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Court of Appeals
Division II
State of Washington

No. 49755-7-II
Pierce County Superior Court No. 15-1-05086-1

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

STATE OF WASHINGTON,
Plaintiff-Respondent,

v.

DARCY DEAN RACUS,
Defendant-Appellant.

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

The Honorable James Orlando, Judge

APPELLANT'S REPLY BRIEF

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I. REPLY ARGUMENT

A. MUCH OF THE STATE'S CASE RESTS ON THE ASSERTION THAT SGT. RODRIGUEZ HAS BEEN TRAINED TO CHOOSE WORDS THAT, DESPITE THEIR LITERAL MEANING, MEAN SOMETHING ENTIRELY DIFFERENT AND INCULPATORY

Permeating the State's response (and its trial presentation) is the notion that Sgt. Rodriguez has been trained to write advertisements and texts that say one thing but mean something else. Not only that, but the State also asserts that Sgt. Rodriguez can discern from a defendant's responsive texts that he "was aware the mother was offering her children for exchange for money and that the defendant was interested in paying." Brief of Respondent (BOR) at 27.

The fact that Sgt. Rodriguez stated "similar operations in the past have resulted in the rescuing of exploited children" is irrelevant to the question of whether Racus is guilty. BOR 4. Under our constitutional system, guilt is based upon individual facts established beyond a reasonable doubt, not on what has occurred in other cases. The fact that Sgt. Rodriguez used the phrase "close family connection" because he believed it means "incest" is not evidence that Racus also believed that to be the case. Similarly, the fact that Sgt. Rodriguez believed that "new in town" meant commercial sex trade or prostitution, is not proof that Racus understood that phrase to have the same meaning. BOR 4. Similarly, it is simply false to say that the Craigslist ad that says "open to presents" means Racus understood that to mean that the fictitious mother intended to exchange in sex for money. BOR 26.

B. BEFORE 4:00 P.M. ON DECEMBER 18, 2015, THERE WAS NO PROBABLE CAUSE THAT RACUS ENGAGED IN CONVERSATION ABOUT THE COMMERCIAL SEXUAL ABUSE OF A MINOR OR PROMOTING COMMERCIAL SEXUAL ABUSE OF A MINOR

The State argues that the police properly recorded Racus's communications because at 4:00 p.m. on December 18, 2015, they signed their own authorization to intercept his conversations based upon the "totality of the circumstances."

The State misrepresents the "totality of the circumstances" at that time the Authorization under RCW 9.73.230 was signed. Those circumstances consisted only of Sgt. Rodriguez's advertisement and the text messages sent before 4:00 p.m. on December 18, 2015. CP 28-65.

The State fails to point to anything in those text messages that even hints at Racus's belief that he was talking to someone about the sexual abuse of a minor in any way. In fact, the texts reveal that Rodriguez, masquerading as the mother, told Racus that she was 39-years-old. BOR at 5. The texts taken individually or as a whole did not support the claim that Racus was interest in anything illegal and, in fact, believed he was discussing sex with a 39-year-old. In fact, when asked what he wanted, Racus said "older or you." Text 12/18/15 at 3:48. Rodriguez responded: "You mean Lisa." But Racus never mentioned Lisa. Text 12/18/15 at 3:49. Rodriguez only then informed Racus that Lisa was her 12-year-old daughter. *Id.*

Nothing in this conversation remotely establishes that Racus was discussing any type of sex with a minor. There was also no discussion of any fee at all before 4:00 p.m.

The State's argument regarding the "totality of the circumstances" relied on evidence presented during trial. BOR at 26. But review of this issue is limited to the evidence developed before 4:00 p.m. on December 18, 2015.

C. THE CONCEPT OF "IMPLIED CONSENT" – THAT WOULD ALLOW THE POLICE TO SURREPTIOUSLY RECORD TELEPHONE CONVERSATIONS – HAS BEEN ABANDONED BY THE WASHINGTON STATE SUPREME COURT

In his conversations with Racus, Sgt. Rodriguez was using a subterfuge and was not the intended recipient. The facts here are on all fours with the facts in *State v. Hinton*, 179 Wn.2d 862, 319 P.3d 9 (2014). There, Hinton sent text messages to a phone that belonged to Daniel Lee. Unbeknownst to Hinton, the phone had been seized by the police. A police detective read text messages on a cell phone police seized from Daniel Lee, who had been arrested for possession of heroin. The detective read an incoming text message from Shawn Hinton, responded to it posing as Lee, and arranged a drug deal. The Court said:

Unlike a phone call, where a caller hears the recipient's voice and has the opportunity to detect deception, there was no indication that anyone other than Lee possessed the phone, and Hinton reasonably believed he was disclosing information to his known contact. The disclosure of information to a stranger, Detective Sawyer, cannot be considered voluntary.

Hinton, 179 Wn.2d at 876. Under the State’s reasoning, any police officer could use subterfuge to intercept and record any text message from any suspect during an investigation. Most modern telephone technology provides a texting function that can be recorded and retained. Under the trial judge’s ruling, anyone who uses a phone with a text function has impliedly consented to government interception of their private emails.

This is clearly not what the drafters of the statute intended. The statute contains a specific provision for one-party consent. The privacy statute provides a mechanism for Sgt. Rodriguez to obtain authorization for one-party consent if there is probable cause to believe that the nonconsenting party has committed, is engaged in, or is about to commit a felony. Approving the notion of “implicit or implied” consent by Racus renders this portion of the statute superfluous. And it significantly undermines the strict protections of the Privacy Act.

In *Hinton*, the Supreme Court concluded that forcing citizens to assume the risk that they are exchanging information with an undercover police detective who is recording and saving their text messages tips the balance too far for law enforcement at the expense of the right to privacy. This Court should reach the same conclusion and find that the text messages should have been suppressed.

D. THE TRIAL COURT ERRED IN FAILING TO GIVE RACUS'S PROPOSED ENTRAPMENT INSTRUCTION

First, the State never addresses Racus's argument that the right to a fair trial includes the right to present a defense. The Sixth and Fourteenth Amendments of the Federal Constitution, and article 1, § 21 of the Washington Constitution, guarantee the right to trial by jury and to defend against the State's allegations.

The State fails to contest that a trial court must instruct on a party's theory if the law and the evidence support it; failing to do so is reversible error. *State v. May*, 100 Wn. App. 478, 482, 997 P.2d 956, review denied, 142 Wn.2d 1004, 11 P.3d 825 (2000). In evaluating whether the evidence will support a jury instruction, the trial court must interpret the evidence most strongly for the defendant. The jury, not the judge, must weigh the proof and evaluate the witnesses' credibility. *Id.* (citing *State v. Williams*, 93 Wn. App. 340, 348, 968 P.2d 26 (1998), review denied, 138 Wn.2d 1002, 984 P.2d 1034 (1999)). If there are justifiable inferences from the evidence upon which reasonable minds might reach conclusions that would sustain a verdict, then the question is for the jury, not for the court. *Moyer v. Clark*, 75 Wn.2d 800, 803, 454 P.2d 374, 376 (1969).

The burden is on the defendant to prove the defense of entrapment by a preponderance of the evidence. *State v. Lively*, 130 Wn.2d 1, 921 P.2d 1035

(1996). *State v. Trujillo*, 75 Wn. App. 913, 883 P.2d 329 (1994), *review denied*, 126 Wn.2d 1008, 892 P.2d 1088 (1995), appears to state that before the defendant can even get the instruction, he must prove the defense. But *Trujillo* confuses the amount of evidence necessary to obtain the instruction with the amount of evidence necessary to persuade the jury of the defense. Requiring the defendant to prove the defense before he can even get the instruction is illogical and contrary to the defendant's constitutional right to present his defense. Further, the Washington State Supreme Court has never adopted *Trujillo's* reasoning.

Here, the trial judge erred in two ways. First, he erred in determining there were not "some" facts to support entrapment. The police were not investigating ongoing criminal activity. Taking the facts in a light most favorable to Racus, the judge should have recognized that the ad posted by the police was deliberately vague. When he stated that he wanted to have sex with the fictitious 39-year-old mother, the police directed the conversation to the imaginary children. Racus specifically stated that he did not want to do something illegal but the police persisted in texting him. In doing so, they deliberately tried to overcome his resistance to their vague proposals of criminal activity.

Second, he weighed the proof and evaluated the witnesses' credibility. Those issues are not a proper inquiry for the trial judge. They must be submitted to the jury for determination.

Finally, throughout these proceedings Sgt. Rodriquez cited his training and his ability to devise a sting that attracted only those people who were already predisposed to the crime. While Sgt. Rodriquez testified repeatedly that he relied on his training, the available information indicates that no officer can draft such an advertisement. The King County Prosecutor's Office has published training materials for police officers. Those materials specifically state that there is no "entrapment proof" script for officers to use. See Appendix

1. In addition, that document states:

NEVER, EVER, TELL OR ENCOURAGE A SUSPECT TO COMMIT A CRIME. If the suspect expresses reluctance to complete a previously planned criminal act, **back off** and consult with a prosecutor.

In this case, Sgt. Rodriquez did not follow the training on this issue. Throughout the conversation, he switched from a discussion about sex between two consenting adults to a discussion of the fictitious mother's children. When Racus indicated that everyone involved needed to be of legal age, Rodriquez did not stop. Instead, Rodriquez continued to exchange texts with Racus that encouraged Racus to come to the home. Moreover, the presence and

participation of children never originated with Racus. This notion came originally from Sgt. Rodriquez.

Because there was sufficient evidence to submit this issue to the jury, the convictions should be reversed.

E. THERE WAS INSUFFICIENT EVIDENCE TO SUPPORT THE JURY'S CONCLUSION THAT RACUS TOOK A SUBSTANTIAL STEP IN THE ATTEMPTED FIRST DEGREE RAPE CHARGE

The State's arguments are unconvincing. At best, Racus engaged in conversations that were very vague and he certainly had not specifically agreed to perform any sexual acts on that "child." In addition, the only thing that he had when he arrived at the house was a bag of Skittles that the fictitious mother asked him to bring. This was all simply too ambiguous to comprise a substantial step.

F. PERVASIVE PROSECUTORIAL MISCONDUCT DEPRIVED RACUS OF A FAIR TRIAL

1. The Prosecutor Cannot Shield His Misconduct by Making Precautionary Statements before Launching into Prohibited Arguments

At places, the State suggests that because the prosecutor reminded the jury that issues of credibility were to be decided by them, any comments he made that vouched his witnesses credibility cannot be error. BOR 53. The State also suggests because the prosecutor correctly stated the presumption of

innocence in one portion of the argument, his misstatement in other portions cannot be error. BOR 52, 57, 58.

It is true that there are cases in Washington that state that the prosecutor's closing arguments should be viewed in context. But there is no case that says a prosecutor can insulate his misconduct by simply telling the jury that – no matter what is argued – they can ignore the arguments. Such a rule would permit prosecutors to argue as follows: “You (the jury) are the sole arbiters of credibility but everybody knows the police never lie.”

2. The Prosecutor Committed Misconduct when He Used Voir Dire to Argue His Case, and to Prejudice, Indoctrinate, and to Instruct the Jury in Matters of the Law

The State argues that the prosecutor's questions and statements in voir dire “do nothing more than inquire about matters important to the State's ability to determine challenges for cause.” BOR 48. But all of the questioning that Racus complains of was done after the for-cause challenges were completed on October 12, 2016. RP 446. The objectionable questioning took place during the “general questioning” on October 13, 2016. RP 446-509. At the close of voir dire that day, the only objections were written peremptory challenges. RP 509.

But even assuming that the prosecutor was probing for bias, his method for doing so was improper. Actual bias is “the existence of a state of mind on the part of the juror in reference ... to either party, which satisfies the court that

the challenged person cannot try the issue impartially and without prejudice to the substantial rights of the party challenging.” RCW 4.44.170. But a careful review of the record reveals that this post hoc justification for the prosecutor’s conduct here does not ring true.

When the party seeks to determine whether or not a juror is biased, they do not simply throw a prejudicial concept out and ask if the juror has “heard” about it. They then proceed to inquire whether the juror can put aside what they know about the topic and any biases they might have and apply the facts to the law as the judge instructs them. Here, the prosecutor simply threw concepts out to the venire. His true purpose is revealed when examining what he did after jurors discussed the concept. For example, he asked jurors generally if they thought prostitution should be legal. When one juror answered that he thought it should be legal, the prosecutor never followed up and asked him if he could put that bias aside if the judge instructed him that prostitution was illegal. Instead, the prosecutor used that answer to begin talking about sex trafficking. Again, jurors answered that they had knowledge about these matters, the prosecutor never followed up with questions about how that knowledge affected the particular juror’s ability to be impartial or whether they could set aside any bias and apply the law as given to them by the trial judge.

Moreover, the questions related to the Backpage page, sex trafficking, legalizing prostitution, the prosecution of persons who published those

advertisements were never at issue in this case. Thus, they revealed nothing about whether the potential jurors could try the case against Racus impartially and without prejudice to the State. Instead they were directed at prejudicing the jury against Racus on extraneous topics.

When the prosecutor asked the juror about whether simply showing up at the sting house and the juror indicated that was a completed crime, the prosecutor's approach clearly communicated that he believed the juror had correctly stated the law. Moreover, he did nothing to correct the juror or to ask the next question, as he would if he were truly seeking to determine bias. The next question should have been, "If the judge instructs you differently, would you be able to accept the law as given to you by the judge even if it differed from your view of what the law was or should be?"

3. The Prosecutor Engaged in Questioning that Amounted to Improper Vouching for the Credibility of Sgt. Rodriguez

Improper vouching occurs (1) if the prosecutor expresses his or her personal belief as to the veracity of the witness or (2) if the prosecutor indicates that evidence not presented at trial supports the witness's testimony. *State v. Ish*, 170 Wn.2d 189, 196, 241 P.3d 389 (2010).

The prosecutor engaged in impermissible vouching in several ways. First, he asked Sgt. Rodriguez more than once about the number of Net Nanny arrests in Pierce County and around the state. This was intended to confirm that

Rodriguez's actions were effective in other cases and that, given his arrest record, he must be correct in arresting in Racus. The State argues that this information was proper in order to "determine the credibility of the sting operation as well as the credibility of Rodriguez himself." BOR at 52. This is an admission of vouching. The number of other arrests made by Rodriguez has nothing to do with whether the officer is telling the truth or not. And the number of arrests were irrelevant to whether Racus was guilty.

The State also admits that the prosecutor argued that Rodriguez was more credible because he would jeopardize his career or the other Net Nanny arrests if he lied. BOR 52-53. The State attempts to distinguish *United States v. Combs*, 379 F.3d 564, 574-76 (9th Cir. 2004). But in *United States v. Weatherspoon*, 410 F.3d 1142 (9th Cir. 2005), a prosecutor also tried to parse *Combs* and distinguish its holding. In *Weatherspoon*, the prosecutor told the jury that they could be "darn sure he [the agent] would get fired for perjuring himself." The Ninth Circuit found there was no difference between the two improper arguments.

But no such modest shade of difference in the level of impropriety calls for a different result, for the prosecutor here (like the prosecutor in *Combs*) clearly urged that the existence of legal and professional repercussions served to ensure the credibility of the officers' testimony. That suffices for the statement to be considered improper as vouching based upon matters outside the record.

Id. at 1146. See also *United States v. Boyd*, 54 F.3d 868, 871-72 (D.C. Cir. 1995), collecting cases from various circuits and cited with approval in *Combs*, 379 F.3d at 574-75.

This Court should likewise reject the State’s argument that this was not misconduct.

4. The Prosecutor Committed Misconduct by Diminishing His Burden of Proof

Arguments by the prosecution that shift or misstate the State’s burden to prove the defendant’s guilt beyond a reasonable doubt constitute misconduct. *State v. Gregory*, 158 Wn.2d 759, 859-60, 147 P.3d 1201 (2006). The prosecutor diminished his burden of proof in two ways.

First, he told the jury only people who would rape a child would think about child sex or discuss it. He said that “everyone else would be appalled at the thought.” This lowered his burden of proving a substantial step. The prosecutor argued that merely thinking about or talking about child sex was proof of a “substantial step.” But a substantial step requires “conduct,” not thoughts.

Second, the trial court included the reasonable doubt instruction that said “if, after your deliberation you have an abiding belief in the truth of the charge, then you are satisfied beyond a reasonable doubt.” The State acts improperly when it mischaracterizes this standard as requiring anything less than an abiding

belief that the evidence presented establishes the defendant's guilt beyond a reasonable doubt. *State v. Feely*, 192 Wn. App. 751, 762, 368 P.3d 514, 519, *review denied*, 185 Wn.2d 1042, 377 P.3d 762 (2016).

But here, the prosecutor argued that if a juror believed that he did the right or just thing, he or she had an abiding belief in the truth of the charge and, therefore, the reasonable doubt standard was satisfied. A belief in doing the right or just thing differs from a belief that the evidence presented establishes the defendant's guilt beyond a reasonable doubt. But equating an abiding belief to doing the right or just thing diminishes the State's burden to prove the elements of the offense. This case is similar to *State v. McCreven*, 170 Wn. App. 444, 473, 284 P.3d 793 (2012), *review denied*, 176 Wn.2d 1015, 297 P.3d 708 (2013), where the court held that argument that jurors must "determine if [they] have an abiding belief in the truth of the charge . . . truth in what each of these defendants did" was improper.

5. The Prosecutor Committed Flagrant and Ill-Intended Misconduct by Referring to Charges not Filed and Suggesting that Someone like Racus was the Type of Person Who would Actually Rape a Child, and Referred to Matters Outside the Record

Finally, the prosecutor appealed to the passion and prejudice of the jury by arguing that the task force were particularly noble people because they were "dedicated toward protecting children." He suggested that Racus, and people like him, required the noble members of the task force to "swim in the filth of

the internet.” RP 1172. He argued that it would be improper to criticize “what these folks are doing.” *Id.* It was clear from the argument that criticism included acquitting Racus.

This argument is like the one disapproved of in *Arrieta-Agressot v. United States*, 3 F.3d 525, 527 (1st Cir. 1993). There the prosecutor argued:

But thank God at that time we had the Coast Guard on board the [U.S.S.] SIMMS.... Because not only they are [sic] protecting us; they are protecting the people, they are protecting the youth, they are protecting other societies.

That is why, ladies and gentlemen of the jury, they were in the drug interdiction. To save you all from the evil of drugs. Because the defendants are not soldiers in the army of good. They are soldiers in the army of evil, in the army which only purpose [sic] is to poison, to disrupt, to corrupt.

The Court held that “inflammatory language of this ilk falls well outside the bounds of permissible argument.” The same is true here.

6. The Prosecutor Committed Other Acts of Misconduct during The Proceedings

Besides misstating the law to the jury, the prosecutor persisted in misstating the law and the facts to the trial judge. He insisted that to claim entrapment, Racus had to admit guilt rather than simply admitting the acts that might otherwise constitute a crime. There is no other way to read the prosecutor’s argument.

He misrepresented what the first judge did in reviewing the authorization on December 24, 2015.

Secondarily, the motion should be denied because you'[re] not a reviewing court, Judge Orlando, and Judge Rumbaugh already reviewed this case and said, "Yes, that does establish probable cause."

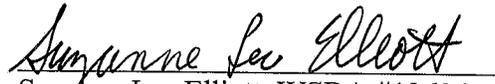
BOR 59. That judge had reviewed only the three-page authorization. The State argued that Racus has failed to support this claim with any evidence. Racus did fail to cite to the correct clerk's papers on this issue. The Superior Court authorization is at CP 42-44. That authorization provided to the defense by the State in discovery demonstrates that Judge Rumbaugh reviewed only the 3-page telephone authorization. CP 45. The judge's signed order states only that the requirements of RCW 9.73.230 were complied with. *Id.* There was no finding of probable cause because Judge Rumbaugh never had the text messages before him. And, contrary to the State's position now, the trial prosecutor did not couch this as his "opinion." He made a statement of fact that he knew was incorrect. While the State argues that this impropriety had no impact on the trial judge's decision, that is not clear. But it is additional evidence of the persistent misconduct that deprived Racus of a fair trial.

II. CONCLUSION

For the reasons stated above, this Court should reverse Racus's convictions and remand for further proceedings.

DATED this 27th day of October 2017.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I served by email where indicated and First Class United States Mail, postage prepaid, one copy of this brief on the following:

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**ELECTRONIC
SURVEILLANCE
and
DIGITAL EVIDENCE
IN WASHINGTON STATE
2017**

by:

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Law Enforcement Use Only

This Electronic Surveillance and Digital Evidence Manual is the work product of the King County Prosecuting Attorney's Office. As such, this manual contains legal opinions and advice on the various legal issues discussed. This Manual is written primarily to advise police and prosecutors in case development and case evaluation. It gives conservative advice in many places where a trial prosecutor might not be so conservative when seeking admission of previously gathered evidence. This manual is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal.

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all legal citations in this document are intentionally written in the long form,
regardless of any prior citation to the same authority.**

APPENDIX C: ENTRAPMENT; POLICY ISSUES AND INVESTIGATIVE TOOLS AVAILABLE FROM THE PROSECUTOR'S OFFICE

A. ENTRAPMENT DEFENSE - RCW 9A.16.070

It is a defense that:

- the criminal design originated in the mind of law enforcement officials, or any person acting under their direction, and
- the actor was lured or induced to commit a crime which the actor had not otherwise intended to commit.

Merely affording the actor an opportunity to commit a crime, which the actor had not otherwise intended to commit, does not constitute entrapment.

However, public policy must be considered in addition to the technical requirements of the statute. If you overreach, you will lose.

Because each undercover encounter is unique, there is no "entrapment-proof" script. That said, the following are important rules that will prevent entrapment defense problems.

- **NEVER, EVER, TELL OR ENCOURAGE A SUSPECT TO COMMIT A CRIME.** If the suspect expresses reluctance to complete a previously planned criminal act, **back off** and consult with the prosecutor.
- **DISTINGUISH BETWEEN POLICE CONTROLLED CRIME VERSUS CRIMINAL ACTIVITY THE POLICE ALLOW TO OCCUR.** As a general rule, detectives should let the suspect initiate all contacts. Suspects, not investigators, should by their words and actions initiate the crimes and show their interest in and agreement to the crimes. Do not badger the suspect if the suspect loses interest in the criminal activity. Don't order things that are not already contraband.
- Whenever possible have at least two undercover detectives present during contacts with the suspect (and informant). This may not be possible at the beginning, but should occur as soon as possible thereafter. This provides corroboration for the undercover's accounts of the contacts with the suspects.

- Detectives should IMMEDIATELY document ALL transactions and the details of ALL conversations with potential defendants. Even though short encounters may seem unimportant at the time, they may take on unanticipated significance at trial.
- Avoid using the confidential informant as a transactional witness. Paid informants are difficult to control, create almost automatic entrapment issues, and have no credibility in the eyes of a jury.
- Obtain rap sheets as soon as possible for all suspects with whom you deal. A fact-finder is much less likely to believe entrapment if the suspect has prior convictions for the same offense.
- Use other resources at your disposal to ensure the suspect is a worthy target: witness interviews, intelligence, surveillance; public records (business licenses, incorporation papers, utilities) bank records, telephone records, insurance records, etc.
- Avoid pressuring investigative suspect to commit crime s/he is otherwise reluctant to commit. Could result in case dismissal for "outrageous conduct," in violation of defendant's due process rights. See *State v. Lively*, 130 Wn.2d 1, 921 P.2d 1035 (1996).

B. USING THE PROSECUTOR'S EXPERTISE

Special evidence gathering tools that the prosecutor can help you use:

Inquiry Judge - RCW 10.27 – A **secret judicial proceeding** that allows prosecutors to obtain evidence, from witnesses and/or records, upon a showing that the prosecutor has **reasonable suspicion** to believe that criminal activity is occurring within the jurisdiction.

- Excellent means for obtaining records from third parties, i.e., banks, utilities, businesses, phone companies, to document reasonable suspicion and build probable cause, without alerting suspects in undercover operation.
- Usually limited in its use with witnesses. You don't usually need it for cooperating witnesses and it is unlikely a hostile witness would abide by the secrecy requirements.

- This tool is only available to the prosecutor prior to the filing of criminal charges.

Court Authorized Wires - RCW Chapter 9.73: Unique statutory scheme. The portion of the statute that is pertinent to undercover work is the section that allows for court authorized recordings of conversations with suspects if specific statutory requirements are met. See Electronic Surveillance In Washington, by the King County Prosecutor's Office, Special Operations (206) 477-3733, which details the specific requirements.

Legal papers and requirements for use of other forms of electronic surveillance, such as pen registers, trap and trace, video surveillance, infrared devices, GPS tracking devices, email, voicemail.

For the most effective use of the above tools and the best outcome, make the prosecutor part of the team.

- Involve a prosecutor early to participate in discussion of approach and objectives and to advise on policy. Keep prosecutor informed and involved as case progresses.
- Special Operations Function of the King County Prosecutor's Office has experienced deputies who are responsible for assisting investigators during the case development phase. You only need to call to obtain help. (206) 477-3733.

LAW OFFICE OF SUZANNE LEE ELLIOTT

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Transmittal Information

Filed with Court: Court of Appeals Division II
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Superior Court Case Number: 15-1-05086-1

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