

NO. 49359-4-II

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

---

---

STATE OF WASHINGTON,

Respondent,

v.

PAUL BURKS,  
Appellant.

---

---

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

The Honorable William C. Houser, Judge

---

---

BRIEF OF APPELLANT

---

Skylar T. Brett  
Attorney for Appellant

**Law Office of Skylar Brett**  
P.O. Box 18084  
Seattle, WA 98118  
(206) 494-0098  
skylarbrettlawoffice@gmail.com

**TABLE OF CONTENTS**

**TABLE OF CONTENTS ..... i**

**TABLE OF AUTHORITIES ..... iii**

**ISSUES AND ASSIGNMENTS OF ERROR..... 1**

**STATEMENT OF FACTS AND PRIOR PROCEEDINGS..... 3**

**ARGUMENT..... 6**

**I. The court exceeded its authority by sentencing Mr. Burks under the sentencing rules for domestic violence offenses, which do not apply to his conviction for the nonviolent conduct of sending a text message or making a phone call. .... 6**

A. The sentencing rules for domestic violence offenses did not apply to Mr. Burks’s conviction because he did not violate a provision of the no-contact order prohibiting him from going to Bierlein’s home, school, or workplace. .... 6

B. Mr. Burks’s defense attorney provided ineffective assistance of counsel by failing to recognize the drastic sentencing error and stipulating to an improperly calculated offender score..... 9

**II. The court’s to-convict instruction violated Mr. Burks’s right to due process by impermissibly lowering the state’s burden of proof..... 11**

**III. If the state substantially prevails on appeal, the court should decline to impose appellate costs upon Mr. Burks, who is indigent. .... 13**

**CONCLUSION ..... 15**

## TABLE OF AUTHORITIES

### FEDERAL CASES

<i>Gardner v. Florida</i> , 430 U.S. 349, 97 S.Ct. 1197, 51 L.Ed.2d 393 (1977)	9
<i>Strickland v. Washington</i> , 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).....	9

### WASHINGTON CASES

<i>Anfinson v. FedEx Ground Package Sys., Inc.</i> , 174 Wn.2d 851, 281 P.3d 289 (2012).....	11
<i>In re Fleming</i> , 142 Wn.2d 853, 16 P.3d 610 (2001).....	9
<i>State v. Aumick</i> , 126 Wn.2d 422, 894 P.2d 1325 (1995).....	12, 13
<i>State v. Blazina</i> , 182 Wn.2d 827, 344 P.3d 680 (2015).....	14
<i>State v. DeRyke</i> , 149 Wn.2d 906, 73 P.3d 1000 (2003).....	12
<i>State v. Horton</i> , 136 Wn. App. 29, 146 P.3d 1227 (2006).....	9
<i>State v. Kyllo</i> , 166 Wn.2d 856, 215 P.3d 177 (2009) .....	9, 10, 11
<i>State v. Lorenz</i> , 152 Wn.2d 22, 93 P.3d 133 (2004).....	12, 13
<i>State v. Mutch</i> , 171 Wn.2d 646, 254 P.3d 803 (2011).....	7
<i>State v. Sinclair</i> , 192 Wn. App. 380, 367 P.3 612 (2016).....	14
<i>State v. Smith</i> , 131 Wn.2d 258, 930 P.2d 917 (1997).....	12, 13
<i>State v. Thieffault</i> , 160 Wn.2d 409, 158 P.3d 580 (2007).....	10
<i>State v. Wilson</i> , 170 Wn.2d 682, 244 P.3d 950 (2010).....	7, 9
<i>State v. Zillyette</i> , 178 Wn.2d 153, 307 P.3d 712 (2013).....	11

**CONSTITUTIONAL PROVISIONS**

U.S. Const. Amend. VI..... 1, 9  
U.S. Const. Amend. XIV ..... 1, 9, 11

**WASHINGTON STATUTES**

RCW 10.99 ..... 12  
RCW 10.99.020 ..... 7, 8, 9, 10  
RCW 26.09 ..... 12  
RCW 26.10 ..... 12  
RCW 26.26 ..... 12  
RCW 26.50 ..... 12  
RCW 26.50.010 ..... 7, 8  
RCW 26.50.110 ..... 11, 12, 13  
RCW 7.90 ..... 12  
RCW 74.34 ..... 12  
RCW 9.94A..... 12  
RCW 9.94A.030..... 7, 9, 10  
RCW 9.94A.505..... 6  
RCW 9.94A.525..... 1, 6, 7, 8, 9, 10  
RCW 9A.46..... 12  
RCW 9A.46.11..... 8

**OTHER AUTHORITIES**

GR 34..... 14

RAP 2.5..... 9, 11

## **ISSUES AND ASSIGNMENTS OF ERROR**

1. The court exceeded its authority by sentencing Mr. Burks with an offender score of six.
2. The court erred by sentencing Mr. Burks under RCW 9.94A.525(21).
3. The guidelines for sentencing domestic violence offenses do not apply to Mr. Burks's conviction for violating a no-contact order by sending a text message or making a phone call.

**ISSUE 1:** The guidelines for sentencing for "domestic violence offenses" only apply to violations the provisions of a no-contact order "restraining the person from going onto [or near] the grounds of or entering a residence, workplace, school, or day care." Did the court exceed its authority by sentencing Mr. Burks under RCW 9.94A.525(21) for violating a no-contact order by sending a text message or making a phone call?

4. Mr. Burks was deprived of his Sixth and Fourteenth Amendment right to counsel at sentencing.
5. Mr. Burks's attorney provided ineffective assistance of counsel by stipulating to an improperly calculated offender score.
6. Mr. Burks was prejudiced by his attorney's deficient performance.

**ISSUE 2:** A defense attorney provides ineffective assistance of counsel by stipulating to an improperly calculated offender score. Did Mr. Burks's counsel provide ineffective assistance by stipulating to his client's sentence under RCW 9.94A.525(21), which does not apply to Mr. Burks's offense?

7. The trial court erred by giving jury instruction number 18.
8. The court's to-convict instruction violated Mr. Burks's Fourteenth Amendment right to Due Process.
9. The court's to-convict instruction failed to make the state's burden manifestly clear to the average juror.

**ISSUE 3:** Violation of a no-contact order is elevated to a felony only if the state proves beyond a reasonable doubt that the accused has two prior convictions for violations of

specifically enumerated types of court orders. Did the court's to-convict instruction violate Mr. Burks's right to due process by requiring the jury to convict if it found that he had twice been previously convicted of violating *any* type of court order?

10. The Court of Appeals should decline to impose appellate costs, should Respondent substantially prevail and request such costs.

**ISSUE 4:** If the state substantially prevails on appeal and makes a proper request for costs, should the Court of Appeals decline to impose appellate costs because Mr. Burks is indigent?

## **STATEMENT OF FACTS AND PRIOR PROCEEDINGS**

A jury acquitted Paul Burks of Domestic Violence Burglary in the First Degree and Interfering with Domestic Violence Reporting. CP 57.

In order to do so, the jury found that Mr. Burks's ex-girlfriend, Tanya Bierlein, had testified falsely when she claimed that he had come to her home, assaulted her, and prevented her from using her phone to call for help. RP (8/10/16) 41-70.

Rather, the jury found only that Mr. Burks had violated a no-contact order either by sending Bierlein a text message or by calling her. CP 57.

At trial, Bierlein recounted a lengthy story claiming that Mr. Burks had come into her house unannounced, grabbed her phone out of her hand when she tried to call 911, chased her into her bedroom, choked her, and held her captive in her bedroom all night. RP (8/10/16) 41-70.

In response, Mr. Burks's attorney elicited evidence that the scene in Bierlein's home when the police arrived was not as she had described it on the stand. RP (8/10/16) 75, 105. Bierlein said that Mr. Burks had caused her to accidentally tear the drapes off of the wall in her bedroom. RP (8/10/16) 75. But the drapes were still in place when the police arrived. RP (8/10/16) 105.

Mr. Burks also elicited that Bierlein's alleged injuries were not noticeable to one of the officers. RP (8/10/16) 103. The other officer took photos of some very faint bruising. RP (8/10/16) 93.

But, a few days before trial, Bierlein provided the prosecution with photos – which she claimed to have taken on the day following the incident – showing much more significant bruising. RP (8/10/16) 64, 77; Ex. 16-21. The photos were not dated. Ex. 16-21. Bierlein had not mentioned them in any prior discussions with police. RP (8/10/16) 77.

While the police were talking to Bierlein on the day following the alleged incident, she received a phone call, which she claimed was from Mr. Burks. RP (8/10/16) 99. She arranged to meet the caller in a nearby parking lot. RP (8/10/16) 99. The police went to the parking lot and arrested Mr. Burks. RP (8/10/16) 99-100.

The prosecution also offered a screenshot from Bierlein's phone, displaying what she claimed were text messages that Mr. Burks had sent her the same day as the alleged assault and burglary. Ex. 22.

The exhibits did not show a phone number or date. Ex. 22.

The state also offered a no contact order enjoining Mr. Burks from contacting Bierlein at the time of the incident.<sup>1</sup> Ex. 8.

---

<sup>1</sup> Mr. Burks stipulated that he had twice been previously convicted of violating the provisions of a no-contact order. Ex. 26.

The court's to-convict instruction for the violation of a no contact order charge listed the elements as follows:

- (1) That on or between April 14, 2016 and April 15, 2016 there existed a no-contact order applicable to the defendant;
  - (2) That the defendant knew of the existence of this order;
  - (3) That on or about said date, the defendant knowing violated a provision of this order;
  - (4) That the defendant had twice been previously convicted for violating the provisions of a court order; and
  - (5) That the acts occurred in the State of Washington.
- CP 48.

Apparently agreeing with the defense theory that Bierlein had fabricated the incident of Mr. Burks allegedly coming to her house, the jury acquitted Mr. Burks of First Degree Burglary and Interfering with Domestic Violence Reporting. CP 57.

But the jury convicted him of violating the no-contact order, apparently based on the alleged text messages and phone call. CP 57.

Mr. Burks had only one prior felony conviction. CP 63. Still, the prosecutor claimed that he had a score of six points for sentencing purposes. CP 63-64. This was because the special provisions for sentencing for domestic violence offenses permitted that felony to be scored as two points and for four of his misdemeanor priors to be counted as one point each. CP 63-64.

Defense counsel stipulated to this offender score calculation, which put Mr. Burks's standard sentencing range at 41-54 months. RP (8/26/16) 6; CP 64.

The sentencing judge remarked that this seemed like a harsh sentence for sending a text message. RP (8/26/16) 10. But, believing the sentence was mandated by the legislature, the judge sentenced Mr. Burks to the mid-range of 47 months. RP (8/26/16) 10-11.

This timely appeal follows. CP 88.

### **ARGUMENT**

**I. THE COURT EXCEEDED ITS AUTHORITY BY SENTENCING MR. BURKS UNDER THE SENTENCING RULES FOR DOMESTIC VIOLENCE OFFENSES, WHICH DO NOT APPLY TO HIS CONVICTION FOR THE NONVIOLENT CONDUCT OF SENDING A TEXT MESSAGE OR MAKING A PHONE CALL.**

A. The sentencing rules for domestic violence offenses did not apply to Mr. Burks's conviction because he did not violate a provision of the no-contact order prohibiting him from going to Bierlein's home, school, or workplace.

The offender score determines the standard range sentence for an offense. RCW 9.94A.505. Generally, an offender score is calculated by adding one point for each prior felony conviction. RCW 9.94A.525(1).

Under this standard scheme, Mr. Burks would have had an offender score of one based on his single prior felony conviction. *Id.*; CP 63.

A sentencing court exceeds its authority by sentencing a person based on an erroneous offender score. *State v. Wilson*, 170 Wn.2d 682, 688, 244 P.3d 950 (2010).

But the legislature has provided a different set of sentencing rules for felony “domestic violence offense[s].” RCW 9.94A.525(21).

Mr. Burks was sentenced under those special rules, which gave him an offender score of six by doubling his one prior felony and adding four points for his misdemeanor history. CP 63-64; RP (8/26/16) 10-11.

But Mr. Burks’s conviction for violating a no-contact order by sending Bierlein a text message or by calling her on the phone did not qualify as a “domestic violence offense” under RCW 9.94A.525(21).<sup>2</sup>

The domestic violence sentencing scheme applies only to “domestic violence offenses as defined in RCW 9.94A.030.” RCW 9.94A.525(1).

That statute provides simply that “‘Domestic Violence’ has the same meaning as defined in RCW 10.99.020 and 26.50.010.” RCW 9.94A.030(20).

---

<sup>2</sup> Errors in the calculation of an offender score can be raised for the first time on appeal. *Wilson*, 170 Wn.2d at 688. In the alternative, as argued below, if this error is waived, then Mr. Burks’s defense attorney provided ineffective assistance of counsel by stipulating to the state’s calculation of his client’s offender score.

The Court of Appeals reviews offender score calculations *de novo*. *State v. Much*, 171 Wn.2d 646, 653, 254 P.3d 803 (2011).

The definition of domestic violence at RCW 26.50.010 does not include any offenses related to violation of a no-contact order. RCW 26.50.010(3).<sup>3</sup>

The definition of domestic violence at RCW 10.99.020 includes some no-contact order violations, but not those committed solely through electronic or telephonic means. Rather, it encompasses only:

Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location...

RCW 10.99.020(5)(r).

Because the jury did not find that Mr. Burks had violated a provision of the no-contact order prohibiting him from going to or near Bierlein's home, workplace, or school, he was not convicted of a "domestic violence offense" under RCW 9.94A.525(21).

The court exceeded its authority by sentencing Mr. Burks with an offender score of six when the sentencing rules for domestic violence

---

<sup>3</sup> The relevant portion of the statute provides that:

"Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.11 of one family or household member by another family or household member.

RCW 26.50.010(3).

offenses did not apply to his case. RCW 9.94A.525(21), 9.94A.030(20), 10.99.020(5)(r); *Wilson*, 170 Wn.2d at 688.

Mr. Burks's sentence must be vacated and his case remanded for resentencing with an offender score of one. *Wilson*, 170 Wn.2d at 688.

B. Mr. Burks's defense attorney provided ineffective assistance of counsel by failing to recognize the drastic sentencing error and stipulating to an improperly calculated offender score.

The right to counsel includes the right to the effective assistance of counsel.<sup>4</sup> U.S. Const. Amends. VI, XIV; *Strickland v. Washington*, 466 U.S. 668, 685, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).. Counsel's performance is deficient if it falls below an objective standard of reasonableness. *State v. Kyllo*, 166 Wn.2d 856, 862, 215 P.3d 177 (2009). Deficient performance prejudices the accused when there is a reasonable probability that it affected the outcome of the proceeding. *Id.*

An accused person has a right to the effective assistance of counsel at sentencing. *Gardner v. Florida*, 430 U.S. 349, 358, 97 S.Ct. 1197, 51 L.Ed.2d 393 (1977). Defense counsel provides ineffective assistance by

---

<sup>4</sup> Ineffective assistance of counsel is an issue of constitutional magnitude that can be raised for the first time on appeal. *Kyllo*, 166 Wn.2d at 862; RAP 2.5(a).

An ineffective assistance claim presents a mixed question of law and fact, reviewed *de novo*. *In re Fleming*, 142 Wn.2d 853, 865, 16 P.3d 610 (2001); *State v. Horton*, 136 Wn. App. 29, 146 P.3d 1227 (2006). Reversal is required if counsel's deficient performance prejudices the accused. *Kyllo*, 166 Wn.2d at 862 (citing *Strickland* 466 U.S. at 687).

stipulating to an improperly calculated offender score. *State v. Thiefault*, 160 Wn.2d 409, 417, 158 P.3d 580 (2007).

As outlined above, the court erred by sentencing Mr. Burks under the special guidelines for domestic violence offenses because his conviction did not qualify as a domestic violence offense. RCW 9.94A.525(21), 9.94A.030(20), 10.99.020(5)(r).

Apparently not having researched the definition of “domestic violence offense,” Mr. Burks’s defense attorney stipulated to his improperly calculated offender score. RP (8/26/16) 6; CP 64. Defense counsel provided ineffective assistance. *Thiefault*, 160 Wn.2d at 417.

Mr. Burks was prejudiced by his attorney’s deficient performance. *Kylo*, 166 Wn.2d at 862. Absent the erroneous stipulation, he would have been sentenced with an offender score of one instead of six. RCW 9.94A.525(1).

Mr. Burks’s defense attorney provided ineffective assistance of counsel by stipulating to a drastically inflated offender score. *Thiefault*, 160 Wn.2d at 417. Mr. Burks’s case must be remanded for resentencing. *Id.*

**II. THE COURT’S TO-CONVICT INSTRUCTION VIOLATED MR. BURKS’S RIGHT TO DUE PROCESS BY IMPERMISSIBLY LOWERING THE STATE’S BURDEN OF PROOF.**

The court’s to-convict instruction in Mr. Burks’s case required the jury to convict for felony violation of a no-contact order if it found that Mr. Burks had “twice been previously convicted for violating the provisions of a court order.” CP 48.

But the legislature has only elevated violation of a no-contact order to a felony if the state proves that the accused has at least two previous convictions for violation of orders issued under *specifically enumerated chapters* of the RCW. RCW 26.50.110(5).

The court violated Mr. Burks’s right to due process and failed to hold the state to its true burden of proof by instructing the jury to convict if it simply found that he had two prior convictions for violation of any imaginable type of court order.

A trial court’s failure to instruct the jury as to every element of the crime charged violates due process.<sup>5</sup> U.S. Const. Amend. XIV; *State v.*

---

<sup>5</sup> Alleged constitutional violations are reviewed *de novo*. *State v. Zillyette*, 178 Wn.2d 153, 161, 307 P.3d 712 (2013). A manifest error affecting a constitutional right may be raised for the first time on review. RAP 2.5(a)(3). Instruction No. 18 creates a manifest error affecting a constitutional right, and thus may be reviewed for the first time on appeal. RAP 2.5(a)(3).

Jury instructions are also reviewed *de novo*. *Anfinson v. FedEx Ground Package Sys., Inc.*, 174 Wn.2d 851, 860, 281 P.3d 289 (2012). Instructions must make the relevant legal standard manifestly apparent to the average juror. *Kyllo*, 166 Wn.2d at 864.

*Aumick*, 126 Wn.2d 422, 429, 894 P.2d 1325 (1995). A “to convict” instruction must contain all the elements of the crime, because it serves as a “yardstick” by which the jury measures the evidence to determine guilt or innocence. *State v. Lorenz*, 152 Wn.2d 22, 31, 93 P.3d 133 (2004).

Jurors have the right to regard the court’s elements instruction as a complete statement of the law. Any conviction based on an incomplete “to convict” instruction must be reversed. *State v. Smith*, 131 Wn.2d 258, 263, 930 P.2d 917 (1997). This is so even if the missing element is supplied by other instructions. *Id*; *Lorenz*, 152 Wn.2d at 31; *State v. DeRyke*, 149 Wn.2d 906, 910, 73 P.3d 1000 (2003).

A conviction for violating a no-contact order is elevated from a gross misdemeanor to a felony if the state proves beyond a reasonable doubt that the accused has been previously convicted twice of violation of the provisions of an order issued under RCW chapter 26.50, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order. RCW 26.50.110(5).

Only violations of an order issued under the enumerated chapters of the RCW can provide the predicate convictions necessary to elevate a current violation of a no-contact order allegation to a felony. RCW 26.50.110(5).

But the court's instruction in Mr. Burks's case required the jury to convict Mr. Burks if it found that he had twice been previously convicted for violating the provisions of *any* court order. CP 48.

The court's to-convict instruction violated Mr. Burks's right to due process and impermissibly lowered the state's burden of proof by requiring conviction even if the state failed to prove that Mr. Burks had twice been previously convicted for violating *an applicable* no-contact order. *Aumick*, 126 Wn.2d at 429; *Lorenz*, 152 Wn.2d at 31; *Smith*, 131 Wn.2d at 263; RCW 26.50.110(5).

The court's to-convict instruction violated Mr. Burks's right to due process and failed to make the state's burden manifestly clear to the average juror. *Aumick*, 126 Wn.2d at 429; *Lorenz*, 152 Wn.2d at 31; *Smith*, 131 Wn.2d at 263; RCW 26.50.110(5). Mr. Burks's conviction must be reversed. *Id.*

**III. IF THE STATE SUBSTANTIALLY PREVAILS ON APPEAL, THE COURT SHOULD DECLINE TO IMPOSE APPELLATE COSTS UPON MR. BURKS, WHO IS INDIGENT.**

At this point in the appellate process, the Court of Appeals has yet to issue a decision terminating review. Neither the state nor the appellant can be characterized as the substantially prevailing party. Nonetheless, the Court of Appeals has indicated that indigent appellants must object in advance to any cost bill that might eventually be filed by the state, should

it substantially prevail. *State v. Sinclair*, 192 Wn. App. 380, 367 P.3d 612 (2016).<sup>6</sup>

Appellate costs are “indisputably” discretionary in nature. *Sinclair*, 192 Wn. App. at 388. The concerns identified by the Supreme Court in *Blazina* apply with equal force to this court’s discretionary decisions on appellate costs. *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015).

The trial court found Mr. Burks indigent at the end of the proceedings in superior court. CP 89-90. The trial court also noted that Mr. Burks would likely be unable to pay discretionary LFOs and ordered him to pay only mandatory LFOs. CP 82.

Mr. Burks’s indigency status is unlikely to change, especially with the imposition of a lengthy prison term. The *Blazina* court indicated that courts should “seriously question” the ability of a person who meets the GR 34 standard for indigency to pay discretionary legal financial obligations. *Id.* at 839

If the state substantially prevails on this appeal, this court should exercise its discretion to deny any appellate costs requested.

---

<sup>6</sup> Division II’s commissioner has indicated that Division II will follow *Sinclair*.

## CONCLUSION

The court violated Mr. Burks's right to due process by impermissibly lowered the state's burden of proof by misstating one of the elements of felony violation of a no-contact order in the to-convict instruction.

In the alternative, the sentencing court exceeded its authority by calculating Mr. Burks's offender score under the rules for domestic violence offenses, which did not apply to his offense of conviction. Mr. Burks's case must be remanded for resentencing.

In the alternative, if the state substantially prevails on appeal, this court should decline to impose appellate costs on Mr. Burks who is indigent.

Respectfully submitted on January 26, 2017,



---

Skylar T. Brett, WSBA No. 45475  
Attorney for Appellant

CERTIFICATE OF SERVICE

I certify that on today's date:

I mailed a copy of Appellant's Opening Brief, postage prepaid, to:

Paul Burks/DOC#375997  
Washington State Penitentiary  
1313 North 13<sup>th</sup> Ave  
Walla Walla, WA 99362

With the permission of the recipient(s), I delivered an electronic version of the brief, using the Court's filing portal, to:

Kitsap County Prosecuting Attorney  
kcpa@co.kitsap.wa.us

Lise Ellner  
liseellnerlaw@comcast.net

I filed the Appellant's Opening Brief electronically with the Court of Appeals, Division II, through the Court's online filing system.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Seattle, Washington on January 26, 2017.



---

Skylar T. Brett, WSBA No. 45475  
Attorney for Appellant

**ELLNER LAW OFFICE**

**January 26, 2017 - 11:58 AM**

**Transmittal Letter**

Document Uploaded: 5-493594-Appellant's Brief.pdf

Case Name: State v. Paul Burks

Court of Appeals Case Number: 49359-4

**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: Skylar T Brett - Email: [skylarbrettlawoffice@gmail.com](mailto:skylarbrettlawoffice@gmail.com)

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

[kcpa@co.kitsap.wa.us](mailto:kcpa@co.kitsap.wa.us)

[liscellnerlaw@comcast.net](mailto:liscellnerlaw@comcast.net)