

NO. 49241-5-II

THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION TWO

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STATE OF WASHINGTON,

Respondent,

v.

WALLACE GREENWOOD,

Appellant.

---

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

---

APPELLANT'S OPENING BRIEF

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TRAVIS STEARNS  
Attorney for Appellant

WASHINGTON APPELLATE PROJECT  
1511 Third Avenue, Suite 701  
Seattle, WA 98101  
(206) 587-2711

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## A. INTRODUCTION

While the evidence established Wallace Greenwood was speeding after Pierce County Deputy Lucas Baker attempted to pull him over, this evidence is insufficient to prove Mr. Greenwood drove his motorcycle recklessly. Mr. Greenwood was driving late at night on bare roads where there was little to no traffic. And while Mr. Greenwood ultimately crashed his motorcycle, the evidence established this was because he ran into a ditch and not because he was speeding. Both the federal and state constitutions require the government to prove every element of a crime charged beyond a reasonable doubt. Because the government failed to establish the essential element of reckless driving, Mr. Greenwood is entitled to dismissal.

At trial, Mr. Greenwood testified he did not remember speaking to any of the deputies about whether he had a warrant. The trial court ruled this opened the door to allowing government to cross-examine Mr. Greenwood about his DOC warrant for failing to report status through the testimony of DOC Officer Tamisha Gilbert. This ruling is contrary to the rules of evidence and established case law. This abuse of discretion affected the outcome of the trial and requires reversal.

## B. ASSIGNMENTS OF ERROR

1. The government failed to present sufficient evidence Mr. Greenwood drove his vehicle recklessly.
2. Mr. Greenwood was improperly impeached with prior statements based upon his failure to remember having made statements regarding his warrant status.
3. The government introduced improper extrinsic evidence to prove the collateral issue of whether Mr. Greenwood had knowledge of his warrant status.

## C. ISSUES PERTAINING TO THE ASSIGNMENTS OF ERROR

1. The Fourteenth Amendment of the United States Constitution and Article 1, § 3 of the Washington Constitution require the government to prove all elements of a charged crime beyond a reasonable doubt. To prove felony eluding, the government must establish Mr. Greenwood drove his motorcycle recklessly. Does the failure of the government to establish the essential element of reckless driving entitle Mr. Greenwood to dismissal?
2. A trial court abuses its discretion when it allows a party to impeach a witness with prior statements when they have no memory of having made those statements. Improper testimony that affects the

outcome of a trial requires reversal. Is a new trial required where the trial court allowed the prosecutor to impeach Mr. Greenwood about whether he had active warrants when he testified that he did not remember speaking to the deputies about his warrant status?

3. A trial court abuses its discretion where it allows a party to impeach a witness on a collateral issue through extrinsic evidence. Is a new trial required where the court allowed the prosecutor to call Mr. Greenwood's DOC officer to testify about the conversations she had with Mr. Greenwood regarding his warrant status?

#### D. STATEMENT OF THE CASE

Deputy Lucas Baker was assigned to the Mountain Division of the Pierce County Sheriff's office when he saw a motorcycle travelling in excess of the speed limit late at night on January 26, 2016. RP 228. There were no other drivers or pedestrians around when this incident occurred. RP 260. The roads were dry and clear. RP 232.

The deputy turned his patrol car around to pursue the motorcycle. RP 233. When he pulled behind the motorcycle driven by Mr. Greenwood, it was moving at fifteen to twenty miles an hour. RP 234. Mr. Greenwood turned onto Meridian, rolling through a stop sign. RP 235. Mr. Greenwood then accelerated up Graham Hill as the deputy

activated his emergency lights. RP 236. The motorcycle made a lot of noise, from its exhaust, acceleration, and the motor revving. RP 236. The deputy estimated he had to accelerate up to one hundred miles an hour to catch back up to the motorcycle. RP 236.

By the time the deputy had caught up to the motorcycle, Mr. Greenwood had slowed down to approximately twenty miles an hour as he turned east onto 255th Street. RP 238. Mr. Greenwood took a wide turn, crossing into the westbound lanes before he straightened out his bike. RP 238. Mr. Greenwood accelerated to around sixty miles an hour on 255th street. RP 240.

255th Street was a street familiar to both the deputy and Mr. Greenwood and ends in a cul-de-sac. RP 239, 354. As Mr. Greenwood entered the cul-de-sac, his motorcycle hit a ditch. RP 243. Mr. Greenwood came off his motorcycle, crashing it. RP 244. He was groaning, moaning, making noises, and not saying any words. RP 244-45. He then got up and ran into a backyard. RP 245. He needed immediate medical attention for his injuries, which included a fractured skull and broken ribs. RP 247, 376. Mr. Greenwood was hospitalized until January 31, 2016 before he was charged with eluding a pursuing police vehicle. RP 67.

Roger Krause, who had purchased the motorcycle from impoundment, testified at trial. He told the jury that the motorcycle Mr. Greenwood had been driving had a throttle cable which had been spliced together and a clutch cable which was shorter than it should be. RP 313. While the motorcycle was operable, the spliced throttle cable would stick or get caught on the motorcycle head. RP 314-315. The problems with the clutch cable caused the motorcycle to have issues with stopping. RP 319.

Mr. Greenwood had recently purchased the motorcycle. RP 312. On January 26, he was driving the motorcycle to test repairs he made to the cables. RP 320. Mr. Greenwood was not aware the deputy was behind him while he was testing the motorcycle. RP 320, 339. He had been driving from his house to where cows were kept which he was feeding. RP 340. He intended to test adjustments he had made to his motorbike, before meeting his girlfriend to complete his work with the cows. RP 340.

Mr. Greenwood agreed he had intentionally accelerated his motorcycle, but then had trouble slowing it down because of a loose nut. RP 374. He did not know how fast he was driving, because the speedometer was broken. RP 336. He could not explain how he lost

control of the motorcycle and had limited memory of his interaction with the deputy after the crash. RP 322, 376. All he could remember was being in a lot of pain, unable to breathe and scared to death. RP 376.

On direct examination, Mr. Greenwood was asked whether Deputy Baker informed him that he had a warrant. RP 322. Mr. Greenwood stated he had no such memory. RP 322. Mr. Greenwood's attorney then asked Mr. Greenwood whether he had any independent knowledge of a warrant when he was arrested at the hospital on January 31, 2016. RP 323. Mr. Greenwood stated he had no independent knowledge of a warrant. RP 323.

Based upon these questions, the prosecutor stated her intention of cross-examining Mr. Greenwood regard his previous knowledge of the warrants through the use of extrinsic evidence. RP 326. Mr. Greenwood objected to the use of this evidence. RP 327. The trial court determined the government could question Mr. Greenwood about his knowledge of an existing warrant. RP 328.

The government began its cross examination of Mr. Greenwood by confronting him regarding his warrant status. RP 331. The prosecutor asked Mr. Greenwood whether he was aware of an

outstanding warrant. RP 322. Mr. Greenwood stated his DOC officer had told him a warrant might issue if he did not report to her in December, 2015. RP 332. Mr. Greenwood agreed he did not follow through with his DOC officer and did not report to her, but stated he did not know whether a warrant was actually outstanding in January, 2016. RP 332.

The government then called Mr. Greenwood's DOC officer on this extrinsic issue. DOC Officer Gilbert told the jury she and Mr. Greenwood had discussed his outstanding warrant in December, 2015 on several occasions. RP 391.

#### E. ARGUMENT

##### **1. THE EVIDENCE WAS INSUFFICIENT TO PROVE MR. GREENWOOD ATTEMPTED TO ELUDE A PURSUING POLICE VEHICLE.**

*a. Dismissal is required where the government fails to prove each element of the crime charged beyond a reasonable doubt.*

The prosecution is required to prove each element of the crime charged beyond a reasonable doubt. U.S. Const. amend 14; Const. art. 1, § 3; *Apprendi v. New Jersey*, 530 U.S. 466, 471, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000); *In re Winship*, 397 U.S. 358, 364, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970). An essential element of due process is that “no

person shall be made to suffer the onus of a criminal conviction” except upon “evidence necessary to convince a trier of fact beyond a reasonable doubt of the existence of every element of the offense.” *Jackson v. Virginia*, 443 U.S. 307, 316, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979); accord *State v. Green*, 94 Wn.2d 216, 221, 616 P.2d 628 (1980). A reviewing court may affirm a conviction only if “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.” *Jackson*, 443 U.S. at 319. Reversal for insufficient evidence is “equivalent to an acquittal” and bars retrial for the same offense. *State v. Hummel*, 196 Wn. App. 329, 359, 383 P.3d 592 (2016) (quoting *State v. Wright*, 165 Wn.2d 783, 792, 203 P.3d 1027 (2009)).

*b. Due process requires the prosecution to prove Mr. Greenwood drove in a “reckless manner.”*

To be guilty of attempting to elude a pursuing police vehicle, the person must drive in a “reckless manner.” RCW 46.61.024(1). For eluding, driving in a “reckless manner” means driving in a rash or heedless manner, indifferent to the consequences. *State v Roggenkamp*, 153 Wn.2d 614, 622, 106 P.3d 196 (2005); *State v. Ridgley*, 141 Wn. App. 771, 781, 174 P.3d 105 (2007). This is more than mere negligent

driving. *State v. Partridge*, 47 Wn.2d 640, 645, 289 P.2d 702 (1955) (operation of a motor vehicle in a reckless manner is “something more” than ordinary negligence).

*c. The evidence of Mr. Greenwood’s driving was insufficient to prove that he drove in a “reckless manner.”*

Speeding is not necessarily reckless. *See State v. Randhawa*, 133 Wn.2d 67, 77-78, 941 P.2d 661 (1997) (driver’s speed of 10 to 20 miles per hour over posted speed limit of 50 miles per hour was not “so excessive that one can infer solely from that fact that the driver was driving in a rash or heedless manner, indifferent to the consequences.”). In fact, because speeding is not necessarily reckless, an instruction telling the jury that it may infer reckless driving based on driving in excess of the maximum lawful speed may be erroneous. *Id.* at 75-78. Rarely will speed alone justify such a permissive inference instruction. *Id.* at 78.

While the evidence established the deputy accelerated his vehicle to one hundred miles an hour to catch up to Mr. Greenwood, the testimony did not establish Mr. Greenwood’s actual speed. It was undisputed the Mr. Greenwood likely exceeded the speed limit, but many reasons exist to suggest Mr. Greenwood did not reach the same

speed the deputy had to reach to catch up to him. Motorcycles are lighter than cars and accelerate much faster. RP 254. This is compounded by the fact that Mr. Greenwood was accelerating up a hill, which would magnify the weight and acceleration disparity. RP 255.

In fact, by the time the officer had caught up to Mr. Greenwood, he had slowed down and was moving at about fifteen to twenty miles an hour. RP 234. He then made a wide turn through a stop sign onto a road which also had no traffic. RP 238. Given that no other persons were in the area, and the dangers associated with taking a tight turn with the spliced throttle cable and the short clutch cable, this can hardly be described as reckless driving. Instead, Mr. Greenwood took the turn as safely as he could, given the limitations of his equipment.

And while it is true that Mr. Greenwood crashed his motorcycle, it appears this occurred because he hit a ditch and not because of his reckless driving. RP 242. No testimony was offered that Mr. Greenwood would not have crashed his motorcycle had he been driving at a lower speed, or even that his speed contributed to the crash.

While the government is entitled to all favorable inferences in a challenge to the sufficiency of the evidence, appellate courts are not required to ignore unfavorable facts. *State v. Davis*, 182 Wn.2d 222,

235, 340 P.3d 820, 828 (2014) (Stephens, J. dissenting). No evidence was offered to suggest reckless driving beyond the facts already addressed. Mr. Greenwood was not intoxicated or otherwise impaired. The roads were clear and dry. RP 232. Given the time of year and the time of night, there were no people on the streets or walking who were ever put into danger by Mr. Greenwood's driving. RP 260.

The lack of evidence of reckless driving in this case can be contrasted with other cases. For example, in *Randhawa*, the evidence was sufficient to prove that the defendant drove in a rash or heedless manner, indifferent to the consequences, because the defendant speeded, but was also intoxicated, veered outside his lane, and got into an accident with another vehicle. *Randhawa*, 133 Wn.2d at 74-75. In *Perez*, the evidence was sufficient to sustain an eluding conviction where the defendant speeded, but also, frightened a pedestrian and a dog, and ran through an intersection with a stop sign. *State v. Perez*, 166 Wn. App. 55, 61, 269 P.3d 372 (2012). Likewise in *Treat*, the evidence was sufficient based not upon the speeding but upon the defendant's brief stop, acceleration towards the deputy, and subsequent attempt to drive away again, despite having two of his tires shot out. *State v. Treat*, 109 Wn. App. 419, 427, 35 P.3d 1192 (2001).

This evidence was insufficient to prove beyond a reasonable doubt that Mr. Greenwood drove in a rash or heedless manner, indifferent to the consequences. The conviction should be reversed and dismissed with prejudice.

**2. THE IMPROPER IMPEACHMENT OF MR. GREENWOOD ON COLLATERAL MATTERS WHICH HE DID NOT REMEMBER WITH EXTRINSIC EVIDENCE REQUIRES A NEW TRIAL.**

*a. Witnesses who do not have a memory of events may not be impeached by prior statements regarding those events.*

Witnesses who do not have a memory of events may not be impeached by prior statements regarding those events. *State v. Allen S.*, 98 Wn. App. 452, 466, 989 P.2d 1222 (1999) (citing *State v. Delany*, 161 Wash. 614, 619, 297 P. 208 (1931) (reversal required where witness impeached with prior statements after not being able to remember what he had been asked about); *State v. Stingley*, 163 Wash. 690, 698, 2 P.2d 61 (1931) (witness impeached with prior statements after they claimed to have no memory about statements held to be improper).

When Mr. Greenwood testified about his conversation with Deputy Baker, he stated he did not remember whether the deputy had informed him of whether he had a warrant. RP 322.

Q. Do you recall whether or not Officer Baker informed out that you had a warrant?

A. I don't recall that, no. I don't remember talking to Officer Baker at all.

RP 322.

Mr. Greenwood was then asked whether he recalled making statements to the deputy in the hospital when he was discharged and subsequently arrested. RP 323. He stated he did not. RP 323.

Q. Okay. So let's jump forward to St. Joseph's Hospital. Officer Deputy Huffman testified that you made reference to a warrant. Do you recall making that statement?

A. No, I don't.

Q. Okay, But you did not have any independent knowledge that there was an existing warrant?

A. No, I didn't, no.

RP 323.

The prosecutor then asserted Mr. Greenwood had opened the door to both cross examination regarding this issue and testimony of Mr. Greenwood's DOC officer RP 326. Over Mr. Greenwood's objection, the trial court determined the government could present evidence on this collateral issue. RP 327-328.

This ruling was an abuse of discretion. Mr. Greenwood did not deny the existence of the warrant when he testified. Instead, he testified

about his memory of having spoken to the deputies and his independent knowledge of the warrants. Mr. Greenwood's memory problem is understandable, given that he suffered a serious injury which resulted in his hospitalization for five days. RP 49. Mr. Greenwood had suffered serious injury, including a skull fracture and broken ribs. RP 69. Even when Mr. Greenwood was discharged from the hospital, the arresting officer could tell he was still in pain. RP 56.

Mr. Greenwood lack of memory regarding his warrant status did not justify allowing the government to cross examine Mr. Greenwood and present extrinsic evidence regarding his warrant status. The trial court abused its discretion. This abuse of discretion requires a new trial. *Delany*, 161 Wash. at 619; *Stingley*, 163 Wash. at 698.

*b. The use of extrinsic evidence is prohibited for impeachment of a collateral issue.*

“It is well settled that neither party may impeach a witness on a collateral issue; that is, on facts not directly relevant to the trial issue.” *State v. Aguirre*, 168 Wn.2d 350, 362, 229 P.3d 669 (2010) (citing *State v. Fakhouser*, 133 Wn. App. 689, 693, 138 P.3d 140 (2006) (additional citations omitted)); *see also State v. Oswald*, 62 Wn.2d 118, 120-21, 381 P.2d 617 (1963). A matter is collateral if it does not itself relate to the subject matter of the trial. *Aguirre*, 168 Wn.2d at 362. Fact

are only relevant if they have a tendency to make the existence of any consequential fact more or less probable. ER 401.

Mr. Greenwood's warrant status can only be described as collateral. It relates to none of the elements of felony eluding. *See State v. Tandecki*, 153 Wn.2d 842, 848, 109 P.3d 398 (2005) (citing *State v. Sherman*, 98 Wn.2d 53, 57, 653 P.2d 612 (1982)). Whether Mr. Greenwood remembered having made statements to the officers or even whether he had a warrant at all was not relevant to any of the elements of this crime. Extrinsic evidence of Mr. Greenwood's warrant status should not have been allowed.

Had impeachment been proper, it should have been limited to cross examination of Mr. Greenwood. Specific instances of conduct attacking or supporting the witness' credibility may not be proved by extrinsic evidence. ER 608(b). "Impeachment of a witness through the use of a prior inconsistent statement is limited by the well-recognized and firmly established rule that the prior inconsistent statement may not concern matters collateral to the issues at trial." *State v. Carr*, 13 Wn. App. 704, 708, 537 P.2d 617 (1963) (citing *Oswalt*, 62 Wn.2d 118; *State v. Hall*, 10 Wn. App. 678, 519 P.2d 1305 (1974)).

The government began its cross examination of Mr. Greenwood by immediately asking him about his conversations with his DOC officer. RP 331. Mr. Greenwood did not deny he had spoken with his DOC officer nor did he deny that she had told him that a warrant would issue if he did not report to her. RP 331. The only discrepancy between Mr. Greenwood's testimony and that of the DOC officer was that she said she had told Mr. Greenwood directly that he had a warrant while Mr. Greenwood said he had no actual knowledge the warrant had been issued. RP 391, 332.

Had Mr. Greenwood's warrant status been relevant to any element of the charge, cross examination of Mr. Greenwood should have been the only testimony allowed. Instead, the trial court permitted the government to call DOC Officer Gilbert. The DOC officer not only testified about Mr. Greenwood's warrant status, but also testified about specific instances where she had told Mr. Greenwood he had a warrant. RP 391.

Allowing the DOC officers testimony was an abuse of discretion. The use of extrinsic evidence to prove a collateral matter is prohibited by the rules of evidence and court precedence. Aguirre, 168

Wn.2d at 362. Allowing the government to offer extrinsic evidence of this collateral issue requires a new trial.

*c. The improper testimony affected the outcome of the trial.*

A trial court's admission or exclusion of evidence is reviewed for an abuse of discretion. *State v. Wilson*, 60 Wn. App. 887, 890, 808 R.2d 754, *review denied*, 117 Wn.2d 1010 (1991). "Such abuse occurs when, considering the purposed of the trial court's discretion, it is exercised on untenable grounds or for untenable reasons." *State v. Clark*, 78 Wn. App. 471, 477, 898 P.2d 854 (1995).

Rather than focusing upon the elements of the charge, the use of the improper extrinsic evidence refocused the case upon whether Mr. Greenwood was a fugitive. Our courts take great effort to exclude evidence of a person's status as a prisoner when they are being tried. *See e.g., State v. Rodriguez*, 146 Wn.2d 260, 268, 45 P.3d 541 (2002) (citing *State v. Finch*, 137 Wn.2d 792, 846, 975 P.2d 967 (1999)). The use of shackles, for example, may violate constitutional rights because of the prejudice it creates in jurors, as they may view the defendant as a dangerous person who is not to be trusted, even under guard. *State v. Williams*, 18 Wash. 47, 50, 50 P. 580 (1897).

The fact that Mr. Greenwood had a warrant should not have been heard by the jury. It was not relevant to an element of the offense and Mr. Greenwood's lack of memory regarding his conversations with the officers did not open the door. This abuse of discretion affected the outcome of the trial because it refocused the case upon whether Mr. Greenwood was a fugitive, impacting the ability of the jury to decide the case on whether the prosecution was able to prove its case beyond a reasonable doubt. This Court should order a new trial.

**3. APPELLATE COURT COSTS SHOULD NOT BE IMPOSED AGAINST MR. GREENWOOD IN THE EVENT HE DOES NOT PREVAIL ON HIS APPEAL.**

The Washington Supreme Court addressed the dire consequences of imposing legal financial obligations upon persons who cannot afford to pay them in *City of Richland v. Wakefield*, 186 Wn.2d 596, 607, 380 P.3d 459 (2016). In reversing the Court of Appeals decision on whether Ms. Wakefield was entitled to remittance of her legal financial obligations, the Supreme Court recognized “the particularly punitive consequences of LFOs” for indigent individuals: “[O]n average, a person who pays \$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.* (quoting *State v. Blazina*, 182

Wn.2d 827, 836, 344 P.3d 680 (2015)). The imposition of costs against indigent defendants raises problems that are well documented and include “increased difficulty in reentering society, the doubtful recoupment of money by the government, and inequities in administration.” *Blazina*, 182 Wn.2d at 839.

“Washington’s LFO system carries problematic consequences.” *Blazina*, 182 Wn.2d at 836. Unpaid costs from a criminal conviction increase recidivism for indigent offenders because they “accrue interest at a rate of 12 percent and may also accumulate collection fees when they are not paid on time”; an impoverished person is far more likely to accumulate astronomical interest than a wealthy person who can pay the costs in a timely manner; and “legal or background checks will show an active record in superior court for individuals who have not fully paid their LFOs,” which may “have serious negative consequences on employment, on housing, and on finances.” *Id.* (internal citations omitted). “LFO debt also impacts credit ratings, making it more difficult to find secure housing.” *Id.* (citing 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) at 43).

Appellate court costs are among the highest legal financial obligations a court can impose. In *State v. Sinclair*, for example, the assessed costs of the appeal were nearly \$7,000. 192 Wn. App. 380, 388, 367 P.3d 612, *review denied*, 185 Wn.2d 1034 (2016). Unlike most legal financial obligations, there is no limit to how high this legal financial obligation can be. RAP 14.3. The costs imposed in *Sinclair* are not an anomaly and are instead consistent with costs imposed in many other cases where an indigent appellate does not prevail. *See e.g.*, *State v. Nolan*, 141 Wn.2d 620, 622, 8 P.3d 300 (2000) (where court imposed an additional \$3,400 in legal financial obligations).

The *Wakefield* court reiterated its instruction from *Blazina* that “courts can and should use GR 34 as a guide for determining whether someone has an ability to pay costs.” *Wakefield*, 186 Wn.2d at 606-07. GR 34 states that “courts must find a person indigent if his or her household income falls below 125 percent of the federal poverty guideline.” *Blazina*, 182 Wn.2d at 838–39. *Wakefield* makes clear this requirement applied to both imposition and enforcement. *Wakefield*, 186 Wn.2d at 606-07.

Mr. Greenwood is unable to pay additional discretionary legal financial obligations. At his sentencing, the court found him indigent

and only imposed the mandatory legal financial obligations. RP 467. Mr. Greenwood has a life long history of incarceration, which makes his future ability to gain meaningful employment all but impossible. At the time he filed his Notice of Appeal, Mr. Greenwood had no assets, no employment and no additional sources of income. CP 68-71. His circumstances have not changed since he filed his notice.

Should this Court reject Mr. Greenwood's substantive arguments, it should not order Mr. Greenwood to pay the additional legal financial obligations associated with the costs of an appeal. If this Court is inclined to order Mr. Greenwood to pay these additional costs, Mr. Greenwood requests that this Court remand this matter to trial court to determine whether Mr. Greenwood has an ability to pay these additional court costs. Should the trial court find he lacks the ability to pay the costs of his appeal, they should not be imposed.

#### F. CONCLUSION

The government failed to establish Mr. Greenwood's driving was reckless and, as a result, he is entitled to dismissal. Mr. Greenwood asks this Court to find the government failed to establish the essential element of reckless driving and order dismissal.

The trial court abused its discretion in allowing the government to cross examine Mr. Greenwood and use to extrinsic evidence to prove he had an active warrant on January 26, 2016. This abuse of discretion affected the outcome of the trial and requires reversal. Mr. Greenwood therefore asks this Court to order a new trial should it find the government presented sufficient evidence of reckless driving.

DATED this 6th day of January 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Stearns', with a long horizontal flourish extending to the right.

TRAVIS STEARNS (WSBA 29935)  
Washington Appellate Project (91052)  
Attorneys for Appellant

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

---

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	
v.	)	NO. 49241-5-II
	)	
WALLACE GREENWOOD,	)	
	)	
Appellant.	)	

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**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 6<sup>TH</sup> DAY OF JANUARY, 2017, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION TWO** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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**SIGNED** IN SEATTLE, WASHINGTON THIS 6<sup>TH</sup> DAY OF JANUARY, 2017.

*Grub*

X \_\_\_\_\_

**Washington Appellate Project**  
701 Melbourne Tower  
1511 Third Avenue  
Seattle, WA 98101  
Phone (206) 587-2711  
Fax (206) 587-2710

# WASHINGTON APPELLATE PROJECT

**January 06, 2017 - 4:24 PM**

## Transmittal Letter

Document Uploaded: 2-492415-Appellant's Brief.pdf

Case Name: STATE V. WALLACE GREENWOOD

Court of Appeals Case Number: 49241-5

**Is this a Personal Restraint Petition?** Yes  No

### The document being Filed is:

Designation of Clerk's Papers

Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: \_\_\_\_\_

Answer/Reply to Motion: \_\_\_\_\_

Brief: 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)

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### Comments:

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