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NO. 50410-3-II

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

STATE OF WASHINGTON,

Respondent,

v.

JEREMY TATE,

Appellant.

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

The Honorable Randall C. Krog, Judge

BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. The court failed to instruct the jury that it must unanimously agree Jeremy Tate committed a particular act of unlawful imprisonment in order to convict him, thus denying his rights to a jury trial and due process.

2. Defense counsel's failure to object to the repeated characterization of Robin Tate as a "victim" despite his successful motion in limine to exclude such characterization denied Jeremy Tate effective assistance of counsel.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. The court must guarantee the jury's verdict reflects a unanimous agreement on the acts underlying the charged crime. Here the jury was presented with two separate instances of unlawful imprisonment and the court did not tell the jury it must unanimously agree that the State proved the elements for at least one incident. Was Jeremy Tate's right to a unanimous jury verdict undermined by the court's failure to instruct the jury on the unanimity requirement?

2. Jeremy Tate, when facing multiple criminal charges, was constitutionally guaranteed effective assistance of counsel. Defense counsel effectively moved in limine to exclude reference to the complaining party, Robin Tate, as a "victim" yet failed to object to repeated

use of that term by a police officer and the prosecutor. Did defense counsel's failure deprive Jeremy Tate his guarantee of effective counsel?

C. STATEMENT OF THE CASE

1. Jeremy Tate and Robin Tate argued over the course of several hours.

On the afternoon of February 8, 2017, Robin¹ went to her in-law's home to collect a staple gun and clothing she left behind in her break up with her brother-in-law, Jeremy Tate. RP 68, 70, 181. When Robin and Jeremy were together as a couple, they lived in a fifth-wheel trailer on the property of the elder Tates, Gene and Dorothy. RP 69, 74.

Robin was at Gene and Dorothy's home when Jeremy came in from shoveling snow. RP 181. Jeremy wanted Robin to go to the bungalow with him to shoot pool and drink. Robin declined the invitation. RP 72.

Robin perceived Jeremy as agitated. RP 73. Robin and Jeremy argued. RP 73. Jeremy ran out the door with Robin's portable jukebox, a gift from her granddaughter. RP 73. Robin insisted Jeremy return the

¹ First names are used for all Tate family members to avoid confusion. No disrespect is intended.

jukebox. RP 73. Jeremy spilled Robin's tobacco across the floor. RP 187-88. Robin cleaned up the mess. RP 73-74.

Jeremy followed Robin into the laundry room and told Robin he would punch her in the face. RP 74. She asked him not to but he punched her anyway. RP 74, 189. Dorothy and Gene came into the laundry room. RP 74. Robin promised Dorothy she would not call the police if they would just take her to her home in Home Valley. RP 74-75. Dorothy offered to drive Robin home. RP 167. As they were leaving in the car, Dorothy stopped and Jeremy got in the backseat. RP 75, 167. Robin wanted to get out of the car but Dorothy assured her it was okay and she would take Robin home. RP 75.

Dorothy drove toward Carson rather than Home Valley. RP 76. Dorothy stopped at the Carson IGA. RP 76. Jeremy bought beer and Robin's favorite "girl" drink. RP 76, 192. Robin did not try to get out of the car. Instead, she stayed in the car and used Dorothy's phone to talk to a friend. RP 87.

After Jeremy got back in the car, Dorothy again did not drive toward Home Valley. Instead, she drove toward the Wind River Market. RP 76. Jeremy wanted to go there and buy tobacco for Robin to replace what was lost earlier at Dorothy's home. RP 193.

During the drive, Robin and Jeremy argued and Jeremy slapped the back of Robin's head from his place in the backseat. RP 78. Jeremy yelled at Robin about keeping promises. RP 78. Per Robin, at one point, Jeremy put his arm around her neck and tried to pull her into the backseat. RP 79. Jeremy's action hindered her ability to breathe but she did not lose consciousness. Robin felt terrified. RP 79.

Robin, still wanting to just go to her home, tried to open the door and get out but Jeremy put his hand over the lock. RP 76. Robin tried to roll down the window and climb out but Jeremy and Dorothy pulled her back. RP 76. Neither Dorothy nor Jeremy wanted Robin to jump from the moving car. RP 170, 194-97. It was cold and dark outside and the road was slick with snow. RP 169-70.

Dorothy drove back home. RP 171. Jeremy went toward the fifth wheel trailer. RP 80. Robin entered the main house. RP 80. Within a few minutes, Jeremy was back in the house screaming and yelling at Robin about wanting to go to the bungalow together. RP 80-81. Jeremy also screamed about something concerning Dorothy's phone or email. RP 81.

Suddenly, Jeremy tackled Robin to the floor and began to "choke" her again. RP 82. He punched her in the chest. RP 82. Jeremy's son, Jared, heard the commotion and came out of a back bedroom to see what was

going on. RP 151. Jared pulled Jeremy off of Robin and “retaliated” against Jeremy by punching his head which caused Jeremy’s focus to turn to Jared. RP 82, 152-53.

Robin took advantage of the distraction. She ran out the door in the dark through the snow to the neighbor’s front door. RP 82, 102. She pounded on the door and screamed for help. RP 102. The neighbors, Amy Nielsen and Scott Warnes, lived about 150 feet from the Tate home. RP 100. Neither Nielsen nor Warnes knew Robin but they recognized her as a member of the community. RP 82, 105, 109.

Entering the Nielsen-Warnes home, Robin could not catch her breath nor could she breathe to get her words out. RP 101, 108. Nielsen described Robin as “terrified.” RP 101. Robin said “I was attacked” and “I was beat.” RP 102. Nielsen and Warnes both noticed bruising around Robin’s eyes. RP 102, 108.

Robin begged for a ride to her home. RP 104. Warnes drove her home to Home Valley. RP 110. Nielsen called the police. RP 104.

Dorothy and Jeremy drove past the Nielsen-Warnes house several times looking for Robin. RP 106; 171-72. Dorothy had planned to drive Robin home, but Robin’s sudden departure from the Tate home cut her plan short. RP 171.

Robin was only at her home for a few minutes when the police arrived. RP 83. She appeared scared but refused medical assistance. RP 116, 126.

Jeremy attributed the negative interaction between himself and Robin to their methamphetamine use. RP 182-83, 188. He recalled wrestling with Robin on the laundry room floor and intentionally punching her face. RP 189. Jared broke up their fight. RP 191. Gene offered to call the police but Robin did not want him to. RP 190. Dorothy drove Jeremy and Robin to the Carson IGA where Jeremy bought beer. RP 192-93. Dorothy planned to drive Robin home. RP 192.

Jeremy wanted to replace Robin's tobacco lost in the earlier spill. RP 193. At Jeremy's direction, Dorothy drove toward the Wind River Market where Jeremy planned to buy the tobacco. RP 193. But they stopped short and returned to the Tate home after Robin said she wanted no tobacco. RP 193. Dorothy argued with Robin. Robin wanted to jump out of the car. RP 194. He was concerned about Robin getting out of the car and doing harm to herself. He might have tried to lock the door. RP 196. And he might have thrown an arm around Robin's neck to get her to stop but he was not trying to strangle or otherwise harm her. RP 197. He only prevented her from getting out of the car because he was

concerned for her safety. RP 197-98. There was deep snow on the road that night and it was freezing. RP 208.

Once they arrived back at the Tate home, Robin told Jeremy he would never see her again and he said “good.” RP 199. Robin took off before Dorothy could give her a ride. Dorothy attempted to find Robin without success. RP 200.

2. The State charged Jeremy Tate with assault and unlawful imprisonment.

The State charged Jeremy with assault in the second degree (strangulation), assault in the fourth degree, and unlawful imprisonment. CP 1-3. The acts leading to the charges allegedly occurred on February 8-9, 2017. CP 1-3. Each count was pled as a domestic violence offense. CP 1-3.

3. Defense counsel successfully moved in limine to exclude any reference to Robin as a “victim.” Deputy Helton repeatedly violated the motion in limine prohibiting the use of “victim” to characterize Robin. The prosecutor violated the motion in closing argument. Defense counsel failed to object.

Before trial, Mr. Tate moved in limine to exclude any reference during the trial to a characterization of Robin as a victim. Supp. DCP, April 27, 2017, Session Report 11:08:22; Supp. DCP, Defendant’s Motions in

Limine No. 3. The State told the court it had no objection to the motion.

Supp. DCP, April 27, 2017, Session Report 11:08:22.

4. Multiple times while testifying, Deputy Helton called Robin the victim with no objection from defense counsel.

Deputy Helton violated the motion in limine multiple times.

[We] ... attempted to locate the *victim*. RP 116.

When I took the photo I was trying to capture the left side of the *victim's* face and the bruising beginning around her left eye. RP 118.

It is a photo I took on scene of the *victim*. RP 119.

I was trying to capture red marks that were on the left side of the *victim's* neck. RP 121.

It's a photograph I took scene of the *victim*. RP 122.

I was attempting to capture additional red marks on the right side of the *victim's* neck without flash burst to see if they could be seen with shadow. RP 122.

It's a photograph I took on scene of the *victim*. RP 122.

I was trying to capture the same set of red marks on the right side of the previous photograph using a flashlight to illuminate the *victim's* neck. RP 123.

In the State's rebuttal closing argument, it too characterized Robin as the *victim*. "Counsel was quick to point out how hesitant, quiet, withdrawn the *victim* was as she told the story." RP 262.

5. The court gave *Petrich* unanimity instructions for assault in the second and fourth degree but not for unlawful imprisonment even though the jury heard about two separate instances of unlawful imprisonment. While deliberating, the jury requested clarification on the scope of the facts it could consider in deciding whether Jeremy was guilty of unlawful imprisonment. The court told the jury to consider all of the evidence admitted.

The court's instructions to the jury included *Petrich* "multiple occasions" instructions for assault in the second and fourth degrees but not for unlawful imprisonment. Supp. DCP, Court's Instructions to the Jury.²

During deliberation, the jury sent a written question to the court. Supp. DCP, Jury Question; RP 270-71. The jury wanted to know on the unlawful imprisonment if they were to consider the evidence of what occurred in Dorothy's car and what occurred in the house. Supp. DCP, Jury Question.

The court met with counsel and submitted a written response to the jury telling them they were to consider all of the admissible evidence and to look at the instructions for direction on the law. Supp. DCP, Jury Question; RP 270-71.

² Jury Instructions Nos. 20 and 21.

6. The jury acquitted Jeremy of assault in the second degree but convicted him of unlawful imprisonment and assault in the fourth degree.

The jury returned verdicts of guilty on the fourth degree assault and unlawful imprisonment but acquitted Jeremy of assault in the second degree, strangulation. The jury also found Robin and Jeremy were family or household members. CP 4-8.

Jeremy received standard range sentences. RP 289-93; CP 11-13.

Jeremy appeals all portions of his judgment and sentence. CP 24-38.

D. ARGUMENT

Issue 1: As to the unlawful imprisonment charge, the jury was not instructed it must be unanimous on the act constituting the offense and the State elected no specific act. The verdict violates Jeremy's right to a unanimous jury verdict, requiring reversal.

a. Criminal defendants have a right to jury unanimity on the act constituting the crime.

"Criminal defendants in Washington have a right to a unanimous jury verdict." Wash. Const. art. I, § 22; *State v. Ortega-Martinez*, 124 Wn.2d 702, 707, 881 P.2d 231 (1994). When the State presents evidence of several acts, any of which will allegedly constitute the crime charged, the jury must unanimously agree on which act constituted the crime. *State v. Kitchen*, 110 Wn.2d 403, 411, 756 P.2d 105 (1988).

The State must elect the act it is relying on or the trial court must provide a unanimity instruction, often called a “*Petrich*” instruction.³ *Id.*; 11 Wash. Prac., Pattern Jury Instr. Crim. WPIC 4.25 (4th Ed). Otherwise, some jurors may rely on one act while others may rely on another. *Kitchen*, 110 Wn.2d at 411. This violates the defendant’s constitutional right to jury unanimity. *Id.*

- b. The State made no election and the jury was not instructed that it must be unanimous on the act constituting unlawful imprisonment.

Jeremy was charged with a single count of unlawful imprisonment. The State alleged that each count was committed between February 8 and 9, 2017. CP 2. Although the State proposed, and the court instructed on *Petrich*⁴ unanimity on the assault in the second and the assault in the fourth degree, no such unanimity instruction was offered on the unlawful imprisonment. The State did not elect which one of the two alleged instances of unlawful imprisonment it was relying on, i.e., Jeremy preventing Robin from getting out of the moving car, or Jeremy tackling Robin to the floor in the Tate house, then punching and restraining her

³ *State v. Petrigh*, 101 Wn.2d 566, 683 P.2d 173 (1984).

until Jared intervened and Robin fled from the house. RP 82, 152, 158;

Supp. DCP, Court's Instructions to the Jury.⁵

During closing, the prosecutor discussed the two distinct acts.

And then Count III – the Unlawful Imprisonment – ladies and gentlemen Dorothy Tate said Robin Tate didn't want to be in the car. Robin said she didn't want to be in the car. Mr. Tate – I think – admitted she didn't want to be in the car. Though he felt she was just being irrational.

The plan was to go to Home Valley. Not travel up to Carson Valley gathering supplies. And when she tried to get out of the car – when she realized they weren't going home she was pulled back in the car – against her will using physical force.

And when she tried to unlock the door – which actually happened prior – it was blocked and the door was held locked so she couldn't get out. And it culminated in the strangulation component.

RP 250.

They get back to the house and again he's asking her – Robin Tate said he asked me to go back to the fifth wheel – kind of the polar opposite of where they were at. She says no I'm not going over there.

She goes into the kitchen and then there's some sort of argument – Robin said that it had to do with accusations that he had used her mom's phone for some sort of e-mail purpose and she said no I didn't do that. (Clap!) Boom – tackle – on the floor. Punched in the chest – choking.

And one gallant act comes from Jared Tate who really wanted to stay out of this. He heard it earlier – half an hour earlier when

⁵ See Jury Instructions 20 and 21.

they were in the laundry room, he's just trying to play video games. He's trying to keep his head down.

But now he hears the screaming and he hears what's going on and he walks out – he sees what's going on. He does the right thing. He gets his dad off of her. He punched dad in the head and he gets him off of her.

RP 252.

Jeremy did not ask for a *Petrich* instruction at trial. However, the issue is properly raised for the first time on appeal as a matter of right because it concerns a manifest constitutional error. *State v. Bobenhouse*, 166 Wn.2d 881, 892 n.4, 214 P.3d 907 (2009); RAP 2.5(a)(3).

In contrast to the assault charges, the jury instructions for unlawful imprisonment did not require the jury unanimously agree as to which act was proved. Instead, the “to-convict” instruction for unlawful imprisonment permitted the jury to find guilt based on any unlawful restraint committed during the charging period. Supp. DCP, Jury Instruction 17 (requiring State to prove “[t]hat on or between February 8, 2017, and February 9, 2017, the defendant restrained the movements of Robin Sue Tate in a manner that substantially interfered with her liberty”). Because there was no unanimity instruction or election, Jeremy’s right to jury unanimity was violated.

- c. Due to the evidence and argument of defense counsel, the jury could have entertained a reasonable doubt as to at least one of the two incidents that could support unlawful imprisonment. The error is not harmless.

When the State does not make an election and the trial court fails to provide a *Petrich* instruction, the error is “harmless only if no rational trier of fact could have entertained a reasonable doubt that each incident established the crime beyond a reasonable doubt.” *Kitchen*, 110 Wn.2d at 406. As argued by defense counsel in closing, there was substantial reason to question whether either incident in the case amounted to unlawful imprisonment. RP 259-61.

A person commits the crime of unlawful imprisonment when he knowingly restrains the movements of another person in a manner that substantially interferes with the other person’s liberty if the restraint was without legal authority and was without the other person’s consent or accomplished by physical force, intimidation, or deception.

The offense is committed only if the person acts knowingly in all these regards.

Supp. DCP, Jury Instruction 16.

Jeremy, Dorothy, and Robin each testified that she wanted to get out of the moving car but Dorothy and Jeremy prevented that from occurring. RP 169-70, 194-97. Lawful restraint defeats a finding of guilt. Rather than *unlawfully* restraining Robin, counsel argued Dorothy and

Jeremy were only trying to keep Robin safe by not having her fall out of the moving car onto a dark, slick, snow-covered road. RP 259-61.

As to the alleged incident in the house, counsel argued it did not happen as Robin described. RP 261-62. Instead, once Dorothy, Jeremy, and Robin returned to the Tate home after the trip to the store, Robin got out of the car and simply left after telling Jeremy he would never see her again. RP 199, 261.

It is also apparent from the record that the jury was confused. Their question to the court during deliberation specifically asked about the scope of the evidence they were to consider in deciding the unlawful imprisonment charge. Were they to consider just the evidence in the automobile? Or could they consider too the evidence of what occurred in the house? Supp. DCP, Jury Question.

The court's answer to the question, "You are to consider all of the admissible evidence presented at trial," did nothing to clarify the jury's duty to return a unanimous verdict. Supp. DCP, Jury Question. Instead, it told the jury they were to consider anything they wanted to even though the State presented two separate instances of conduct, either of which could, if believed beyond a reasonable doubt satisfy the elements of unlawful imprisonment.

Given the record, the error is not harmless. *See Kitchen*, 110 Wn.2d at 412 (standard not satisfied because there was conflicting testimony as to the acts and jury could have entertained a reasonable doubt as to whether one or more of the acts happened). This Court should reverse.

Issue 2: Mr. Tate is entitled to a new trial based on ineffective assistance of counsel where trial counsel failed to object to evidence suppressed following a successful motion in limine.

- a. Defense counsel failed to object to multiple violations of his successful motion in limine.

Defense counsel successfully moved in limine to prohibit the State from calling Robin a “victim.” Supplemental DCP, Defendant’s Motion in Limine. The State did not object to the motion. Yet, multiple times while testifying, Deputy Helton called Robin the victim with no objection from defense counsel. RP 116, 118, 119, 121, 122, 123. Defense counsel similarly did not object when the State used “victim” to characterize Robin in its closing argument. RP 262. Defense counsel never objected to the proscribed, and conclusory, word choice.

To preserve for appeal a violation of a motion in limine, the party who successfully brought the motion must properly object at the time of the violation. *State v. Sullivan*, 69 Wn. App. 167, 171-172, 847 P.2d 953 (1993); See also Karl B. Tegland, 5D Washington Practice: Evidence Law

and Practice, ER 103 at § 109:9 (2016 update) (If the court grants a motion to exclude evidence but then admits evidence that arguably violates the pretrial order, opposing counsel should renew the objection to make a record for appeal.) The purpose of a motion in limine is to avoid the requirement that counsel object to contested evidence when offered during trial. However, when the motion is denied, counsel must object. *State v. Powell*, 126 Wn.2d 244, 256, 893 P.2d 615 (1995).

Unequivocally, when the trial court grants a defense motion in limine, the defense must object to any potential violation of the order in limine to preserve the error for appeal. *State v. Weber*, 159 Wn.2d 252, 271-272, 149 P.3d 646 (2006). Here, although defense counsel prevailed on his motion to suppress any use of a “victim” characterization, he failed to object when that motion was violated. RP 116, 118, 119, 121, 122, 123, 262. Under *Powell* and *Weber*, the requirement to object is mandatory and failing to object denies the defendant the right to directly raise the issue on appeal.

Here, because counsel was not excused from objecting to the offending remarks, his failure to object and request a curative instruction or move for a mistrial was ineffective assistance of counsel because such

an objection would have given the trial court the opportunity to advise the jury to disregard or grant a mistrial.

Under RAP 2.5 when a trial attorney fails to make an objection and preserve an issue for review, the issue may be raised if it is manifest error affecting a constitutional right. Denial of effective assistance of counsel is a manifest error affecting a constitutional right which may be raised for the first time on appeal. *State v. Greiff*, 141 Wn.2d 910, 924, 10 P.3d 390 (2000).

b. Counsel's failure to object denied Jeremy effective assistance of counsel.

The Sixth Amendment to the United States Constitution and Washington Constitution Article 1, section 22 guarantee a defendant the right to effective assistance of counsel. To prevail on a claim of ineffective assistance, a defendant must show both deficient performance and resulting prejudice. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Counsel's performance is deficient when it falls below an objective standard of reasonableness. *State v. Stenson*, 132 Wn.2d 668, 705, 940 P.2d 1239 (1997). Review of defense counsel's performance is deferential and presumed reasonable. *Strickland*, 466 U.S. at 689; *State v. McFarland*, 127 Wn.2d 322, 335-336, 899 P.2d 1251 (1995).

To rebut this presumption, the defendant bears the burden of establishing the absence of any “conceivable legitimate tactic explaining counsel's performance.” *State v. Grier*, 171 Wn.2d 17, 42, 246 P.3d 1260 (2011) (quoting *State v. Reichenbach*, 153 Wn.2d 126, 130, 101 P.3d 80 (2004)).

To establish prejudice, a defendant must show a reasonable probability that the trial outcome would have been different absent counsel's deficient performance. *State v. Thomas*, 109 Wn.2d 222, 226, 743 P.2d 816 (1987). Failure on either prong of the test is fatal to a claim of ineffective assistance of counsel. *Strickland*, 466 U.S. at 697. This court reviews de novo claims of ineffective assistance of counsel. *McFarland*, 127 Wn.2d at 334-35.

c. Counsel was deficient.

Counsel's failure to object to Deputy Helton's and the prosecutor's violation of the motion in limine fell below an objective standard of reasonableness. The sole purpose of bringing the motion in limine was to prevent the jury from being tainted by the deputy's and the prosecutor's opinion that Robin was the victim. The sole purpose of bringing the motion in limine was to prevent the jury from being subject to an improper opinion of Jeremy's guilt. *State v. Dolan*, 118 Wn. App. 323, 329, 73 P.3d 1011 (2003) (a witness may not give, directly or by inference, an opinion on a

defendant's guilt). Whether Robin was the victim was a factual and legal conclusion left exclusively to the province of the jury. Counsel's failure to object to the repeated violations of his successful motion in limine was deficient representation. *Matter of Pirtle*, 136 Wn.2d 467, 489, 965 P.2d 593 (1998).

d. Counsel's deficiency caused Jeremy prejudice.

There was no strategic or tactical reason to fail to object to evidence successfully suppressed in a motion in limine, or to fail to move to strike, request a curative instruction, or move for a mistrial. There is a reasonable probability that had Deputy Helton's improper testimony been stricken, and the jury admonished to disregard it, the outcome of the trial could have been different. The same holds true for the State's identification of Robin as the victim in closing argument. The State agreed to the motion prohibiting characterization of Robin as the victim because it knew such characterizations are compelling yet prohibited opinion evidence. This is true for opinion evidence from enforcement authorities such as the police and the prosecutor. A law enforcement officer's opinion testimony may be especially prejudicial because the officer's testimony often carries a special aura of reliability. *State v. King*, 167 Wn.2d 324, 331, 219 P.3d 642 (2009).

This is similar to a situation where trial counsel unsuccessfully moved to suppress on an incorrect basis rather than on a correct basis that the trial court likely would have granted. *State v. Hamilton*, 179 Wn. App. 870, 882, 320 P.3d 142 (2014). In *Hamilton*, this Court held that trial counsel was ineffective for failing to move to suppress on the correct grounds and the defendant was prejudiced because the outcome likely would have differed. *Hamilton*, 179 Wn. App. at 888.

Here too, had counsel timely objected to the violation of the motion in limine, the trial court would likely have provided a remedy because it had already granted the defense request, agreed to by the State, as it was simply too prejudicial.

Without Deputy Helton's testimony casting Robin as the victim, or with a proper objection, whether the remedy would have been to grant a mistrial, or strike the testimony with a curative instruction, the outcome likely would have differed. The jury would likely have acquitted if they had not had the deputy and the prosecutor vouching for Robin as the victim. This Court should reverse and remand for a new trial.

E. CONCLUSION

Jeremy's unlawful imprisonment conviction should be reversed and remanded to the trial court for further action.

Respectfully submitted March 30, 2018.



LISA E. TABBUT/WSBA 21344
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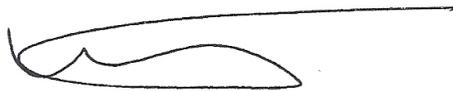
CERTIFICATE OF SERVICE

Lisa E. Tabbut declares as follows:

On today's date, I filed the Brief of Appellant to (1) Skamania County Prosecutor's Office, at kick@co.skamania.wa.us; (2) the Court of Appeals, Division II; and (3) I will provide Jeremy Tate with a copy as soon as he has a stable address. I will update this Court with the address.

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

Signed March 30, 2018, in Winthrop, Washington.



Lisa E. Tabbut, WSBA No. 21344
Attorney for Jeremy Tate, Appellant

LAW OFFICE OF LISA E TABBUT

March 30, 2018 - 1:49 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 50410-3
Appellate Court Case Title: State of Washington, Respondent v. Jeremy E. Tate, Appellant
Superior Court Case Number: 17-1-00006-8

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