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THE COURT OF APPEALS FOR THE STATE OF WASHINGTON  
DIVISION II

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**STATE OF WASHINGTON,**

Respondent,

vs.

**FORREST EUGENE AMOS,**

Appellant.

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Appeal from the Superior Court of Washington for Lewis County

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**Respondent's Brief**

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## I. ISSUES

- A. Did the State present sufficient evidence to sustain the trial court's finding Amos committed the four counts of Forgery and four counts of Criminal Impersonation in the First Degree?
- B. Did the trial court abuse its discretion when it required Amos to wear a leg brace during his jury trial?
- C. Did Amos receive effective assistance from his trial counsel?
- D. Did Amos intelligently, knowingly, and voluntarily proceed to trial without counsel?
- E. Did the trial court erroneously impose an exceptional sentence above the standard range based upon the multiple current offenses aggravating factor?

## II. STATEMENT OF THE CASE

On August 2, 2016, Forrest Amos was charged by Special Appointed Deputy Prosecuting Attorney for Lewis County Prosecuting Attorney's Office with eight crimes. CP 1-5.<sup>1</sup> Amos was charged with Counts I-IV: Forgery, and Counts V-VII: Criminal Impersonation in the First Degree. *Id.* A Special Deputy Prosecutor was required because the victim of Counts I and V was the elected Prosecuting Attorney for Lewis County, Jonathan Meyer. *Id.* The victim for Counts II and VI was William Halstead, a deputy

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<sup>1</sup> Amos was actually tried on a Second Amended Information filed on November 29, 2016. CP 22-28. The charges in the Second Amended Information mirror the charges in the original information, with the addition to aggravating factors. *See* CP 1-5, 22-28.

prosecuting attorney for Lewis County. CP 2-3; RP 86.<sup>2</sup> The victim for Counts III and VII was Detective Chad Withrow from the Centralia Police Department. CP 2-4; RP 187. The victim for Counts IV and VIII was Detective Adam Haggerty from the Centralia Police Department. CP 3-4; RP 179.

The charges stem from Amos filing documents in Lewis County Superior Court case number 13-1-00818-6, hereafter 2013 case. Ex. 2, 3, 4, 5.<sup>3</sup> These documents, titled “Forced Commercial Contract” state they are a notice of subrogation bond, require Clerk’s action, and all have some variation of the following language:

Jonathan Meyer, public servant, prosecuting attorney, law merchant do hereby enter myself security for costs in the cause and acknowledge myself bound to pay or cause to be paid all costs which may accure [sic] in this action, either to the opposite party, or to any of the officer of this court, pursuant to the laws of this state, and/or the District of Columbia, 28 USC Sex. 3002(15)(c). See State v. Sefrit, 82 Wash. 520, 144 P. 725 (1914), State v. Yelle, 4 Wn2d 324, 103 P.2d 372 (1940); Nelson v. Bortell, 4 Wn.2d 174, 103 P.2d 30 (1940).

Dated this 11<sup>th</sup> day of March, 2016. Jonathan Meyer

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<sup>2</sup> There are ten separate verbatim report of proceedings. The continually paginated volumes, totaling 429 pages, which includes the three volumes of the jury trial, the State will cite as RP. Any citations to the other verbatim reports of proceedings the State will cite as RP and the date of the proceedings.

<sup>3</sup> The State will be filing a supplemental designation of Clerk’s papers to include the exhibit list from the trial and numerous trial exhibits. The exhibits will be cited as they normally would in briefing, Ex. and their exhibit number.

Ex. 3, page 1 (under Mr. Meyer's name it states, "public servant, prosecuting attorney). The documents for the detectives state "police officer" rather than "prosecuting attorney." Ex. 4, 5. The documents have language stating Forest Amos is the surety on the bonds, which have property clear unencumbered and in excess of one million dollars in value. Ex. 2, 3, 4, 5, page 2. Mr. Meyer, Mr. Halstead, Detective Haggerty, and Detective Withrow did not sign the documents, print their name on the documents, nor did they give anyone else permission to draft, sign their name, or file the documents on their behalf. RP 92-95, 140-42, 181-84, 189-92.

The documents were filed in a 2013 criminal case where the Lewis County Prosecutor's Office had prosecuted Amos. RP 86-90; Ex. 2, 3, 4, 5. In the 2013 case Amos pleaded guilty to 14 separate counts, 12 felonies and two gross misdemeanors, netting him a 12 year prison sentence. RP 88-89. The majority of the charges revolved around possession of a controlled substance with the intent to deliver. *Id.* Per Amos' plea deal in that case, two charges from the original information were dismissed. RP 89. Mr. Halstead, Detective Haggerty, and Detective Withrow all participated in the 2013 case. RP 90. Mr. Meyer also participated in the 2013 case, as he is the

elected prosecutor, and Mr. Halstead works under Mr. Meyer's authority. RP 90-91.

Amos believed Mr. Halstead, Mr. Meyer, Detective Haggerty, and Detective Withrow violated his civil rights during the 2013 case. RP 297-300. Amos took issue with being held on one million dollars bail pending the resolution of the 2013 case. RP 297, 303. Amos believed he had the right to file the subrogation bonds because he had filed a civil lawsuit against the individuals named in the bonds, and he had no intention to defraud them. RP 301-03.

As the case proceeded to trial Amos had issues with his court appointed counsel, Don Blair. RP 13-18, 37-51; RPRP (11/29/16) 26-29; CP 14-15. Ultimately, Amos was allowed to proceed to trial pro se. RP 40-47. The testimony at trial was presented as outlined above. Amos was convicted on all counts. RP 375-76. The jury returned no on the special verdict forms asking if the crime was committed against an officer of the court in retaliation for the officer's performance of their official duties. 376-78.

Amos was sentenced to an exceptional sentence of 29 months of each forgery count to run consecutive, 12 month of each of the criminal impersonation counts to run concurrent, for a total sentence of 116 months. RP 408-09; CP 171-72, 165-66. The trial

court held the free crimes aggravator allowed the exceptional sentence and found it justified in this circumstance. RP 408-11; CP 165-66. Amos timely appeals his convictions. CP 180.

The State will supplement the facts as necessary throughout its argument below.

### III. ARGUMENT

#### A. THE STATE PRESENTED SUFFICIENT EVIDENCE TO SUSTAIN THE JURY'S VERDICT THAT AMOS COMMITTED THE CRIME OF FORGERY, AS CHARGED IN COUNTS I, II, III, AND IV.

Contrary to Amos' assertion, the State presented sufficient evidence Amos committed Forgery and Criminal Impersonation in the First Degree as charged. Amos argues two points, the State failed to present sufficient evidence of intent to defraud and the State did not prove the documents had legal efficacy. Brief of Appellant 4-11.<sup>4</sup> This Court should find the State presented sufficient evidence to sustain the jury's guilty verdicts and affirm the convictions.

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<sup>4</sup> Amos does not address the Criminal Impersonation in the First Degree counts, VI-VIII, in the body of his argument other than citing the statute on page five, therefore the State will not respond, as this Court will not review assignments of error without Amos putting forward legal arguments or citations to authorities. RAP 10.3(a)(5); *In re Marriage of Kim*, 179 Wn. App. 232, 245, 317 P.3d 555 (2014).

### **1. Standard Of Review.**

Sufficiency of evidence is reviewed in the light most favorable to the State to determine if any rational jury could have found all the essential elements of the crime charged beyond a reasonable doubt. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

### **2. The Jury's Verdict That Amos Committed Forgery, As Charged In Counts I, II, III, And IV, Is Supported By Substantial Evidence.**

The State is required under the Due Process Clause to prove all the necessary elements of the crime charged beyond a reasonable doubt. U.S. Const. amend. XIV, § 1; *In re Winship*, 397 U.S. 358, 362-65, 90 S. Ct 1068, 25 L.Ed.2d 368 (1970); *State v. Colquitt*, 133 Wn. App. 789, 796, 137 P.3d 893 (2006). An appellant challenging the sufficiency of evidence presented at a trial “admits the truth of the State’s evidence” and all reasonable inferences therefrom are drawn in favor of the State. *State v. Goodman*, 150 Wn.2d 774, 781, 83 P.2d 410 (2004). When examining the sufficiency of the evidence, circumstantial evidence is just as reliable as direct evidence. *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99 (1980).

The role of the reviewing court does not include substituting its judgment for the jury's by reweighing the credibility or importance of the evidence. *State v. Green*, 94 Wn.2d 216, 221, 616 P.2d 628 (1980). The determination of the credibility of a witness or evidence is solely within the scope of the jury and not subject to review. *State v. Myers*, 133 Wn.2d 26, 38, 941 P.2d 1102 (1997), *citing State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990). "The fact finder...is in the best position to evaluate conflicting evidence, witness credibility, and the weight to be assigned to the evidence." *State v. Olinger*, 130 Wn. App. 22, 26, 121 P.3d 724 (2005) (citations omitted).

The State charged Amos with four counts of Forgery in the second amended information filed on November 29, 2016. RP 22-28. Each count referenced a specific victim and instrument corresponding to that victim: Count I, Notice of Subrogation Bond as to Jonathan Meyer; Count II, Notice of Subrogation Bond as to William Halstead; Count III, Notice of Subrogation Bond as to Chad Withrow; Count IV, Notice of Subrogation Bond as to Adam Haggerty. CP 22-24. The State was required to prove, on or about March 11, 2016, Amos "with intent to injure or defraud, did (a) falsely make, complete or alter a written instrument, and/or (b) possess,

utter, offer, dispose of, or put off as true a written instrument which” Amos knew to be forged, said written instrument being a Notice of Subrogation Bond as to the four above mentioned individuals. RCW 9A.60.020(1); CP 22-24.

The statutory elements of forgery are:

(1) A person is guilty of forgery if, with intent to injure or defraud:

(a) He or she falsely makes, completes, or alters a written instrument or;

(b) He or she possesses, utters, offers, disposes of, or puts off as true a written instrument which he or she knows to be forged.

RCW 9A.60.020. The courts in Washington consistently have used the same definition for forgery adopted 90 years ago by the Washington State Supreme Court. *Dexter Horton Nat'l Bank v. United States Fid. & Guar. Co*, 149 Wash. 343, 346-47, 270 P. 799 (1928).

The New Standard Dictionary (edition of 1920) contains the following definition of the word “forgery:”

“The act of falsely making or materially altering, with intent to defraud, any writing which, if genuine, might be of legal efficacy or the foundation of a legal liability.”

This definition excludes a genuine writing, that is a writing which is just exactly what it purport to be. It may be a false writing in that it either directly or by inference states a lie, but it is at least what on its face it seems.

*Dexter Horton*, 149 Wash. at 346. Therefore, a written instrument, in the context of the current forgery statute, “is something which, if genuine, may have legal effect or be the foundation of legal liability.” *State v. Scoby*, 57 Wn. App. 809, 811, 790 P.2d 226 (1990).

Amos asserts the instruments he filed with the Clerk’s have no legal effect because Amos did not know what he was doing, the documents do not make sense, and it is difficult to conceive how the documents could be used against the victims, therefore, he cannot be guilty of forgery. Brief of Appellant 11. Amos also argues legal efficacy was not properly before the jury due to the trial court’s ruling confining him to the jury instructions. RP 10-11. Amos’ claims fail, the State submitted sufficient evidence to the jury to find Amos guilty on all four counts of forgery.

It would appear Amos’ assertion is he only misrepresented facts, there was no action involved, and therefore no forgery was committed. “A misrepresentation of fact, so long as it does not purport to be the act of someone other than the maker, does not constitute forgery.” *State v. Mark*, 94 Wn.2d 520, 523, 618 P.2d 73 (1980). In *Mark* a pharmacist sent in forms for reimbursement for the cost of prescriptions, and as part of these forms Mr. Mark would fill in information that the physician had telephoned in a prescription, or

the prescription was renewable so the physician's information would be placed on the form. *Mark*, 94 Wn.2d at 522. Mr. Mark falsely filled out physician information on the forms for prescription not filled. *Id.* The Supreme Court noted Mr. Mark did not forge any actual prescriptions and did not represent the doctors who were signing the claim forms, Mr. Mark was merely falsely filling out the claim forms. *Id.* at 524. The claim form was exactly what it purported to be, it just contained false facts, and therefore it was not a forgery. *Id.*

Similarly, when another pharmacist committed the same false billing as the pharmacist in *Mark*, the Court of Appeals noted the reimbursement forms were genuine and contained the pharmacist own signature, therefore they were not falsely made. *State v. Marshall*, 25 Wn. App. 240, 242, 606 P.2d 278 (1980). The claim forms contained false information, that a medication had been prescribed and dispensed when it had not, but this was not a forgery. *Marshall*, 25 Wn. App. at 242.

Amos' case is distinct from *Mark* and *Marshall*. Amos fails to understand he falsely made the subrogation bonds purporting to be Jonathan Meyer, William Halstead, Chad Withrow, and Adam Haggerty. Ex. 2, 3, 4, 5. Amos does not have to attempt to mimic the victims' signatures to purport to be each of the individuals. One only

needs to read the wording of the bonds, all written in the first person, to see Amos assumed the identity of each individual when he created the documents. Ex. 2, 3, 4, 5. For example, Mr. Meyer's bond states:

Jonathan Meyer, public servant, prosecuting attorney, law merchant do hereby enter myself security for costs in the cause and acknowledge myself bound to pay or cause to be paid all costs which may accrue [sic] in this action, either to the opposite party, or to any of the officer of this court, pursuant to the laws of this state, and/or the District of Columbia, 28 USC Sex. 3002(15)(c). See State v. Sefrit, 82 Wash. 520, 144 P. 725 (1914), State v. Yelle, 4 Wn.2d 324, 103 P.2d 372 (1940); Nelson v. Bortell, 4Wn.2d 174, 103 P.2d 30 (1940).

Dated this 11<sup>th</sup> day of March, 2016. Jonathan Meyer

Ex. 3, page 1 (under Mr. Meyer's name it states, "public servant, prosecuting attorney). Certainly, the language, "do hereby enter myself....and acknowledge myself bound to pay..." purports to be the act of Mr. Meyer personally agreeing to be liable for costs in the 2013 case. Ex. 3. The other subrogation bonds all contain the same language, except the police officers' bonds have their numbers and state "police officer" instead of "prosecuting attorney." Ex. 2, 3, 4, 5. Further, Amos admitted he assumed each victim's identity when he wrote the documents. RP 311-12.

The title of the documents, along with the text, appear to be an agreement of the person allegedly drafting the "notice of subrogation bond" that they are entering into an agreed contract for

security for any and all costs in the 2013 action. If these documents were genuine they would appear to bind the drafter, each victim, to pay the costs of Amos' 2013 case, which at the time of the filing of the documents was approximately \$18,000. RP 266-68.

Amos also argues legal efficacy of the documents, a factual determination, never actually made it to the jury as required. Brief of Appellant 11. Amos cites to the statements in the beginning of the trial to support the jury did not determine the legal efficacy of the written instruments. Brief of Appellant 10-11, *citing* RP 69-70. The State's argument during this portion was the jury should be confined to the definition of written instrument found in the Washington Pattern Jury Instructions. RP 69. The instruction given for "written instrument" was not the standard WPIC instruction, but the suggested instruction from the "Note on Use" section which tells practitioners "If there is an issue for the jury regarding whether the basis for the alleged forgery is an 'instrument,' an instruction may be crafted based on the common law definition on the term. See the Comment below." WPIC 130.10, Note on Use. The comment gives the common law definition of instrument from *Scoby*, cited in briefing above. WPIC 130.10, Comment, *citing Scoby*, 57 Wn. App. at 811.

The trial court gave the following instruction: “Written instrument” means any paper, document or other instrument containing written or printed matter, which, if genuine, may have legal effect or be the foundation of legal liability.” CP 135 (Instruction 10). Juries are presumed to follow the jury instructions provided to them by the trial court. *State v. Ervin*, 158 Wn.2d 746, 756, 147 P.3d 567 (2006). Jury instructions are considered inadequate if they prevent a party from arguing their theory of the case, misstate the applicable law or mislead the jury. *Bell v. State*, 147 Wn.2d 166, 176, 52 P.3d 503 (2002). The jury was properly instructed the written instrument had to have legal effect or the foundation of legal liability if it were genuine. Therefore, the jury was required to decide if the documents Amos admitted to drafting and filing were written instruments. RP 301-04, 311-12.

Finally, Amos alleges the State failed to present sufficient evidence of his intent to defraud. Brief of Appellant 8-9. Amos cites to passages of his testimony where he emphatically claimed he had no intention of defrauding the victims, was simply trying to put them on notice, only printed their names, and you could not injure anyone with what he filed. Brief of Appellant 8-9. The documents filed speak for themselves regarding Amos’ intent. Ex. 2, 3, 4, 5. Amos’ intent

was to hold the four individuals liable for what he believed were damages caused to him for having been previously held on one million dollars bail and then subsequently convicted of 14 criminal charges and sentenced to 12 years in prison. RP 297-303, 313.

Amos had previous convictions for Tampering with a Witness, Attempted Forgery, Attempted Theft in the Third Degree. RP 317-18. This case arose out of a case where he believed he was wronged during a criminal prosecution where he ultimately pleaded guilty to numerous felony charges. RP 87-89, 294-98. The determination of credibility of witnesses or evidence is within the scope of the jury and not subject to review. *Myers*, 133 Wn.2d at 38; *Olinger*, 130 Wn. App. at 26. The jury was entitled to not find Amos credible when he stated he did not have the intent to defraud the victims. The jury was entitled to read the documents and take them at face value. There was no other reason for Amos to assume the victims' identities and file the documents then to defraud. The jury was allowed to come to this reasonable conclusion after weighing the evidence and determining credibility of those testifying. The jury was not required to take Amos' statements regarding his intent at face value.

The State presented sufficient evidence regarding the legal efficacy of the document. The issue of legal efficacy of the written

instruments was properly submitted to the jury as required. The State also presented sufficient evidence of Amos' intent to defraud. When viewing all of the evidence outlined above with all reasonable inferences drawn in favor of the State, all the necessary elements have been proved beyond a reasonable doubt. This Court should affirm Amos' convictions for the four counts of forgery as charged in Counts I-IV.

**B. THE TRIAL COURT ABUSED ITS DISCRETION WHEN IT REQUIRED AMOS TO WEAR A LEG BRACE WITHOUT HOLDING AN ADQUATE HEARING, BUT THE ERROR WAS HARMLESS.**

The State concedes the trial court did not hold the requisite hearing to determine if Amos should be required to wear a leg brace during his jury trial. Contrary to Amos' attorney's assertion, the trial court's error is harmless beyond a reasonable doubt. This Court should affirm Amos' convictions.

**1. Standard Of Review.**

A trial courts determination regarding whether a defendant shall be restrained, whether by shackling or other means, is reviewed for abuse of discretion. *State v. Damon*, 144 Wn.2d 686, 692, 25 P.3d 418 (2001).

**2. The State Concedes The Trial Court Abused Its Discretion By Failing To Conduct An Individualized Analysis Prior To Requiring Amos To Being Restrained, But The Error Was Harmless Beyond A Reasonable Doubt.**

“It is well settled a defendant in a criminal case is entitled to appear at trial free from all bonds or shackles except in extraordinary circumstances.” *State v. Finch*, 137 Wn.2d 792, 842, 975 P.2d 967 (1999) (citations omitted). A defendant’s constitutional rights guaranteeing him or her a fair and impartial trial is the foundation of a defendant’s right to appear unshackled and free of restraint. *Finch*, 137 Wn.2d at 843, *citing*, U.S. Const. amend VI, XIV and Const. art. I, § 3, 22 (amendment 10). Restraint during trial infringes upon a defendant’s presumption of innocence, as it tends to prejudice the jury against the accused. *Id.* at 844-45. Therefore, a defendant has the right to be brought before the court bearing the physical hallmarks of the indicia of innocence. *Id.* at 844.

The trial court is required to conduct a factual hearing and enter findings prior to requiring a defendant to be shackled or restrained. *State v. Damon*, 144 Wn.2d 686, 691-92, 25 P.3d 418 (2001). “[S]hackles or other restraining devices should ‘be used only when necessary to prevent injury to those in the courtroom, to prevent disorderly conduct, or to prevent escape.’” *Damon*, 144

Wn.2d at 691, *citing*, *State v. Hartzog*, 96 Wn.2d 383, 398, 635 P.2d 694 (1981). While there are a number of factors the court may consider when deciding if restraints are justified, a trial court will be found to have abused its discretion if it bases its decision to use restraints solely upon a general policy or concerns expressed by a correctional officer. *Damon*, 144 Wn.2d at 692; *Finch*, 137 Wn.2d at 846.

The trial court based its decision on the general policy of the jail and did not conduct an individualized analysis or enter findings prior to requiring Amos to wear a leg brace. RP (6/7/17) 51-52; *See*, CP. This was an abuse of the trial court's discretion, and the trial court, therefore erred. The error was harmless.

When a trial court errors and improperly requires a defendant to be restrained the reviewing court will not consider the error "harmless unless the State demonstrates that the shackling did not influence the jury's verdict." *Damon*, 144 Wn.2d at 421. In *State v. Flieger*, 91 Wn. App. 236, 242, 955 P.2d 872 (1998), *review denied*, 137 Wn.2d 1003 (1999), the State could not show a shock box worn by the defendant was harmless error because "[t]he record demonstrate[d] that the jurors were aware of the shock box and were speculating about it."

There is no record in Amos' matter indicating the jury commented on Amos' leg brace, let alone actually saw it, there is no prejudice. *State v. Hutchinson*, 135 Wn.2d 863, 888, 959 P.2d 1061 (1998). The only time during the jury trial process in the entire record Amos' leg brace is discussed is during the preliminary matters on June 7, 2017. RP (6/7/17) 51-52.<sup>5</sup> The trial court said, "Well, I will tell you I didn't notice that you had anything on until you said that...You know, it's not something thing they can see." RP 51. The failure to conduct the hearing adequately was harmless beyond a reasonable doubt and Amos' conviction should be affirmed.

**C. AMOS RECEIVED EFFECTIVE ASSISTANCE FROM HIS ATTORNEY THROUGHOUT THE PROCEEDINGS.**

Amos' attorney provided competent and effective legal counsel throughout the course of his representation. Amos asserts his attorney was deficient for failing to drive to Clallam Bay to meet with Amos and for failing to interview witnesses, thereby forcing Amos to proceed pro se. Brief of Appellant 16-19. Amos' trial counsel was effective throughout his representation and this Court should affirm Amos' conviction.

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<sup>5</sup> The State searched the entire three volumes of jury trial proceedings for leg, brace, and restraint and all variations of words containing those words. While it found numerous instances of illegal and legal it found only one instance of leg, on page 359, and it did not pertain to being restrained.

### **1. Standard Of Review.**

A claim of ineffective assistance of counsel brought on a direct appeal confines the reviewing court to the record on appeal and extrinsic evidence outside the trial record will not be considered. *State v. McFarland*, 127 Wn.2d 322, 335, 899 P.2d 1251 (1995) (citations omitted).

### **2. Amos' Attorney Was Not Ineffective During His Representation Of Amos Throughout The Proceedings.**

To prevail on an ineffective assistance of counsel claim Amos must show (1) the attorney's performance was deficient and (2) the deficient performance prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 674 (1984); *State v. Reichenbach*, 153 Wn.2d 126, 130, 101 P.3d 80 (2004). The presumption is the attorney's conduct was not deficient. *Reichenbach*, 153 Wn.2d at 130, *citing State v. McFarland*, 127 Wn.2d at 335. Deficient performance exists only if counsel's actions were "outside the wide range of professionally competent assistance." *Strickland*, 466 U.S. at 690. The Court must evaluate whether given all the facts and circumstances the assistance given was reasonable. *Id.* at 688. There is a sufficient basis to rebut the presumption an attorney's conduct is not deficient "where there is no

conceivable legitimate tactic explaining counsel's performance.”  
*Reichenbach*, 153 Wn.2d at 130.

If counsel’s performance is found to be deficient, then the only remaining question for the reviewing court is whether the defendant was prejudiced. *State v. Horton*, 116 Wn. App. 909, 921, 68 P.3d 1145 (2003). Prejudice “requires ‘a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.’” *State v. Horton*, 116 Wn. App. at 921-22, citing *Strickland v. Washington*, 466 U.S. at 694.

Amos asserts Mr. Blair did not interview witnesses, did not give Amos the discovery, and failed to meet with Amos as “specifically ordered” by Judge Brosey. Brief of Appellant at 16-19. The first two allegations are patently false. On November 23, 2016, Amos alleged he had not talked to Mr. Blair about anything and Amos demanded for an attorney who worked with him to prepare a defense. RP 18-19. Mr. Blair informed the trial court, “Well, before we go on, I will tell the Court I communicated with the prosecutor, he provided me with a redacted copy of discovery that I sent to Mr. Amos. So he has everything I have.” RP 19. After having discussions with Mr. Blair that day, Amos was back in court later that afternoon and stated he understood their legal argument and defenses now

and wished to have Mr. Blair remain as his attorney and proceed to trial. RP 21-22.

Six days later, at trial confirmation, Mr. Blair argued for a trial continuance as requested by Amos. RP (11/29/16). During the discussion, Mr. Blair stated, he should have noted when requesting the continuance the State was not prejudiced because their four witnesses were in the community and not going anywhere. RP (11/29/16) 42. The prosecutor then stated, "And I believe they've been interviewed by the defense." *Id.* at 43. Mr. Blair replied, "I have talked to all of them but one - - actually two I haven't talked to the gentleman that certified the documents, but I don't believe that's an issue." *Id.* Mr. Blair also stated during the hearing when he was interviewing the witnesses they all realized there was a problem regarding the underlying civil lawsuit. *Id.* at 44.

Next, on June 7, 2017, when Amos, now pro se, tried to argue for a continuance of the trial, Amos asserted he had no defense due to lack of preparation by Mr. Blair, including Mr. Blair's failure to conduct witness interviews. RP (6/7/17) 15-16. The State responded, "As far as the witnesses, my understanding is they have been interviewed. In talking with them they've had discussions with defense counsel I know." *Id.* at 19. Therefore, Amos' assertions

regarding Mr. Blair's conduct failing to provide discovery and failing to conduct witnesses interviews is false. Amos' insistence to adhere to his blatant misrepresentations in this regard belies his credibility.

In regards to Amos' other allegation, the trial court told Mr. Blair, "And I'm specifically ordering Mr. Blair to make however many trips between here and Clallam Bay Corrections Facility **as is necessary** to properly prepare the defense in this case." RP (11/29/16) 54 (emphasis added). The trial court also told Mr. Blair to work out mileage reimbursement with the court administration, if necessary. RP (11/29/16) 54. The key words there are "as is necessary." Therefore, leaving it to Mr. Blair's discretion to go up to the prison as he believed was necessary to prepare Mr. Amos' defense.

As of November 29, 2016, with the exception of the RCWs Amos had provided at the last moment, Mr. Blair was prepared to go to trial and Amos had been satisfied six days prior with the legal arguments and defense strategy for the trial. RP 21-23; RP (11/29/16) 30-31. Amos continually provided a moving target for Mr. Blair, demanding things that were not relevant, did not exist (such as bonds for deputy prosecutors or police officers), and every time there appeared to be a meeting of minds between Amos and Mr. Blair,

Amos would inevitably change his mind, accuse Mr. Blair of not being prepared, and the cycle would begin anew. RP 15-17, 39-43; RP (11/29/16) 27-31, 33-34. There was simply no appeasing Amos.

Mr. Blair filed a motion to compel discovery, two *Knapstad* motions, discussed the possibility of a Bill of Particulars before ultimately deciding it was not necessary, and researched other ideas and defenses Amos asserted. RP 2-8, 16-17; RP (11/29/16) 19-26; CP 29-42, 48-62, Mr. Blair was not required to advance legal arguments that were frivolous and without merit. *State v. S.H.*, 102 Wn. App. 468, 479, 8 P.3d 1058 (2000). At times it appeared Amos was simply dissatisfied with the advice or information Mr. Blair gave Amos because it was contrary to what Amos wished to believe.

Amos chose to go pro se because he refused to let an attorney guide him through the legal process and tell Amos certain arguments were without merit (such as deputy prosecutors do not have bonds and the State does not have to prove actual injury). Amos was informed more than once that another attorney could be located for him, if he wished to have other counsel. RP 18. The trial court on November 23, 2016, stated,

If you decide that you want to represent yourself because you think you can do a better job, that you think that you're ready to do that, you're willing to accept the risks of doing that, that's one thing. But for

you to sit here and tell me that you don't have any other choice is not true.

RP 18.

Amos' counsel was not deficient in his representation of Amos, and any perceived deficiency for not driving to Clallam Bay was not prejudicial. Mr. Blair did a considerable amount of pretrial work on the case, at Amos' request. Mr. Blair filed two separate motions to dismiss, argued motions to continue, requested discovery that was, frankly, not relevant and did not meet any of the requirements under CrR 4.7, yet Amos insisted he wanted and needed the documents for his defense. Amos has misrepresented to the trial court and here the amount of preparation Mr. Blair did on Amos' case, including witness interviews two different prosecutors for the State confirmed occurred. This Court should find Mr. Blair's representation of Amos met the criteria for effective representation, and affirm Amos' convictions.

**D. AMOS KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVED HIS RIGHT TO COUNSEL.**

Amos asserts the trial court did not indulge in every reasonable presumption against Amos' waiver of his right to counsel. Brief of Appellant at 21-24. Amos further argues the trial court abused its discretion by failing to grant Amos' request for a

continuance. *Id.* at 21-24. The trial court properly conducted multiple inquires of Amos on multiple occasions regarding self-representation. The trial court's denial of Amos' request for a continuance was not an abuse of discretion. This Court should affirm Amos' conviction.

### **1. Standard Of Review.**

Whether a defendant was denied his right to counsel is reviewed de novo. *State v. Cross*, 156 Wn.2d 580, 605, 132 P.3d 80 (2006), *overruled in part*, *State v. Schierman*, 192 Wn.2d 577, 415 P.3d 1063 (2018).

A trial court's denial of a request for a continuance of trial is reviewed for abuse of discretion. *State v. Varga*, 151 Wn.2d 179, 200, 86 P.3d 139 (2004). "A trial court abuses its discretion only when its decision is manifestly unreasonable or is based on untenable reasons or grounds." *State v. C.J.*, 148 Wn.2d 672, 686, 63 P.3d 765 (2003), *citing State v. Stenson*, 132 Wn.2d 668, 701, 940 P.2d 1239 (1997).

### **2. Amos Knowingly, Intelligently, and Voluntarily Waived His Right To Counsel.**

The Sixth Amendment grants a criminal defendant the right to self-representation. *Faretta v. California*, 422 U.S. 806, 572-74, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975). "The right to defend is given

directly to the accused; for it is he who suffers the consequences if the defense fails.” *Faretta*, 422 U.S. at 572-73. The Washington State Constitution also expressly guarantees a criminal defendant the right to self-representation. *State v. Breedlove*, 79 Wn. App. 101, 105-06, 900 P.2d 586 (1995).

The right to self-representation “is so fundamental that it is afforded despite its potentially detrimental impact on both the defendant and the administration of justice.” *State v. Madsen*, 168 Wn.2d 496, 503, 229 P.3d 714 (2010), *citing Faretta* 422 U.S. at 834; *State v. Vermillion*, 112 Wn. App. 844, 51 P.3d 188 (2002). An improper denial of the right to self-representation cannot be harmless and requires reversal. *Madsen*, 168 Wn.2d at 503; *Vermillion*, 112 Wn. App. at 851, *citing McKaskle v. Wiggins*, 465 U.S. 168, 177 n.8, 104 S. Ct. 944, 79 L. Ed. 2d 122 (1984).

The trial court is “required to indulge in every reasonable presumption against a defendant’s waiver of his or her right to counsel.” *Madsen*, 168 Wn.2d at 503 (internal quotations and citations omitted). A defendant does not have an absolute or self-executing right to proceed pro se. *Id.* at 504. When a defendant makes a request to proceed pro se the trial court first must determine whether the request is timely and unequivocal. *Id.* If the trial court

finds the request is unequivocal and timely it must then determine if the waiver of the right to counsel is knowing, voluntary, and intelligent. *Id.*

If the court finds the request to self-represent “untimely, unequivocal, involuntary, or made without a general understanding of the consequences... [s]uch a finding must be based on some identifiable fact...” *Id.* at 504-05. It is not proper for a judge to deny a request to self-represent out of concern for the defendant’s competency because if the trial court doubts a defendant’s competence the court needs to take the necessary action in regards to a competency review. *Id.* at 505.

The trial court, prior to accepting a defendant’s waiver of counsel, must inform the defendant of the disadvantages and dangers of self-representation. *State v. Dougherty*, 33 Wn. App. 466, 469, 655 P.2d 1187 (1982), *citing Faretta*, 422 U.S. at 835. The record must establish the defendant “knows what he is doing and his choice is made with eyes open.” *Id.*

“The validity of a defendant’s waiver of counsel is an issue which depends upon the particular facts and circumstances of each case.” *State v. Imus*, 37 Wn. App. 170, 173, 679 P.2d 376 (1984), *citing Johnson v. Zerbst*, 304 U.S. 458, 464, 58 S. Ct. 1019, 82 L.

Ed. 1461 (1938). Factors such as intelligence and literacy may impact some defendant's ability to knowingly and intelligently understand the importance of his or her decision to proceed without an attorney to assist them. *Imus*, Wn. App. at 178. Yet, being unable to read or being of lower intelligence does not preclude a person from self-representation. *Id.* Further,

A court may not deny a motion for self-representation based on the grounds that self-representation would be detrimental to the defendant's case or concerns that courtroom proceedings will be less efficient and orderly than if the defendant was represented by counsel.

*Madsen*, 168 Wn.2d at 505.

Amos requested to represent himself on more than one occasion during the pendency of his case. RP 13-18, 39-47; CP 18. During the first occasion, Amos had filed a Motion and Affidavit on November 14, 2016, requesting to proceed pro se. CP 18. The motion stated, "Yes, I am aware [sic] of the dangers of appearing pro-se but at this time the only way I am going to get any justice from the Courts I am going to have to get this justice myself." CP 18. The motion also cited to Amos' Sixth Amendment right to self-representation. *Id.*

During the November 23, 2016, trial confirmation hearing Amos was able to address the trial court regarding his request to

proceed pro se. RP 13-19. The trial court first had to discern if Amos was requesting to proceed pro se or wished to have new counsel because he had requested both. RP 14-15. Amos told the trial court he was asking to represent himself, but added he did not think the trial court could provide him conflict free counsel. RP 15. The trial court then inquired, "Do you understand that, conflict issues aside, that representing yourself can be very difficult, that there are some dangers in representing yourself?" *Id.* Amos stated he understood and it was his only option. *Id.* The trial court went through with Amos that representing himself was not Amos' only option, there were other options available. *Id.* After further discussions, including the perils of self-representation, which Amos stated he understood, the trial court was concerned Amos kept asserting continuing pro se was Amos' only option. RP 16-18. Ultimately, Amos decided, after having a meeting with Mr. Blair, to continue with Mr. Blair's representation at that time. RP 20-22.

On June 1, 2017, after Mr. Blair argued a second unsuccessful *Knapstad* motion at Amos' request, Amos expressed his dissatisfaction in Mr. Blair's argument of the motion and requested to represent himself. RP 37, 39-42. Mr. Blair told the trial court, "I'm not asking to get off the case. But in talking with Forrest,

he wants to represent himself. I don't think that decision is going to change." RP 42. Mr. Blair had explained Amos wanted Mr. Blair to argue things Mr. Blair believed he could not argue and Amos clearly wanted the case argued in a certain fashion. *Id.* The trial court then conducted the following colloquy with Amos:<sup>6</sup>

THE COURT: So are you asking to represent yourself now? Is that what you want?

MR. AMOS: Yes. I -- I -- I have my theory about the case. I have my arguments and strategies that I would like the jury to consider. And the only way that I can do that is myself if I can't get my counsel to even communicate with me.

THE COURT: Well, I'm concerned about that, you know, because Mr. Blair said that he has had some conversation with you, and there is time over the next week for there to be substantial amount of communication. But I want to find out if your request to represent yourself is because you think that's best for you or if you're telling me that you don't have any choice, that that's what you have to do.

MR. AMOS: At this point, Your Honor, it's best for me to do that because that's the only way I think my case is going to get presented to the jury. And that's what I want to do. I cannot continue on with a relationship where I'm already in prison because of his --

THE COURT: Okay. You understand that there may be some things that you want to present, there some theories, some legal arguments that you want to make, and I don't know what they are, but there may be some

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<sup>6</sup> The State acknowledges the block quotation of the colloquy is exceptionally long, but believes it is necessary to read the entire excerpt in context.

that would not be admissible, would not be allowed?  
Do you understand that?

MR. AMOS: I understand that there may be limiting on certain stuff and maybe doing stuff like that. But I still want to reserve the denial and the right to try to present my theory which I think I have a right to do so for possible appeal issues on this case.

So, I mean, I understand that, Your Honor. I understand.... I've never been to a trial yet. But I'm not -- I'm not just a normal -- I can understand what's going on. I can read stuff and understand stuff a lot better than a lot of other people. And I think the only way that I'm going to be able to effectively get my theory of the case across, whether it's denied by this Court or not or limited by this Court or not, is by myself.

THE COURT: Okay. Do you understand that what you just said -- and I think I heard this right -- that you have never been through a trial; is that correct?

MR. AMOS: I have never been through a trial with anything. All my stuff has resulted in a plea. I have represented myself on a number of occasions and succeeded.

THE COURT: Okay. So do you understand if you represent yourself that you're going to be held to the same standard as an attorney, you're going to have to follow the rules of criminal procedure, you're going to have to follow the Rules of Evidence just as if you were an attorney, you're not going to get any special breaks because you're representing yourself? Do you understand that?

MR. AMOS: I understand that, Your Honor.

THE COURT: You understand there's a lot that goes on at trial that is more than just what you read in these cases, there's a lot more to this with the jury, with the

procedures, with the documents, with all of those things; do you understand that?

MR. AMOS: Yes, Your Honor.

THE COURT: And you still think that that's in your best interest to do this by yourself?

MR. AMOS: Yes, Your Honor, I have, yes.

RP 43-45. There was a discussion regarding whether Amos wished to have standby counsel, which he declined, as it would be Mr. Blair.

RP 46-47. The trial court then followed up with:

THE COURT: All right. All right. And are you making this decision voluntarily?

MR. AMOS: Yes, Your Honor.

THE COURT: Nobody has made any threats or promises to you to make you do this?

MR. AMOS: No.

THE COURT: You understand that once we do this, it's done, and you will be representing yourself from here on out?

MR. AMOS: I understand, Your Honor.

THE COURT: All right. Okay. I'll grant your request. You have a right to represent yourself. You have that right and I will grant that request and allow you to represent yourself.

RP 47.

The colloquy the trial court conducted with Amos was sufficient. Amos had previously requested to proceed pro se, had a

clear vision of how he expected the defense of his case to proceed and did not believe his attorney was executing it properly. Amos understood the perils of self-representation, yet believed he alone could best present his defense to the jury and bring himself the justice he felt he deserved. The trial court properly granted Amos' request to proceed pro se.

### **3. The Trial Court Did Not Abuse Its Discretion When It Denied Amos' Request For A Continuance.**

Amos asserts, due to his late request to proceed pro se, the trial court abused its discretion when it denied his request for a continuance of the trial date on the eve of trial and again at trial confirmation. In particular Amos argues his limited access to the witnesses required a continuance.

When an accused is requesting a continuance of the trial, “[i]t must appear that lack of preparation did not arise from defendant’s own laches.” *State v. Lasswell*, 133 Wash. 428, 433, 233 P. 928 (1925) (internal quotations and citation omitted).

Generally, the granting or denying of a motion for continuance of trial of a case, whether criminal or civil, rests within the sound discretion of the trial court, and will not be disturbed absent a showing that the trial court in ruling on that motion either failed to exercise its discretion or manifestly abused its discretion.

*State v. Tatum*, 74 Wn. App. at 81, 86, 871 P.2d 1123 (1994).

Amos, when requesting to represent himself stated Amos understood the perils, had a defense theory he wished to pursue, and believed he alone, could best represent himself. Amos had previously been provided a redacted copy of the police reports. Further, Mr. Blair had previously interviewed the witnesses, even though Amos has falsely repeatedly claimed otherwise. RP (6/7/17) 19. The police report in this matter was five pages long. RP (6/7/17) 9. Ex. 20. The additional attachments to the police report were the documents Amos himself created and filed, therefore Amos was familiar with the documents. RP (6/7/17) 9. Amos asserted during the continuance motion he needed to interview irrelevant witnesses, some who did not even exist (the only person required to post a bond was Mr. Meyer). *Id.* at 16-17.

Amos cites to *State v. Silvia*, 107 Wn. App. 605, 624, 27 P.3d 663 (2001) to support the premise he should have been granted a continuance. *Silvia* only requires an opportunity to prepare, stating access to the witnesses, even if awkward, is sufficient. *Silvia*, 107 Wn. App. at 624. Amos' case was not complicated factually. Did Mr. Halstead, Mr. Meyer, Detective Withrow, or Detective Haggerty create the documents or give Amos permission to file the documents. Amos knew the answer to both those questions was no. Amos'

theory of the case revolved around his right to file the notice due to the victims' alleged wrongdoings.

The trial court required all of the witnesses to be available for Amos to be able to speak with prior to their testifying. RP (6/7/17) 28. The trial court did not abuse its discretion when it denied Amos' request to continue the trial. *Id.* 24, 27-28. This Court should affirm Amos' convictions.

**E. THE TRIAL COURT'S IMPOSITION OF AN EXCEPTIONAL SENTENCE DUE TO AMOS' MULTIPLE CURRENT OFFENSES LEAVING SOME CRIMES TO GO UNPUNISHED WAS SUPPORTED BY THE LAW AND FACT.**

Amos argues the record does not support the trial court's imposition of an exceptional sentence. Amos asserts he should have actually received an exceptional downward sentence and he was hampered by his inability to make an argument due to not having counsel. The trial court's imposition of an exceptional sentence, using the free crimes aggravating factor was appropriate and this Court should affirm Amos' sentence.

**1. Standard Of Review.**

An exceptional sentence is reviewed by the court by addressing the following three questions under the indicated standards of review: (1) Are the reasons supported by the evidence

in the record? *State v. Borg*, 145 Wn.2d 329, 336, 36 P.3d 546 (2001). This is reviewed under a clearly erroneous standard. *Borg*, 145 Wn.2d at 336. (2) Do the reasons justify a departure from the standard range? *Id.* This is reviewed de novo. *Id.* (3) Finally, this court reviews under an abuse of discretion standard if the sentence is clearly excessive. *Id.* It is an abuse of discretion when the trial court bases its decision on untenable reasons or grounds or the decision is manifestly unreasonable. *State v. C.J.*, 148 Wn.2d 672, 686, 63 P.3d 765 (2003).

**2. The Trial Court Did Not Abuse Its Discretion When It Sentenced Amos To An Exceptional Sentence Because There Were Adequate Legal Basis For the Sentence, And The Aggravating Factor Is Supported By The Record.**

When a trial court imposes a sentence outside the standard sentence range it must find compelling and substantial reasons justifying the exceptional sentence. RCW 9.94A.535. The trial court must enter written findings of fact and conclusions of law setting forth its reason for imposing the exceptional sentence. RCW 9.94A.537. Once a trial court has made the required determination, “the sentence court may exercise its discretion to determine the length of an appropriate exceptional sentence.” *State v. Knutz*, 161 Wn. App. 395, 410, 253 P.3d 437 (2011).

A trial court's exceptional sentence is reviewed for a determination if the sentence was clearly excessive. *Knutz*, 161 Wn. App. at 410. A sentence is clearly excessive when it is clearly unreasonable. *Id.* A sentence is clearly unreasonable when the sentence is "exercised on untenable grounds or for untenable reasons, or an action that no reasonable person would have taken." *Id.* (citations omitted). If a trial court relies upon reasons that are not substantial and compelling for the imposition of an exceptional sentence, it exceeds its authority, and the matter is required to be remanded for resentencing within the standard range. *State v. Ferguson*, 142 Wn.2d 631, 649, 15 P.3d 1271 (2001).

The trial court may depart from the standard range without a jury finding, aggravating a sentence, if "[t]he defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished." RCW 9.94A.535(2)(c). RCW 9.94A.010 is the statute setting forth the purpose of the Sentencing Reform Act:

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve himself or herself;
- (6) Make frugal use of the state's and local governments' resources; and
- (7) Reduce the risk of reoffending by offenders in the community.

Therefore, if the trial court determines the standard range does not promote the purpose of the SRA, there is substantial and compelling reasons to impose the exceptional sentence, an aggravating factor applies as a matter of law, then “the trial court has all but unbridled discretion in fashioning the structure and length of an exceptional sentence.” *State v. France*, 176 Wn. App. 463, 470, 308 P.3d 812 (2013) (internal quotations and citations omitted).

Amos argues the record does not support the trial court’s findings, his sentence of ten years for forgeries is manifestly unreasonable and clearly erroneous, and Amos did not have an opportunity to argue for an exceptional downward sentence because

he did not have counsel. Brief of Appellant at 26. Amos does not get to complain of the perils of his choice to represent himself. The State had put Amos on notice of its intent to seek an exceptional sentence using the multiple current offense aggravating factor back in November 2016. CP 22-28.

The sentence was justified. The State argued at sentencing Amos' high offender score and multiple current offenses resulted in some of the counts going unpunished absent an exceptional sentence. RP 385-87. The deputy prosecutor noted there were four separate victims, Amos showed zero remorse, committed the crimes while being incarcerated, repeatedly blamed the victims for his conduct, and Amos' criminal history included 21 separate felony charges. RP 385-86. The deputy prosecutor requested 29 months on each count (the high end of the standard range) of Forgery to be served consecutively for a total of 116 months. RP 386-87. The deputy prosecutor also requested 12 months for each count of Criminal Impersonation to run concurrent to all other counts. RP 387.

After argument from Amos regarding same criminal conduct, it was agreed upon for sentencing purposes that Amos' offender score would be 21 points. RP 402-08. It was determined the Criminal Impersonation counts were the same criminal conduct as the

Forgery counts. RP 408-09. The trial court sentenced Amos to 29 months on the Forgery counts, to run consecutive for a total of 116 months. RP 409-11. The trial court explained it was applying the free crimes aggravating factor. *Id.* The trial court stated, “But the consequences here of your actions are important. It's important that you understand those things. The fact that you committed these crimes and the last set of crimes from inside prison gives me a lot of concern that the public needs to be protected.” RP 410-11. The trial court entered findings as required. CP 165-66.

The allowance to run sentences consecutive pursuant to the multiple offense aggravating factor allows the trial court to recognize the harm caused to the individual victims. A defendant, such as Amos, should not get a reward because he has committed so many crimes there is no room left on the sentencing grid for punishment of additional crimes. Amos committed all of the crimes he was convicted of here from inside of prison. Sentencing Amos to an exceptional sentence promotes respect for the law, protects the public, ensures Amos' punishment is proportionate to the seriousness of his crime and his high offender score, gives Amos continuing opportunity to improve himself, and reduces the risk of reoffending by offenders in the community. RCW 9.94A.010. The trial

court's reasons for imposing the exceptional sentence was supported by the record and justify a departure from the standard range. The sentence, 29 months for each forgery, to run consecutive to each other, for a total of 116 months, is not excessive. This Court should affirm Amos' sentence.

**IV. CONCLUSION**

There was sufficient evidence presented to sustain Amos' convictions for Forgery and Criminal Impersonation in the First Degree. The State concedes the trial court abused its discretion by requiring Amos to wear a leg brace without holding an adequate hearing, but the error was harmless. Amos received effective representation from his attorney throughout the proceedings. The trial court conducted a sufficient colloquy prior to allowing Amos to proceed pro se. Finally, the trial court's exceptional sentence was

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supported by the facts and not excessive. Therefore, this Court should affirm Amos' convictions and sentence.

RESPECTFULLY submitted this 2<sup>nd</sup> day of July, 2019.

JONATHAN L. MEYER  
Lewis County Prosecuting Attorney

A handwritten signature in blue ink, appearing to be 'SIB', written over a horizontal line.

by: \_\_\_\_\_  
SARA I. BEIGH, WSBA 35564  
Attorney for Plaintiff

**LEWIS COUNTY PROSECUTING ATTORNEY'S OFFICE**

**July 03, 2019 - 8:29 AM**

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