her he was leaving. RP 228. When he got back in his car, she

leaned in and told him to stay. When he refused, she swung a shoe and hit him in the face. RP 229. He drove away and went home. RP 229.

Lewis testified that in his text messages and phone calls after leaving Johnson's motel, he explained to her that he could not help her and he could not continue their relationship. He felt bad about that and apologized. RP 232-37. He testified that he never put his hands around Johnson's neck. RP 239.

C. ARGUMENT

1. COUNSEL'S FAILURE TO MOVE FOR MISTRIAL CONSTITUTES INEFFECTIVE ASSISTANCE OF COUNSEL.

The defense filed a motion in limine to exclude any and all evidence, references to evidence, testimony, or argument relating to Lewis's criminal history and/or the fact that he was on federal probation, arguing that the probative value of such evidence is substantially weighed by the risk of undue prejudice. CP 5 (citing ER 403 and ER 404). The State did not object to this motion and also informed the court that it was not seeking to admit any of Lewis's prior convictions under ER 609. RP 9. The court granted the defense motion. RP 10.

At trial, the nature of Lewis's relationship with Johnson was in dispute. The crime was charged as a domestic violence offense based on Johnson's claim that they were involved in a romantic relationship.

Lewis's position was that they were friends and never romantically involved. On direct exam, Johnson testified that she and Lewis began their physical relationship eight years previously, and she believed they became romantic about three years ago. She thought they were dating at the time of the alleged incident. RP 77-78. Defense counsel sought to clarify this testimony on cross exam, asking Johnson how long she had been in a romantic relationship with Lewis. RP 105. Johnson responded that the romantic relationship was about year altogether, but there was a gap in that time. RP 105. When counsel asked about the inconsistency from her previous testimony, she said "Well, he was incarcerated so it was an on-and-off relationship, I guess."

Despite the fact that the court had ruled testimony of Lewis's criminal history inadmissible, defense counsel did not move for a mistrial. As a result, the jury was permitted to consider this irrelevant and prejudicial testimony when deliberating on the charge in this case. The failure to move for a mistrial constituted ineffective assistance of counsel.

Every criminal defendant is guaranteed the right to the effective assistance of counsel. Strickland v. Washington, 466 U.S. 668, 685, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); State v. Thomas, 109 Wn.2d 222, 229, 743 P.2d 816 (1987); U.S. Const. amend. VI; Wash. Const. art. I, § 22. A defendant is denied this right when his attorney's conduct "(1) falls below

a minimum objective standard of reasonable attorney conduct, and (2) there is a probability that the outcome would be different but for the attorney's conduct." State v. Benn, 120 Wn.2d 631, 663, 845 P.2d 289 (citing Strickland, 466 U.S. at 687-88), cert. denied, 510 U.S. 944 (1993).

To establish the first prong of the Strickland test, the defendant must show that "counsel's representation fell below an objective standard of reasonableness based on consideration of all the circumstances." Thomas, 109 Wn.2d at 229-30. To establish the second prong, the defendant "need not show that counsel's deficient conduct more likely than not altered the outcome of the case" in order to prove that he received ineffective assistance of counsel. Thomas, 109 Wn.2d at 226. Rather, only a reasonable probability of such prejudice is required. Strickland, 466 U.S. at 693; Thomas, 109 Wn.2d at 226. A reasonable probability is one sufficient to undermine confidence in the outcome of the case. Strickland, 466 U.S. at 694; Thomas, 109 Wn.2d at 226.

There was no legitimate reason for counsel not to seek a mistrial after Johnson informed the jury that Lewis had been incarcerated for most of the past eight years. Counsel had moved pretrial to exclude any reference to Lewis's criminal history on the basis that it was unduly prejudicial, and the court granted the motion. No defense purpose could be served by allowing the jury to consider Johnson's testimony. While

counsel could legitimately have believed that objecting to the testimony in front of the jury would run the risk of highlighting this prejudicial information, there was no reason for counsel's failure to address the issue outside the jury's presence. Where counsel's trial conduct cannot be characterized as legitimate trial strategy or tactics, it constitutes ineffective assistance of counsel. State v. Maurice, 79 Wn. App. 544, 552, 903 P.2d 514 (1995).

Lewis was prejudiced by counsel's failure, because had counsel moved for mistrial the court would have been obligated to grant the motion. When examining a trial irregularity, the question is whether the incident so prejudiced the jury that the defendant was denied his right to a fair trial. If it did, a mistrial was required. State v. Escalona, 49 Wn. App. 251, 254, 742 P.2d 190 (1987). Courts examine (1) the seriousness of the irregularity, (2) whether it involved cumulative evidence, and (3) whether the trial court properly instructed the jury to disregard it. Id.

First, the irregularity here was very serious because it injected evidence regarding Lewis's criminal history into the jury's deliberations, even though the court had excluded such evidence as unfairly prejudicial. Evidence of Lewis's previous incarceration was not legally relevant to any issue in the case, yet it was logically relevant to support the forbidden inference that Lewis was a criminal type who was more likely to have

committed the charged crime. Because the evidence demonstrated a general criminal propensity, it violated “the fundamental prohibition of ER 404(b).” See State v. Wade, 98 Wn. App. 328, 336, 989 P.2d 576 (1999); State v. Mutchler, 53 Wn. App. 898, 904, 771 P.2d 1168 (1989).

Second, Johnson’s reference to Lewis’s prior incarceration was not cumulative of other properly admitted evidence. As discussed above, the trial court granted the defense motion to exclude all evidence of Lewis’s criminal history.

Finally, no instruction could have cured the prejudice caused by Johnson’s improper testimony. While an ambiguous reference to a defendant being in jail might under some circumstances be curable by an instruction to disregard, the irregularity in this case was more serious. See State v. Condon, 72 Wn. App. 638, 865 P.2d 521 (1993), review denied, 123 Wn.2d 1031 (1994). In Condon, the defendant was charged with murder. A witness mentioned that Condon had called her when he was getting out of jail and asked her to pick him up. The trial court sustained the defense objection and instructed the jury to disregard, but it denied his motion for a mistrial. Condon, 72 Wn. App. 648-49. The Court of Appeals held that the ambiguous references to the defendant being in jail did not indicate a propensity to commit murder, as he could just as easily have been in jail for a minor offense. So, although the remarks carried the

potential for prejudice, they were not so serious as to require a mistrial, and the court's instructions to disregard were sufficient to remove the prejudice. Id. at 649-50.

Johnson's testimony carried a much greater potential for prejudice than the references in Condon. She testified that her relationship with Lewis began eight years ago, and it continued to the time of the incident, but they had only been together a total of a year because he was incarcerated. From this unambiguous testimony the jury would understand that Lewis had been convicted of a serious offense, which leads to the inference that he is the type to commit the serious offense charged in this case.

In Escalona, the court noted that "no instruction can 'remove the prejudicial impression created [by evidence that] is inherently prejudicial and of such a nature as to likely impress itself upon the minds of the jurors.'" Escalona, 49 Wn. App. at 255 (quoting State v. Miles, 73 Wn.2d 67, 71, 436 P.2d 198 (1968)). As in Escalona, evidence of Lewis's prior incarceration was inherently prejudicial, and the improper testimony could not have been cured by instructing the jury to disregard it.

Because Johnson's improper testimony was a serious irregularity, was not cumulative of any proper evidence, and could not be mitigated with a jury instruction, the trial court would have been required to grant a

defense motion for mistrial. Counsel was ineffective in failing to make such a motion.

2. THIS COURT SHOULD EXERCISE ITS DISCRETION AND DECLINE TO IMPOSE APPELLATE COSTS.

At sentencing, the court below imposed only the minimum legal financial obligations required by law, finding Lewis lacks the ability to pay LFOs. RP 404; CP 57-58. The court also entered an order of indigency finding that Lewis was entitled to seek appellate review wholly at public expense, including appointed counsel, filing fees, costs of preparation of briefs, and costs of preparation of the verbatim report of proceedings. CP 86-87.

- a. The serious problems *Blazina* recognized apply equally to costs awarded on appeal, and this Court should exercise its discretion to deny cost bills filed in the cases of indigent appellants.

Our supreme court in Blazina recognized the “problematic consequences” legal financial obligations (LFOs) inflict on indigent criminal defendants. State v. Blazina, 182 Wn.2d 827, 836, 344 P.3d 680 (2015). LFOs accrue interest at a rate of 12 percent so that even persons “who pay[] \$25 per month toward their LFOs will owe the state more 10 years after conviction than they did when the LFOs were initially assessed.” Id. This, in turn, “means that courts retain jurisdiction over the impoverished offenders long after they are released from prison because

the court maintains jurisdiction until they completely satisfy their LFOs.” Id. “The court’s long-term involvement in defendants’ lives inhibits reentry” and “these reentry difficulties increase the chances of recidivism.” Id. (citing AM. CIVIL LIBERTIES UNION, IN FOR A PENNY: THE RISE OF AMERICA’S NEW DEBTOR’S PRISONS, at 68-69 (2010), available at https://www.aclu.org/files/assets/InForAPenny_web.pdf; KATHERINE A. BECKETT, ALEXES M. HARRIS, & HEATHER EVANS, WASH. STATE MINORITY & JUSTICE COMM’N, THE ASSESSMENT AND CONSEQUENCES OF LEGAL FINANCIAL OBLIGATIONS IN WASHINGTON STATE, at 9-11, 21-22, 43, 68 (2008), available at http://www.courts.wa.gov/committee/pdf/2008LFO_report.pdf).

To confront these serious problems, our supreme court emphasized the importance of judicial discretion: “The trial court must decide to impose LFOs and must consider the defendant’s current or future ability to pay those LFOs based on the particular facts of the defendant’s case.” Blazina, 182 Wn.2d at 834. Only by conducting such a “case-by-case analysis” may courts “arrive at an LFO order appropriate to the individual defendant’s circumstances.” Id.

The Blazina court addressed LFOs imposed by trial courts, but the “problematic consequences” are every bit as problematic with appellate costs. The appellate cost bill imposes a debt for losing an appeal, which

then “become[s] part of the trial court judgment and sentence.” RCW 10.73.160(3). Imposing thousands of dollars on an indigent appellant after an unsuccessful appeal results in the same compounded interest and retention of court jurisdiction. Appellate costs negatively impact indigent appellants’ ability to move on with their lives in precisely the same ways the Blazina court identified.

Although Blazina applied the trial court LFO statute, RCW 10.01.160, it would contradict and contravene Blazina’s reasoning not to require the same particularized inquiry before imposing costs on appeal. Under RCW 10.73.160(3), appellate costs automatically become part of the judgment and sentence. To award such costs without determining ability to pay would circumvent the individualized judicial discretion that Blazina held was essential before including monetary obligations in the judgment and sentence.

Lewis has been determined to qualify for indigent defense services on appeal. To require him to pay appellate costs without determining his financial circumstances would transform the thoughtful and independent judiciary to which the Blazina court aspired into a perfunctory rubber stamp for the executive branch.

In addition, the prior rationale in State v. Blank, 131 Wn.2d 230, 930 P.2d 1213 (1997), has lost its footing in light of Blazina. The Blank

court did not require inquiry into an indigent appellant's ability to pay at the time costs are imposed because ability to pay would be considered at the time the State attempted to collect the costs. Blank, 131 Wn.2d at 244, 246, 252-53. But this time-of-enforcement rationale does not account for Blazina's recognition that the accumulation of interest begins at the time costs are imposed, causing significant and enduring hardship. Blazina, 182 Wn.2d at 836; see also RCW 10.82.090(1) (“[F]inancial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments.”). Moreover, indigent persons do not qualify for court-appointed counsel at the time the State seeks to collect costs. RCW 10.73.160(4) (no provision for appointment of counsel); RCW 10.01.160(4) (same); State v. Mahone, 98 Wn. App. 342, 346-47, 989 P.2d 583 (1999) (holding that because motion for remission of LFOs is not appealable as matter of right, “Mahone cannot receive counsel at public expense”). Expecting indigent defendants to shield themselves from the State's collection efforts or to petition for remission without the assistance of counsel is neither fair nor realistic. The Blazina court also expressly rejected the State's ripeness claim that “the proper time to challenge the imposition of an LFO arises when the State seeks to collect.” Blazina, 182 Wn.2d at 832, n.1. Blank's questionable foundation has been thoroughly undermined by the Blazina

court's exposure of the stark and troubling reality of LFO enforcement in Washington.

Furthermore, the Blazina court instructed *all* courts to “look to the comment in GR 34 for guidance.” Blazina, 182 Wn.2d at 838. That comment provides, “The adoption of this rule is rooted in the constitutional premise that *every level of court* has the inherent authority to waive payment of filing fees and surcharges on a case by case basis.” GR 34 cmt. (emphasis added). The Blazina court also suggested, “if someone does meet the GR 34[(a)(3)] standard for indigency, courts should seriously question that person’s ability to pay LFOs.” Blazina, 182 Wn.2d at 839. This court receives orders of indigency “as a part of the record on review.” RAP 15.2(e). “The appellate court will give a party the benefits of an order of indigency throughout the review unless the trial court finds the party’s financial condition has improved to the extent that the party is no longer indigent.” RAP 15.2(f). This presumption of continued indigency, coupled with the GR 34(a)(3) standard, requires this court to “seriously question” an indigent appellant’s ability to pay costs assessed in an appellate cost bill. Blazina, 182 Wn.2d at 839.

This court has ample discretion to deny cost bills. RCW 10.73.160(1) states the “court of appeals . . . *may* require an adult . . . to pay appellate costs.” (Emphasis added.) “[T]he word ‘may’ has a

permissive or discretionary meaning.” Staats v. Brown, 139 Wn.2d 757, 789, 991 P.2d 615 (2000). Blank, too, acknowledged appellate courts have discretion to deny the State’s requests for costs. 131 Wn.2d at 252-53. Given the serious concerns recognized in Blazina, this court should soundly exercise its discretion by denying the State’s requests for appellate costs in appeals involving indigent appellants, barring reasonable efforts by the State to rebut the presumption of continued indigency. Lewis respectfully requests that this court deny a cost bill in this case should the State substantially prevail on appeal.

- b. Alternatively, this court should remand for superior court fact-finding to determine Lewis’s ability to pay.

In the event this court is inclined to impose appellate costs on Lewis should the State substantially prevail on appeal, he requests remand for a fair pre-imposition fact-finding hearing at which he can present evidence of his inability to pay. Consideration of ability to pay before imposition would at least ameliorate the substantial burden of compounded interest. At any such hearing, this court should direct the superior court to appoint counsel for Lewis to assist him in developing a record and litigating his ability to pay.

If the State is able to overcome the presumption of continued indigence and support a finding that Lewis has the ability to pay, this court

could then fairly exercise its discretion to impose all or a portion of the State's requested costs, depending on his actual and documented ability to pay.

D. CONCLUSION

Ineffective assistance of counsel denied Lewis a fair trial, and his conviction must be reversed. Moreover, this Court should exercise its discretion not to impose appellate costs should the State substantially prevail on appeal.

DATED April 6, 2016.

Respectfully submitted,



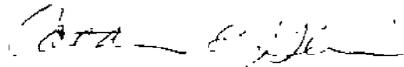
CATHERINE E. GLINSKI
WSBA No. 20260
Attorney for Appellant

Certification of Service by Mail

Today I caused to be mailed copies of the Brief of Appellant and Designation of Exhibits in *State v. Patrick Lewis*, Cause No. 48169-3-II as follows:

Patrick Lewis DOC# 386484
Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326

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



Catherine E. Glinski
Done in Port Orchard, WA
April 6, 2016

GLINSKI LAW FIRM PLLC

April 06, 2016 - 3:14 PM

Transmittal Letter

Document Uploaded: 7-481693-Appellant's Brief.pdf

Case Name:

Court of Appeals Case Number: 48169-3

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: Appellant'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: Catherine E Glinski - Email: glinskilaw@wavecable.com

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

prosecutor@clark.wa.gov