

No. 50118-0-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

vs.

Shelly Arndt,

Appellant.

Kitsap County Superior Court Cause No. 14-1-00428-0

The Honorable Judge Leila Mills

Appellant's Opening Brief

Jodi R. Backlund
Manek R. Mistry
Attorneys for Appellant

BACKLUND & MISTRY

P.O. Box 6490
Olympia, WA 98507
(360) 339-4870
backlundmistry@gmail.com

TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

ISSUE AND ASSIGNMENTS OF ERROR 1

STATEMENT OF FACTS AND PRIOR PROCEEDINGS..... 2

ARGUMENT..... 6

**The trial court’s finding that Juror Watson committed misconduct
requires reversal of Ms. Arndt’s premeditated murder conviction 6**

A. The court must review de novo the infringement of Ms. Arndt’s
constitutional rights..... 6

B. Juror Watson’s internet research on premeditation “could have”
affected her guilty verdict on the premeditated murder charge. ... 10

CONCLUSION 15

TABLE OF AUTHORITIES

FEDERAL CASES

<i>Fullwood v. Lee</i> , 290 F.3d 663 (4th Cir. 2002).....	12
<i>United States v. Lawson</i> , 677 F.3d 629 (4th Cir. 2012)....	12, 13, 14, 15, 16
<i>United States v. Vasquez–Ruiz</i> , 502 F.3d 700 (7th Cir.2007).....	15

WASHINGTON STATE CASES

<i>Adkins v. Aluminum Co. of Am.</i> , 110 Wn.2d 128, 750 P.2d 1257 (1988), <i>clarified on denial of reconsideration</i> , 756 P.2d 142 (Wash. 1988) ...	12, 13
<i>Lenander v. Washington State Dep't of Ret. Sys.</i> , 186 Wn.2d 393, 377 P.3d 199 (2016).....	6
<i>State v. Aguirre</i> , 168 Wn.2d 350, 229 P.3d 669 (2010).....	8
<i>State v. Armstrong</i> , --- Wn.2d ---, 394 P.3d 373 (2017).....	9
<i>State v. Boling</i> , 131 Wn. App. 329, 127 P.3d 740 (2006).....	6, 13, 14, 16
<i>State v. Boogaard</i> , 90 Wn.2d 733, 585 P.2d 789 (1978).....	12
<i>State v. Clark</i> , 187 Wn.2d 641, 389 P.3d 462 (2017).....	8, 9, 10, 11
<i>State v. Dye</i> , 178 Wn.2d 541, 309 P.3d 1192 (2013).....	8, 9, 10
<i>State v. Iniguez</i> , 167 Wn.2d 273, 217 P.3d 768 (2009)	7, 8, 10, 11
<i>State v. Irby</i> , 187 Wn. App. 183, 347 P.3d 1103 (2015), <i>review denied</i> , 184 Wn.2d 1036, 379 P.3d 953 (2016).....	11
<i>State v. Johnson</i> , 137 Wn. App. 862, 155 P.3d 183 (2007).....	6, 13, 15
<i>State v. Jones</i> , 168 Wn.2d 713, 230 P.3d 576 (2010).....	7, 8, 9, 10, 11
<i>State v. Posey</i> , 161 Wn.2d 638, 167 P.3d 560 (2007).....	7

State v. Samalia, 186 Wn.2d 262, 375 P.3d 1082 (2016) 6

CONSTITUTIONAL PROVISIONS

U.S. Const. Amend. VI 1, 11
U.S. Const. Amend. XIV 1, 11
Wash. Const. art. I, §21..... 1, 11
Wash. Const. art. I, §22..... 1, 11

OTHER AUTHORITIES

Allers v. Riley, 273 Mont. 1, 901 P.2d 600 (1995) 12
Alvarez v. People, 653 P.2d 1127 (Colo. 1982)..... 13
Chambers v. State, 321 Ga. App. 512, 739 S.E.2d 513 (2013) 11, 14
Com. v. Wood, 230 S.W.3d 331 (Ky. Ct. App. 2007)..... 12
Fulton v. Callahan, 621 So. 2d 1235 (Ala. 1993)..... 12
Glage v. Hawes Firearms Co., 226 Cal. App. 3d 314, 276 Cal. Rptr. 430
(Cal. Ct. App. 1990)..... 13
Jordan v. Brantley, 589 So. 2d 680 (Ala. 1991)..... 12
State v. Williamson, 72 Haw. 97, 807 P.2d 593 (1991) 14
Tapanes v. State, 43 So. 3d 159 (Fla. Dist. Ct. App. 2010)..... 12

ISSUE AND ASSIGNMENTS OF ERROR

1. Juror misconduct infringed Shelly Arndt's constitutional right to a fair trial by an impartial jury.
2. Ms. Arndt's conviction for premeditated murder violated the Sixth and Fourteenth Amendments and Wash. Const. art. I, §§21 and 22.
3. The trial court's finding of juror misconduct requires reversal, because the misconduct could have affected the verdict.
4. The trial court should have granted Ms. Arndt's motion for a new trial, because the prosecution failed to show beyond a reasonable doubt that Juror Watson's internet search on premeditation could not have affected the verdict.

ISSUE: Juror misconduct requires reversal unless the state proves beyond a reasonable doubt that the misconduct could not have affected the verdict. Did Juror Watson's internet search on premeditation require reversal of Ms. Arndt's premeditated murder conviction because it could have affected Watson's decision to vote guilty?

STATEMENT OF FACTS AND PRIOR PROCEEDINGS

After several days of deliberations in the murder trial of Shelly Arndt, Juror Violet Honey Watson searched the internet for definitions of “premeditation.” RP (2/6/17) 19-20. She later told an acquaintance, Attorney Janiece LaCross,¹ that she’d been one of the last holdout jurors, that she’d struggled with the definition of premeditation, and that she’d agreed to convict as a result of her online research. CP 37, 39, 44.

Juror Watson confirmed this to a defense investigator named James Harris, and showed him search results on her phone. RP (2/6/17) 31; CP 16-20, 37. Harris photographed these search results. RP (2/6/17) 32-33; CP 16-20, 37; Ex. 1-3.² Watson told Harris these results were among the websites she reviewed. RP (2/6/17) 31-33. She told him she had reviewed other websites as well. RP (2/6/17) 31-33.

Watson made similar statements to Alexandra Mangahas, an investigator from the prosecutor’s office. CP 37-40. She told Mangahas that

[s]he was bothered by the term “premeditation” and was having a difficult time deciding guilty or not guilty... [S]he looked up the definition of premeditation while she was at home and that assisted her with deciding on guilty.
CP 37.

¹ She didn’t know that Ms. LaCross was defense counsel’s sister. RP (2/6/17) 24; CP 37, 39.

² The photographs were later admitted into evidence at a hearing on Ms. Arndt’s motion for a new trial. RP (2/6/17) 33.

After two interviews with the prosecution investigator, Watson refused to speak with defense investigator Harris or provide a declaration. RP (2/6/17) 23, 33-34.

Ms. Arndt filed a motion for a new trial. CP 13-20. At a hearing on the motion, Juror Watson testified that she'd googled "premeditation" on her phone. She conducted her search in bed one evening after deliberations had started. RP (2/6/17) 20, 27-28. Watson explained her motivation:

I wanted to make sure when I made my decision I understood that word. And it wasn't really clear to me.
RP (2/6/17) 26.³

She believed what came up was from "Wedipedia." RP (2/6/17) 21.⁴ She explained that she reviewed "whatever that does when you Google, and that's the definition." RP (2/6/17) 21.

She searched using the phrase "What is the definition of premeditation?" RP (2/6/17) 27. She reviewed "whatever popped up on [her] phone" following her search. RP (2/6/17) 27. This included "several" or "a couple" different definitions. RP (2/6/17) 28.

She believed these definitions were "completely different" from the screenshots photographed by Harris and shown in Exhibits 1-3,

³ She told the court that she hadn't thought that looking up premeditation was wrong. RP (2/6/17) 26.

⁴ She may have meant to say "Wikipedia."

although she'd previously told him these results were among those she'd viewed. RP (2/6/17) 20-21, 27. She testified that "when I had talked to Mr. Harris, it was different sites that came up on— on that, because the definition was— it seemed like it was different." RP (2/6/17) 27.

Defense counsel objected when the prosecutor asked "[W]hat was kind of the key thing in these definitions that stuck out to you?" RP (2/6/17) 24. Counsel argued that such information inhered in the verdict.⁵ RP (2/6/17) 24-25. Before the court ruled, Juror Watson testified that "One of the definitions was about premeditation being short." RP (2/6/17) 24.

The court overruled the defense objection. RP (2/6/17) 25. The prosecutor followed up by asking if the definition that stuck out for Juror Watson required "some deliberative process" that "was however short?" RP (2/6/17) 25.

⁵ Throughout the proceedings, the State relied on a broad argument regarding matters that inhere in the verdict. According to the prosecutor, "any time you are bringing in a juror to talk about something that they considered or something they did that's not capable of being rebutted by any other evidence or testimony, that's impugning [sic] a verdict." RP 7. The prosecutor believed the court should not hear testimony about "where [Watson] was in the determination of guilt or innocence, or whether she was struggling with terms." RP 7. The prosecutor believed such testimony would "completely impugn[] [sic] the verdict." RP 7. The prosecutor also believed that any testimony impeaching Watson was "just attempting to impugn the verdict." RP 13. In fact, the prosecutor appeared to believe that everything a juror says would inhere in the juror's verdict unless corroborated by extrinsic evidence. RP 13; CP 25-26.

Juror Watson had not used these phrases in her testimony or in her statements to Janiece LaCross and the two investigators. RP (2/6/17) 18-28; CP 16-20, 37-40. She agreed with the prosecutor, but did not claim these were the exact phrases she'd read online. RP (2/6/17) 25. Despite this, the prosecutor relied on the phrase "however short" to argue that Juror Watson found definitions containing the same language as the court's instructions.⁶ RP (2/6/17) 56, 76.

The court found that Juror Watson had engaged in misconduct by researching the meaning of the word "premeditation." CP 137. However, the court refused to order a new trial. CP 138, 141.

The court acknowledged that Juror Watson had viewed some unknown websites, but did not find this fatal to the state's burden. CP 136, 138. Instead, the court relied on evidence that Juror Watson reviewed definitions that "included the word 'short' or the phrase 'however short,' and that these definitions were "indistinguishable" from the instructions given by the court. CP 138.

Ms. Arndt appealed. CP 141.

⁶ In her testimony, she claimed she did not share the definition with other jurors. RP (2/6/17) 26. She also testified that there were no discussions in the jury room after she reviewed the definitions online. RP (2/6/17) 26.

ARGUMENT

THE TRIAL COURT'S FINDING THAT JUROR WATSON COMMITTED MISCONDUCT REQUIRES REVERSAL OF MS. ARNDT'S PREMEDITATED MURDER CONVICTION

During deliberations, Juror Watson violated the court's instructions by searching the internet for definitions of premeditation. RP (2/6/17) 19-20, 31-33; CP 16-20, 37, 39, 44; Court's Instructions, Supp. CP. Because this misconduct "could have" affected Juror Watson's verdict on the charge of premeditated murder, Ms. Arndt's conviction on that charge must be reversed. *State v. Boling*, 131 Wn. App. 329, 333, 127 P.3d 740, 742 (2006); *State v. Johnson*, 137 Wn. App. 862, 870, 155 P.3d 183, 187 (2007).

- A. The court must review *de novo* the infringement of Ms. Arndt's constitutional rights.

Appellate courts review constitutional issues *de novo*. *Lenander v. Washington State Dep't of Ret. Sys.*, 186 Wn.2d 393, 403, 377 P.3d 199 (2016); *State v. Samalia*, 186 Wn.2d 262, 269, 375 P.3d 1082 (2016).

However, the Supreme Court has issued conflicting opinions on the proper standard of review of discretionary decisions violating an accused person's constitutional rights. The better approach is to review *de novo* a trial court's discretionary decisions that infringe constitutional rights.

The Supreme Court has applied the *de novo* standard to discretionary decisions that would otherwise be reviewed for abuse of discretion. *State v. Jones*, 168 Wn.2d 713, 719, 230 P.3d 576, 579 (2010); *State v. Iniguez*, 167 Wn.2d 273, 281, 217 P.3d 768 (2009). In *Jones*, for example, the court reviewed *de novo* a discretionary decision excluding evidence under the rape shield statute because the defendant argued a violation of his constitutional right to present a defense. *Jones*, 168 Wn.2d at 719.⁷ Similarly, the *Iniguez* court reviewed *de novo* the trial judge's discretionary decisions denying a severance motion and granting a continuance, because the defendant argued a violation of his constitutional right to a speedy trial. *Iniguez*, 167 Wn.2d at 280-281. The *Iniguez* court specifically pointed out that review would have been for abuse of discretion had the defendant not argued a constitutional violation. *Id.*

However, the court has not applied this rule consistently. For example, one month prior to its decision in *Jones*, the court apparently applied an abuse-of-discretion standard to questions of admissibility under the rape shield law, even though—as in *Jones*—the defendant alleged a violation of his right to present a defense. *State v. Aguirre*, 168 Wn.2d 350, 362-63, 229 P.3d 669 (2010).

⁷ Generally, the exclusion of evidence under that statute is reviewed for an abuse of discretion. *State v. Posey*, 161 Wn.2d 638, 648, 167 P.3d 560 (2007).

This inconsistency should not be taken as a repudiation of *Jones* and *Iniguez*. Cases applying the abuse-of-discretion standard have not grappled with the reasoning outlined by the *Jones* and *Iniguez* courts. *See, e.g., State v. Dye*, 178 Wn.2d 541, 309 P.3d 1192 (2013); *State v. Clark*, 187 Wn.2d 641, 648–49, 389 P.3d 462 (2017).

In *Dye*, the court indicated that “[a]lleging that a ruling violated the defendant's right to a fair trial does not change the standard of review.” *Id.*, at 548. However, the *Dye* court did not cite *Iniguez* or *Jones*. *Id.*, at 548. Nor did it address the reasoning outlined in those decisions. Furthermore, the petitioners in *Dye* did not ask the court to apply a *de novo* standard. *See* Petition for Review⁸ and Supplemental Brief.⁹ As the *Dye* court noted, the petitioner “present[ed] no reason for us to depart from [an abuse-of-discretion standard].” *Id.*¹⁰ There is no indication that the *Dye* court intended to overrule *Iniguez* and *Jones*. *Id.*

In *Clark*, the court announced it would “review the trial court's evidentiary rulings for abuse of discretion and defer to those rulings unless

⁸ Available at <http://www.courts.wa.gov/content/Briefs/A08/879290%20prv.pdf> (last accessed 7/11/17).

⁹ Available at <http://www.courts.wa.gov/content/Briefs/A08/879290%20petitioner's%20supplemental%20brief.pdf> (last accessed 7/11/17).

¹⁰ By contrast, the Respondent did argue for application of an abuse-of-discretion standard. *See Dye*, Respondent's Supplemental Brief, pp 8-9, 17-18, available at <http://www.courts.wa.gov/content/Briefs/A08/879290%20respondent's%20supplemental%200brief.pdf> (last accessed 7/11/17).

no reasonable person would take the view adopted by the trial court.” *Id.* (internal quotation marks and citations omitted). Upon finding that the lower court had excluded “relevant defense evidence,” the reviewing court would then “determine as a matter of law whether the exclusion violated the constitutional right to present a defense.” *Id.*

Although the *Clark* court cited *Jones*, it did not suggest that *Jones* was incorrect, harmful, or problematic, and did not overrule it. *See, e.g., State v. Armstrong*, --- Wn.2d ---, ___ n. 2, 394 P.3d 373 (2017) (“For this court to reject our previous holdings, the party seeking that rejection must show that the established rule is incorrect and harmful or a prior decision is so problematic that we must reject it.”)

The *Clark* court did not even acknowledge its deviation from the standard applied by the *Jones* court. *Id.* Nor does the *Clark* opinion mention *Iniguez*. Furthermore, as in *Dye*, the Respondent in *Clark* argued for the abuse-of-discretion standard, and Petitioner did not ask the court to apply a different standard. *See* Respondent’s Supplemental Brief, p. 16;¹¹ Petitioner’s Supplemental Brief.¹²

This court should follow the reasoning in *Iniguez* and *Jones*. This

¹¹ Available at <http://www.courts.wa.gov/content/Briefs/A08/92021-4%20Supp%20Brief%20-%20Resp.pdf> (last accessed 2/10/17).

¹² Available at <http://www.courts.wa.gov/content/Briefs/A08/92021-4%20Supp%20Brief%20-%20Pet'r.pdf> (last accessed 2/10/17).

is especially true given the absence of any briefing addressing the appropriate standard of review in *Dye* and *Clark*.

Constitutional errors should be reviewed *de novo*. *Jones*, 168 Wn.2d at 719; *Iniguez*, 167 Wn.2d at 281. This rule encompasses discretionary decisions that violate constitutional rights. Review of constitutional violations for abuse of discretion puts the constitutional rights of an accused person in the hands of the individual judge presiding over that person's trial.

Furthermore, the standard set forth in *Clark* makes the *de novo* standard meaningless: an abuse of discretion resulting in the exclusion of relevant and admissible defense evidence will always violate the right to present a defense. *Jones*, 168 Wn.2d at 719; *Iniguez*, 167 Wn.2d at 281. Such cases will turn on harmless error analysis, not on *de novo* review of the error's constitutional import.

Jones and *Iniguez* set forth the proper standard. Given the Supreme Court's inconsistency on this issue, review here should be *de novo*. *Jones*, 168 Wn.2d at 719; *Iniguez*, 167 Wn.2d at 281.

B. Juror Watson's internet research on premeditation "could have" affected her guilty verdict on the premeditated murder charge.

In criminal cases, the state and federal constitutions guarantee a fair trial by an impartial jury. *State v. Irby*, 187 Wn. App. 183, 192, 347

P.3d 1103 (2015), *review denied*, 184 Wn.2d 1036, 379 P.3d 953 (2016); U.S. Const. Amends. VI, XIV; art. I, §§ 21, 22. Each juror must reach a verdict “uninfluenced by factors outside the evidence, the court's proper instructions, and the arguments of counsel.” *State v. Boogaard*, 90 Wn.2d 733, 736, 585 P.2d 789 (1978).

The right is violated “if even a single juror's impartiality is overcome by an improper extraneous influence.” *Fullwood v. Lee*, 290 F.3d 663, 678 (4th Cir. 2002); *see also Chambers v. State*, 321 Ga. App. 512, 520, 739 S.E.2d 513 (2013).

A juror commits misconduct by consulting a dictionary or otherwise researching the definition of a legal term material to the case. *United States v. Lawson*, 677 F.3d 629, 639-651 (4th Cir. 2012); *see also Adkins v. Aluminum Co. of Am.*, 110 Wn.2d 128, 138 n. 6, 750 P.2d 1257, 1264 (1988), *clarified on denial of reconsideration*, 756 P.2d 142 (Wash. 1988). In *Lawson*, the Fourth Circuit found that jurors committed misconduct by consulting Wikipedia to research the definition of the word “sponsor.” *Lawson*, 677 F.3d at 636. The *Adkins* court found that jurors committed misconduct by procuring (from the bailiff) a copy of Black’s Law Dictionary and researching the words “negligence” and “proximate cause.” *Adkins*, 110 Wn.2d at 137-138.

Once misconduct is established, prejudice is presumed. *State v. Boling*, 131 Wn. App. 329, 332-33, 127 P.3d 740, 742 (2006). To overcome the presumption, the prosecution must show beyond a reasonable doubt that the misconduct, viewed objectively, could not have affected the verdict. *Id.*; *Johnson*, 137 Wn. App. at 870.¹³ Any doubts must be resolved against the verdict. *Johnson*, 137 Wn. App. at 869.

During deliberations in this case, Juror Watson committed misconduct by searching the internet for definitions of the term “premeditation.” RP (2/6/17) 19-21, 27, 31-33; CP 16-20, 37, 39, 44. The trial judge unequivocally found that Watson committed misconduct. CP 137.

Prejudice is presumed, and reversal is required because the misconduct “could have” affected the verdict. *Id.* at 870; *Boling*, 131 Wn. App. at 333. Numerous other courts have found prejudicial misconduct in similar circumstances. *Lawson*, 677 F.3d at 651; *see also, e.g., Tapanes v. State*, 43 So. 3d 159 (Fla. Dist. Ct. App. 2010); *Com. v. Wood*, 230 S.W.3d 331, 332 (Ky. Ct. App. 2007); *Allers v. Riley*, 273 Mont. 1, 901 P.2d 600 (1995); *Fulton v. Callahan*, 621 So. 2d 1235 (Ala. 1993); *Jordan v. Brantley*, 589 So. 2d 680 (Ala. 1991); *Glage v. Hawes Firearms Co.*,

¹³ *See also Lawson*, 677 F.3d at 651 (noting the government’s “heavy obligation to rebut the presumption of prejudice by showing that there is no reasonable possibility that the verdict was affected by the external influence”) (internal quotation marks and citations omitted).

226 Cal. App. 3d 314, 276 Cal. Rptr. 430 (Cal. Ct. App. 1990); *Alvarez v. People*, 653 P.2d 1127 (Colo. 1982);

Juror Watson’s understanding of the word “premeditation” was critical to a determination of Ms. Arndt’s guilt of premeditated murder. To prove premeditation, the state relied heavily on Fire Marshal Lynam’s ignition theory. RP 4333-4334, 4403-4404. But Lynam backed away from this theory following testimony from the defense expert. RP 4248. Because evidence of premeditation was conflicting, the state can’t prove beyond a reasonable doubt that the error could not have affected the verdict.

This is especially true because the government cannot show that Juror Watson read only web pages consistent with the court’s instructions.¹⁴ RP (2/6/17) 21, 28, 31-33. As the court noted, “the exact websites and content that [Watson] viewed is unclear.” CP 136.

Any doubts about the specific definitions Watson read must be resolved against the verdict. *Johnson*, 137 Wn. App. at 869. As the *Lawson* court remarked, “‘it is the prosecution’ that ‘bears the risk of uncertainty’” once misconduct is shown. *Lawson*, 677 F.3d at 651

¹⁴ In fact, Watson testified that the definitions she read were “completely different” from the screenshot photographs that were admitted into evidence. Ex. 1-3; RP (2/6/17) 21.

(quoting *United States v. Vasquez–Ruiz*, 502 F.3d 700, 705 (7th Cir.2007)).

Contrary to the trial judge’s conclusion, it is appropriate “[t]o base a decision for a new trial on what is ‘not known.’” CP 138. Where “what is ‘not known’” prevents the state from meeting its burden, reversal is required. *Lawson*, 677 F.3d at 648.¹⁵

In *Lawson*, for example, the court reversed even though there was “no indication in the record regarding the actual content of the Wikipedia entry” obtained by the juror. *Id.*; see also *Chambers*, 321 Ga. App. at 520 (the content must be “*established* without contradiction” if it is to prove lack of prejudice) (emphasis in original).

Depending on what she read, Juror Watson’s research “could have” impacted her verdict.¹⁶ *Boling*, 131 Wn. App. at 333. Ms. Arndt’s conviction for premeditated murder must be reversed, and the charge remanded for a new trial. *Id.*

¹⁵ See also *State v. Williamson*, 72 Haw. 97, 103, 807 P.2d 593, 596 (1991) (“[B]y not inquiring into the identity of the juror who brought the dictionary and obtaining a personal explanation from him or her as to its use, the trial court did not have before it the totality of circumstances surrounding the misconduct to decide whether it was harmless.”)

¹⁶ Indeed, she told LaCross, Harris, and Mangahan that her research did cause her to change her verdict. CP 16, 17, 37; RP (2/6/17) 5.

CONCLUSION

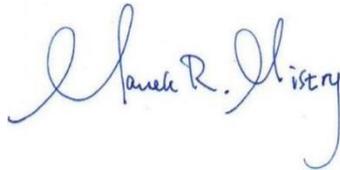
For the foregoing reasons, Ms. Arndt's conviction for premeditated murder must be reversed. The case must be remanded for a new trial.

Respectfully submitted on July 14, 2017,

BACKLUND AND MISTRY



Jodi R. Backlund, WSBA No. 22917
Attorney for the Appellant



Manek R. Mistry, WSBA No. 22922
Attorney for the Appellant

CERTIFICATE OF SERVICE

I certify that on today's date:

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

Shelly Arndt, DOC #318981
Washington Corrections Center for Women
9601 Bujacich Rd. NW
Gig Harbor, WA 98332

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
rsutton@co.kitsap.wa.us
kcpa@co.kitsap.wa.us

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 Olympia, Washington on July 14, 2017.



Jodi R. Backlund, WSBA No. 22917
Attorney for the Appellant

BACKLUND & MISTRY

July 14, 2017 - 9:30 AM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 50118-0
Appellate Court Case Title: State of Washington, Respondent v. Shelly Arndt, Appellant
Superior Court Case Number: 14-1-00428-0

The following documents have been uploaded:

- 3-501180_Briefs_20170714091908D2136305_2493.pdf
This File Contains:
Briefs - Appellants
The Original File Name was 501180 State v Shelly Arndt Opening Brief.pdf
- 3-501180_Designation_of_Clerks_Papers_20170714091908D2136305_3559.pdf
This File Contains:
Designation of Clerks Papers - Modifier: Supplemental
The Original File Name was 501180 State v Shelly Arndt Supp DCP.pdf
- 3-501180_Motion_20170714091908D2136305_1758.pdf
This File Contains:
Motion 1 - Other
The Original File Name was 501180 State v Shelly Arndt Motion to Transfer Record.pdf

A copy of the uploaded files will be sent to:

- kcpa@co.kitsap.wa.us
- rsutton@co.kitsap.wa.us

Comments:

Sender Name: Jodi Backlund - Email: backlundmistry@gmail.com
Address:
PO BOX 6490
OLYMPIA, WA, 98507-6490
Phone: 360-339-4870

Note: The Filing Id is 20170714091908D2136305