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State of Washington  
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NO. 53030-9-II

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

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STATE OF WASHINGTON, Respondent

v.

BEONKA PATRICE DOTY, Appellant

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FROM THE SUPERIOR COURT FOR CLARK COUNTY  
CLARK COUNTY SUPERIOR COURT CAUSE NO.17-1-00557-6

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BRIEF OF RESPONDENT

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**TABLE OF CONTENTS**

RESPONSE TO ASSIGNMENTS OF ERROR..... 1

- I. The trial court’s ruling to allow evidence of Doty’s behavior after she brought L.D. to the hospital was proper and the court’s ruling should be affirmed. .... 1
- II. Doty received effective assistance of counsel..... 1

STATEMENT OF THE CASE..... 1

ARGUMENT ..... 7

- I. The trial court’s ruling to allow evidence of Doty’s behavior after she brought L.D. to the hospital was proper and the court’s ruling should be affirmed. .... 7
- II. Doty received effective assistance of counsel..... 13

CONCLUSION..... 20

## TABLE OF AUTHORITIES

### Cases

<i>In re Personal Restraint of Wilson</i> , 169 Wn.App. 379, 279 P.3d 990 (2012).....	18
<i>Roe v. Flores-Ortega</i> , 528 U.S. 470, 120 S. Ct. 1029, 145 L. Ed. 2d 985 (2000).....	15
<i>State v. Aho</i> , 137 Wn.2d 736, 975 P.2d 512 (1999).....	15
<i>State v. Cienfuegos</i> , 144 Wn.2d 222, 25 P.3d 1011 (2011).....	14
<i>State v. Dunn</i> , 82 Wn.App. 122, 127 P.2d 952 (1996).....	8
<i>State v. Fish</i> , 99 Wn.App. 86, 992 P.2d 505 (1999).....	10
<i>State v. Garrett</i> , 124 Wn.2d 504, 881 P.2d 185 (1994).....	14, 15
<i>State v. Halstien</i> , 122 Wn.2d 109, 857 P.2d 270 (1993).....	9
<i>State v. Kyllo</i> , 166 Wn.2d 856, 215 P.3d 177 (2009).....	14, 15
<i>State v. Lillard</i> , 122 Wn.App. 422, 93 P.3d 969 (2004).....	10
<i>State v. Lough</i> , 125 Wn.2d 847, 889 P.2d 487 (1995).....	8
<i>State v. McFarland</i> , 127 Wn.2d 322, 899 P.2d 1251 (1995).....	14
<i>State v. Michael</i> , 160 Wn.App. 522, 247 P.3d 842 (2011).....	16
<i>State v. Powell</i> , 126 Wn.2d 244, 893 P.2d 615 (1995).....	9
<i>State v. Reichenbach</i> , 153 Wn.2d 126, 101 P.3d 80 (2004).....	15
<i>State v. Renfro</i> , 96 Wn.2d 902, 639 P.2d 737 (1982).....	15
<i>State v. Sublett</i> , 156 Wn.App. 160, 231 P.3d 231 (2010).....	9
<i>State v. Thomas</i> , 109 Wn.2d 222, 743 P.2d 816 (1987).....	13, 14, 15
<i>State v. Toennis</i> , 52 Wn.App. 176, 758 P.2d 539 (1988).....	11, 12
<i>State v. Van Woerden</i> , 93 Wn.App. 110, 967 P.2d 14 (1998).....	8
<i>State v. Womac</i> , 130 Wn.App. 450, 456 P.3d 528 (2005).....	9
<i>Strickland v. Washington</i> , 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).....	13, 14, 15, 16

### Statutes

RCW 9A.08.010(c).....	8
RCW 9A.42.030.....	8
RCW 9A.42.030(1).....	8

### Other Authorities

Merriam-Webster, available at: <a href="http://www.merriam-webster.com/dictionary/permanent?src=search-dict-box">www.merriam-webster.com/dictionary/permanent?src=search-dict-box</a> .....	18
Merriam-Webster, available at: <a href="http://www.merriam-webster.com/dictionary/protracted">www.merriam-webster.com/dictionary/protracted</a> .....	18
WPIC 2.04.....	6, 13, 16, 17, 20
WPIC 38.25.....	6, 13, 17

**Rules**

ER 404(B) ..... 8, 9, 10

**Constitutional Provisions**

U.S. Const. amend. VI ..... 13  
WASH. Const. art. I, § 22 ..... 13

## RESPONSE TO ASSIGNMENTS OF ERROR

- I. The trial court's ruling to allow evidence of Doty's behavior after she brought L.D. to the hospital was proper and the court's ruling should be affirmed.**
- II. Doty received effective assistance of counsel.**

### STATEMENT OF THE CASE

The State charged Beonka Doty (hereafter 'Doty') with Criminal mistreatment in the second degree. CP 1. The State alleged she recklessly withheld medical treatment from her child, L.D. *Id.* The case proceeded to trial wherein the State presented several witnesses to prove its case. The evidence at trial showed the following:

At the time of testifying, L.D. was fourteen years old. RP 408. She used to live with her mother, Doty. RP 409-10. Her mom was a CNA and worked from 10pm to 6am. RP 411. On December 17, 2016, a Saturday, when L.D. was 12 years old, L.D. first noticed pain to her buttocks when she went to the mall with friends. RP 413. She plopped down on the ground to sit and rest and as she got back up to go home, her bottom hurt like a bee sting. RP 413. It hurt right in between the top of her butt cheeks, at the top of the butt crack. RP 413-14. By the next day the pain was worse, and L.D. worried that it was the same type of issue as she'd experienced before. RP 416-17. The day after that, Monday, the pain was

“ten times worse;” her pain was at a 10 on a scale of 1 to 10. RP 422. L.D. then told her mom about the pain and how much it hurt. RP 423. Her mom just told her that she would be fine. RP 423. On Tuesday, the pain is even worse and L.D. laid in bed all day and did not eat anything the entire day. RP 424. Her mom did not check on her that day. RP 425, 456. Every day the pain got worse. RP 426. On Wednesday or Thursday, L.D. talked to her mom again and said she needed to go to the hospital. RP 426. It got to the point where L.D. was yelling at her mom that she needed to go to the hospital again, that it was the same thing as last time. RP 426. During this conversation L.D. was crying and repeatedly told her that it hurt and she needed to go to the hospital. RP 428. Instead of taking her to get medical treatment, Doty told her daughter she’d be fine and then complained about how tired she (Doty) was. RP 428. Her mom did not take her to the hospital on Wednesday, or Thursday. RP 428-30. Finally, on Friday December 23, her mother took her to the hospital. RP 430.

The ride to the hospital was extremely painful for L.D., and she continued to have problems walking. RP 431-33. Once at the hospital, Doty left L.D. in the waiting room; L.D. didn’t know where her mom was going. RP 432. The hospital staff called L.D.’s name while her mother was gone, but L.D. had to wait until her mother was back for them to take her

back. RP 433. She was finally seen by hospital staff, and then was transferred to another hospital by ambulance. RP 434.

Alisa Bruno works at both Randall Children's Hospital and Peace Health Hospital as a staff nurse. RP 214. At Randall Children's Hospital Ms. Bruno works the night shift, from 7pm to 7am. RP 216. She was working there in December 2016. RP 216. On December 23, 2016 she treated L.D. at Randall Children's Hospital. RP 223. L.D. came to Randall's as a transfer from Southwest Washington Medical Center; Ms. Bruno first saw L.D. at 11:27pm. RP 229. L.D. came into the emergency department and Ms. Bruno was the first nurse assigned to her. RP 229. L.D. presented with a pilonidal abscess and a fever. RP 230. Pilonidal abscesses are very painful. RP 231. A pilonidal abscess is when a cyst-like cavity on the cleft between the two butt cheeks gets infected with bacteria; this can typically be quite deep into the tissue. RP 230, 320-21, 360. Such abscesses start out as an irritation, which can be treated easily with antibiotics and sitting in a warm bath. RP 321, 362. If it's not treated at the early stages, it becomes an abscess, wherein the body responds to the bacteria by creating white blood cells and forming pus. RP 322. The collection of puss and bacteria make up the abscess and the abscess would be red, hot, swollen, and painful. RP 322. As the abscess grows most children complain of pain. RP 322. As the area gets swollen they may

have difficulty walking, sitting, or lying on the area due to pain. RP 322. Typically, the larger the abscess the more painful it is. RP 322. Once the abscess reaches a certain size, antibiotics are not sufficient to treat the infection and a doctor needs to open up the cavity where the pus is to let the pus out. RP 323. If the abscess is not advanced the opening of the cavity and draining of the abscess could be done in an emergency room without having the patient go under general anesthesia. RP 323. When they become more advanced, surgery is necessary. RP 323. An abscess that has become swollen and red is not subtle and is easy to see with the eye. RP 324. Such an abscess makes it difficult for children to sit, lie on their backs, walk, etc. RP 328. If left untreated, these abscesses can become more serious and the infection can enter the blood stream causing septicemia. RP 232.

When she was admitted to the hospital, L.D. was showing signs of an infection: she had a fever and had leukocytosis-her white blood cells were elevated. RP 232. L.D. reported that the pain had started a week prior and the fever and mass had started that day. RP 234. Ms. Bruno attended to L.D. for nearly two hours and then she was sent to a different department in the hospital. RP 236-37.

Dr. Andrew Zigman is a pediatric surgeon and works sometimes at Randall Children's Hospital. RP 316. In L.D.'s case, Dr. Zigman

identified her abscess as “very advanced,” and one that clearly could not be handled in the emergency department, but which required surgery. RP 323. The surgery occurred sometime between 6 and 7pm on December 24, 2016. RP 343. Doty was not with L.D. either before she went into surgery or after she got out of surgery. RP 436. L.D.’s abscess was plum-sized and warm to the touch. RP 336. When drained, it released 250ml of foul-smelling, gray pus. RP 339. Dr. Zigman judged this amount of pus as “quite a bit.” RP 339. The surgeon indicated this would have been “very, very painful” to L.D. RP 340.

Jacob Wicks is a social worker at Randall Children’s Hospital. RP 263. He worked with L.D. during her stay at the hospital. RP 267-71. L.D. told him that her mother was dismissive of needs and was a barrier to her medical treatment. RP 270-71. L.D. reported to him that her mother was reluctant to get her medical treatment for her abscess. RP 272.

Dr. Kimberly Copeland is a child abuse pediatrician for Legacy Health Center. RP 357. She did a medical consultation on L.D.’s case. RP 363. Dr. Copeland reviewed the medical records from L.D.’s initial visit to the emergency department at Peace Health and her transfer to Randall Children’s Hospital for treatment. RP 363. Pilonidal abscesses tend to reoccur on the same patient; once you’ve had one before you would

recognize the symptoms and know what is starting to develop. RP 362.

L.D. had her first pilonidal abscess in January of 2016. RP 383, 416.

This current pilonidal abscess measured 15cm of induration, was red, and warm to the touch. RP 385. Before coming to the hospital, L.D. had symptoms for about 8 days; those symptoms continued to progress over the 8 days prior to going to the hospital. RP 385. Dr. Copeland opined that waiting seven to eight days before receiving medical care caused significant harm to L.D. as it resulted in a much larger procedure having to be performed than if L.D. had come in for treatment at an earlier stage, and it caused a risk of her developing sepsis. RP 389.

Detective Phelps of the Vancouver Police Department interviewed Doty as part of his investigation in this case. RP 485; EX. 7. Doty admitted that her daughter told her that she needed to go to the doctor and that Doty told her she could wait. RP 506.

Prior to trial the trial court excluded mention of the Christmas holiday, but allowed the State to discuss the dates and time frames around which events occurred. RP 89-91.

Defense initially proposed WPIC 38.25 for the definition of great bodily harm, but later agreed to the court giving WPIC 2.04's definition of great bodily harm instead. RP 588-91. The Court gave WPIC 2.04 to the jury. CP 72. The jury convicted Doty of Criminal Mistreatment in the

Second Degree as charged. CP 79. The jury also found that Doty and L.D. were members of the same family or household. CP 80. Doty was sentenced to a standard range sentence. CP 95. This appeal timely followed.

#### ARGUMENT

**I. The trial court's ruling to allow evidence of Doty's behavior after she brought L.D. to the hospital was proper and the court's ruling should be affirmed.**

Doty argues that the trial court admitted irrelevant and unfairly prejudicial evidence regarding her behavior after she brought the victim to the hospital. Br. of App. 6. However, evidence of Doty's behavior after she brought the victim to the hospital was admissible because her conduct after that point was a continuation of the crime charged, and the evidence established a requisite element of the crime. The trial court's ruling should be affirmed.

Doty was convicted of criminal mistreatment in the second degree. A parent of a minor child is guilty of criminal mistreatment in the second degree when the parent recklessly creates an imminent and substantial risk of death or great bodily harm, or caused substantial bodily harm to the

child by withholding the basic necessities of life. RCW 9A.42.030(1)<sup>1,2</sup>. Healthcare is a basic necessity of life. *State v. Dunn*, 82 Wn.App. 122, 127, P.2d 952 (1996). Criminal mistreatment requires a risk of physical bodily harm; not emotional or mental harms. *State v. Van Woerden*, 93 Wn.App. 110, 111, 967 P.2d 14 (1998).

Evidence of other acts may be admissible for a variety of purposes. ER 404(b) provides: “Evidence of other . . . wrongs or acts [may be] admissible for the other purposes of pro[ving] motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” ER 404(b). The Washington Supreme Court established a three tier standard for reviewing the admissibility of evidence under 404(b):

To admit evidence of other crimes or wrongs under Washington law, the trial court must (1) identify the purpose for which the evidence is sought to be introduced, (2) determine whether the evidence is relevant to prove an element of the crime charged and (3) weigh the probative value of the evidence against its prejudicial effect.

*State v. Lough*, 125 Wn.2d 847, 853, 889 P.2d 487 (1995). “The purpose of ER 404(b) is to prohibit admission of evidence designed simply to

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<sup>1</sup> Effective July, 23, 2017, the criminal culpability under this statute was changed from “recklessly” to “negligently.” Doty was charged under the previous version of this statute which required her to act “recklessly.” See RCW 9A.42.030.

<sup>2</sup> A person acts recklessly when “he or she knows of and disregards a substantial risk that a wrongful act may occur and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.” RCW 9A.08.010(c).

prove bad character; it is not intended to deprive the State of relevant evidence necessary to establish an essential element of its case." *Id.* at 859. The State cannot submit evidence that demonstrates a defendant's propensity to commit a crime, however, sometimes the evidence is "logically relevant and legally admissible to show that a fact other than propensity," including, "absence of mistake or accident." *State v. Womac*, 130 Wn.App. 450, 456, P.3d 528 (2005).

The reviewing court will not disturb the trial court's ruling under ER 404(b) absent manifest abuse of discretion. *State v. Sublett*, 156 Wn.App. 160, 195, 231 P.3d 231 (2010). "A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds or reasons." *Id.* (citing *State v. Powell*, 126 Wn.2d 244, 258, 893 P.2d 615 (1995)). In the event that the trial court erroneously admits evidence contrary to ER 404(b), "the error is harmless unless the failure to [exclude the evidence], within reasonable probability, materially affected the outcome of the trial." *Sublett*, 156 Wn.App. at 196 (citing *State v. Halstien*, 122 Wn.2d 109, 127, 857 P.2d 270 (1993)).

Doty agrees that the jury could have "reasonable questions" as to whether she acted recklessly. Br. of App. 12. Additionally, she claims, "[the] conduct after medical treatment was sought . . . sheds no light on any element of the charged offense." Br. of App. 9-10. However, that she

acted recklessly is an element of the crime the State had to prove beyond a reasonable doubt. And the evidence of Doty's post-hospital conduct is relevant to prove that she acted recklessly in failing to obtain medical care for L.D. Her post-hospital conduct is a continuation of her criminal misconduct that started the day L.D. told Doty about her injury; Doty's absence from the hospital and non-response to medical staff's phone calls caused a delay in L.D.'s treatment at a time she was in considerable pain and such delay is tantamount to withholding healthcare from L.D.<sup>3</sup> This is part of the "res gestae" of the crime. Under the "res gestae" exception to ER 404(b), evidence of other acts is admissible to complete the story of a crime, or to provide immediate context for events close in time and place to the charged crime. *State v. Lillard*, 122 Wn.App. 422, 432, 93 P.3d 969 (2004) (citing *State v. Fish*, 99 Wn.App. 86, 94, 992 P.2d 505 (1999)). Here, the criminal mistreatment was an ongoing offense and Doty's failure to be available and to provide consent denied L.D. of necessary medical care in a timely manner. The post-hospital conduct provided immediate context for the events that comprised the criminal mistreatment and were close in time to the initial act of denying L.D. timely medical care. This was part and parcel of the crime and was properly admitted by the trial court. The trial court did not abuse its discretion in admitting the evidence.

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<sup>3</sup> On appeal, Doty failed to address the issue of her absence and non-response to medical staff's calls leading to a delay in L.D.'s treatment.

Even if Doty's conduct after she took L.D. to the hospital was not a continuation of the crime, evidence of her post-hospital conduct is still necessary for the State to prove an essential element of the crime, Doty's mens rea, and it also speaks to the "absence of mistake or accident." In other words, Doty's post-hospital conduct demonstrated that her initial delay in seeking treatment for L.D. was not unwitting. Instead, after hospital staff explained the seriousness of L.D.'s condition, Doty left the hospital anyway and she was unreachable by phone. Doty's brazen act of leaving L.D. behind in the hospital when she knew the seriousness of L.D.'s conditions, supports the fact that when Doty initially delayed taking L.D. to the hospital, Doty knew of and disregarded the substantial bodily harm that L.D. faced. Furthermore, Doty's post-hospital conduct obliterates the possibility of "mistake or accident;" it is less likely that Doty diligently assessed L.D.'s condition and mistakenly thought that immediate medical treatment was unnecessary.

This Court has previously held that evidence of other bad acts is admissible when the State relies on such evidence to prove the defendant's mental state. *State v. Toennis*, 52 Wn.App. 176, 186-187, P.2d 539 (1988). In *Toennis*, the defendant was convicted of second degree murder of his son and on appeal, he argued that evidence that showed he previously beat his son was not relevant and it was prejudicial. *Id.* at 186. *Toennis*

admitted that he struck his son on the day that he died, but he claimed he did not do so with the requisite state of mind that was required for the crime in which he was charged. *Id.* However, this Court rejected Toennis' argument and held the evidence was relevant because the State used the evidence to prove that Toennis acted knowingly. *Id.* Thus, the evidence in *Toennis* was properly admitted to show the defendant's mental state.

Here, as in *Toennis*, Doty argues that she did not have the requisite state of mind required by the criminal mistreatment statute. Br. of App. 12. "There was a question as to how much Doty knew and when, prior to seeking medical care." *Id.* Essentially, Doty is trying to undermine the fact that she knew about the risk to L.D.'s health and disregarded the risk, and therefore she did not act recklessly. However, under this Court's ruling in *Toennis*, the evidence of Doty's other bad acts, her conduct and behavior after she took L.D. to the hospital, is admissible because it allows the State to demonstrate that when Doty did not take L.D. to the hospital in the eight days after her injury, she did so recklessly. The trial court properly admitted the evidence as it was pertinent to show Doty's state of mind and to prove the absence of mistake. The admission of the evidence at trial should be affirmed.

## **II. Doty received effective assistance of counsel.**

Doty claims her attorney was ineffective for agreeing to give the pattern jury instruction (WPIC) 2.04 as the definition of “great bodily harm” as opposed to WPIC 38.25’s definition of “great bodily harm.” The attorney’s decision to have the court instruct pursuant to WPIC 2.04 was a tactical decision that conferred a benefit on Doty. She suffered no prejudice from this decision. Her claim of ineffective assistance of counsel fails.

The Sixth Amendment to the United States Constitution and article I, § 22 of the Washington Constitution guarantee the right of a criminal defendant to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 685-86, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); *State v. Thomas*, 109 Wn.2d 222, 229, 743 P.2d 816 (1987). In *Strickland*, the United States Supreme Court set forth the prevailing standard under the Sixth Amendment for reversal of criminal convictions based on ineffective assistance of counsel. *Id.* Under *Strickland*, ineffective assistance is a two-pronged inquiry:

First, the defendant must show that counsel’s performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the ‘counsel’ guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel’s errors were so serious as to deprive

the defendant of a fair trial, a trial whose result is reliable. Unless a defendant makes both showings, it cannot be said that the conviction ... resulted from a breakdown in the adversary process that renders the result unreliable.

*Thomas*, 109 Wn.2d at 225-26 (quoting *Strickland*, 466 U.S. at 687); see also *State v. Cienfuegos*, 144 Wn.2d 222, 226, 25 P.3d 1011 (2011) (stating Washington had adopted the *Strickland* test to determine whether counsel was ineffective).

Under this standard, trial counsel's performance is deficient if it falls "below an objective standard of reasonableness." *Strickland*, 466 U.S. at 688. The threshold for the deficient performance prong is high, given the deference afforded to decisions of defense counsel in the course of representation. To prevail on an ineffective assistance claim, a defendant alleging ineffective assistance must overcome "a strong presumption that counsel's performance was reasonable." *State v. Kylo*, 166 Wn.2d 856, 862, 215 P.3d 177 (2009). Accordingly, the defendant bears the burden of establishing deficient performance. *State v. McFarland*, 127 Wn.2d 322, 335, 899 P.2d 1251 (1995). A defense attorney's performance is not deficient if his conduct can be characterized as legitimate trial strategy or tactics. *Kylo*, 166 Wn.2d at 863; *State v. Garrett*, 124 Wn.2d 504, 520, 881 P.2d 185 (1994) (holding that it is not ineffective assistance of counsel if the actions complained of go to the

theory of the case or trial tactics) (citing *State v. Renfro*, 96 Wn.2d 902, 909, 639 P.2d 737 (1982)).

A defendant can rebut the presumption of reasonable performance of defense counsel by demonstrating that “there is no conceivable legitimate tactic explaining counsel's performance.” *State v. Reichenbach*, 153 Wn.2d 126, 130, 101 P.3d 80 (2004); *State v. Aho*, 137 Wn.2d 736, 745-46, 975 P.2d 512 (1999). Not all strategies or tactics on the part of defense counsel are immune from attack. “The relevant question is not whether counsel’s choices were strategic, but whether they were reasonable.” *Roe v. Flores-Ortega*, 528 U.S. 470, 481, 120 S. Ct. 1029, 145 L. Ed. 2d 985 (2000) (finding that the failure to consult with a client about the possibility of appeal is usually unreasonable).

To satisfy the second prong of the *Strickland* test, the prejudice prong, the defendant must establish, within reasonable probability, that “but for counsel’s deficient performance, the outcome of the proceedings would have been different.” *Kyllo*, 166 Wn.2d at 862. “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” *Strickland*, 466 U.S. at 694; *Thomas*, 109 Wn.2d at 266; *Garrett*, 124 Wn.2d at 519. In determining whether the defendant has been prejudiced, the reviewing court should presume that the judge or jury acted according to the law. *Strickland*, 466 U.S. at 694-95. The reviewing

court should also exclude the possibility that the judge or jury acted arbitrarily, with whimsy, caprice or nullified, or anything of the like. *Id.*

Also, in making a determination on whether defense counsel was ineffective, the reviewing court must attempt to eliminate the “distorting effects of hindsight, to reconstruct the circumstances of counsel’s challenged conduct, and to evaluate the conduct from the counsel’s perspective at the time.” *Id.* at 689. The reviewing courts should be highly deferential to trial counsel’s decisions. *State v. Michael*, 160 Wn.App. 522, 526, 247 P.3d 842 (2011). A strategic or tactical decision is not a basis for finding error in counsel’s performance *Strickland*, 466 U.S. at 689-91.

What is clear from the record as a whole is that the instruction used, WPIC 2.04, was actually beneficial to her in the ways that mattered most in her case. Doty claims that the jury instruction used to define “great bodily harm” made it easier for the jury to convict because it only required the jury to find there was a probability of death as opposed to a *high* probability of death. However, this was not a case in which the State argued or any evidence supported the idea that the defendant’s actions created a probability or high probability of death. Instead, the other part of the “great bodily harm” instruction was the portion of the instruction that was applicable in Doty’s case, and in that situation, the instruction used

created a *higher* burden for the State, thus making it harder for the State to secure a conviction than would have been had the correct instruction been used.

WPIC 2.04 defines “great bodily harm” as something “...that causes significant serious permanent disfigurement, or that causes a significant permanent loss or impairment of the function of any bodily part or organ.” WPIC 2.04. The definition of “great bodily harm” found in WPIC 38.25 requires only something “...that causes serious permanent disfigurement, or that causes permanent or protracted loss or impairment of the function of any bodily part or organ.” Thus, had the proper instruction been used, the State would have only had to prove a serious permanent disfigurement as opposed to a *significant* serious permanent disfigurement, or simply a “protracted loss of the function of any bodily part or organ” as opposed to a “significant permanent loss of the function of any bodily part or organ.” The difference here is that the State burdened itself more than it needed to. As this was not a case in which any medical provider testified that death was a probability, it is only the second portion of the great bodily harm definitions which are applicable. There, had defense’s initial request been agreed to, the State could have proved its case only by proving a “protracted loss” as opposed to what the State actually did have to prove which was “a significant permanent loss.”

There is a significant difference between a protracted loss and a significant permanent loss. Permanent means “continuing or enduring without fundamental or marked change.” Merriam-Webster, available at: [www.merriam-webster.com/dictionary/permanent?src=search-dict-box](http://www.merriam-webster.com/dictionary/permanent?src=search-dict-box). Whereas protracted simply means prolonged in time or space. Merriam-Webster, available at: [www.merriam-webster.com/dictionary/protracted](http://www.merriam-webster.com/dictionary/protracted). Thus, the state had to prove that the loss of function to the victim was enduring without change – permanent – as opposed to simply prolonged.

Doty argues that there is no possible tactical reason why her attorney would have agreed to this improper instruction. However, the tactics are clear: give the State a higher burden in this case, thus lessening the chances of conviction. Doty cites to *In re Personal Restraint of Wilson*, 169 Wn.App. 379, 279 P.3d 990 (2012) for the proposition that there can never be a tactical reason why a defense attorney would agree to an incorrect jury instruction. However, *Wilson* does not stand for that proposition. In *Wilson*, the defense attorney failed to notice that the pattern jury instruction wrongly allowed an accomplice to be held strictly liable for any and all crimes the principal committed. *Wilson*, 169 Wn.App. at 391. Therefore, the attorney in *Wilson* agreed to an instruction which lessened the State’s burden. That could not be tactical. In Doty’s case, her attorney agreed to an instruction which *heightened* the State’s burden

given the facts of the case. That was clearly tactical. It's evident from the record below that it was a tactical decision on the part of Doty's attorney. The judge, prosecutor, and defense counsel discuss the two different instructions, and indicate that keeping out "protracted loss" as an option in great bodily harm would be to Doty's benefit. *See* RP 585-91.

But even if this Court finds that counsel's choice was not reasonably tactical, it caused no prejudice to Doty. As previously discussed, the instruction only heightened the State's burden in this case. As there was no testimony that the injury to the victim caused a probability of death, the pertinent part of the great bodily harm jury instruction involved the loss or impairment of the function of a body part or organ. This portion of the jury instruction that was given required the State to prove a significant serious permanent disfigurement or a significant permanent loss of the function of any bodily part or organ. This was a higher standard than the serious permanent disfigurement or protracted loss that the proper WPIC would have required the State to prove. Thus, Doty received a benefit by having the improper WPIC given to the jury and certainly suffered no prejudice.

As Doty's attorney's decision was strategic and it caused her no prejudice, she has not met the burden of showing she was denied the effective assistance of counsel. This claim fails.

**CONCLUSION**

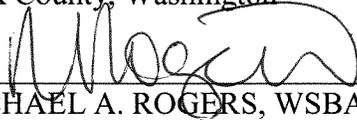
The trial court properly admitted evidence of Doty's conduct at the hospital as it was relevant and not overly prejudicial and was pertinent evidence to the State proving the crime charged. Additionally, trial counsel had a strategic reason for agreeing to give WPIC 2.04 to the jury and this decision did not prejudice Doty. Doty's conviction should be affirmed.

DATED this 21<sup>st</sup> day of August, 2019.

Respectfully submitted:

ANTHONY F. GOLIK  
Prosecuting Attorney  
Clark County, Washington

By:

  
RACHAEL A. ROGERS, WSBA #37878  
Senior Deputy Prosecuting Attorney  
OID# 91127

**CLARK COUNTY PROSECUTING ATTORNEY**

**August 21, 2019 - 3:05 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 53030-9  
**Appellate Court Case Title:** State of Washington, Respondent v. Beonka Patrice Doty, Appellant  
**Superior Court Case Number:** 17-1-00557-6

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