

ORIGINAL

NO. 286738-III

COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

THE STATE OF WASHINGTON, Respondent

v.

CHANCEY DEAN HOWARD, Appellant

FILED

FEB 15 2011

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By: _____

APPEAL FROM THE SUPERIOR COURT
FOR BENTON COUNTY

NO. 08-1-01284-4

BRIEF OF RESPONDENT

ANDY MILLER
Prosecuting Attorney
for Benton County

TERRY J. BLORR, Chief Deputy
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ISSUES

1. CAN THE DEFENDANT RAISE THIS ISSUE FOR THE FIRST TIME ON APPEAL?
 - A. Who has the burden of proof and what is that burden?
 - B. Is the claimed error of constitutional magnitude?
 - C. Was it "manifest"?
 - D. Did it "affect" the defendant's constitutional rights?
 - E. Is there any precedent that a failure to instruct a jury that it need not be unanimous to answer a firearms allegation "no" can be raised for the first time on appeal?
2. If so, given the verdicts finding the defendant guilty of robbery and unlawful possession of a firearm, is any error on the instruction regarding the special verdict harmless?

STATEMENT OF FACTS

The defendant plans to buy drugs:

On November 25, 2008, the defendant admits that he was going to meet with Antonio Sanchez Lopez at an apartment rented by Michelle Perkins

to buy drugs. (RP¹ 74, 231). Specifically, the defendant was going to purchase one-half pound of methamphetamine for around \$12,500.00. (RP 244-45). Kenneth Rowell, who introduced the defendant and Sanchez Lopez, came with the defendant. (RP 231). Rowell stated that the defendant came to the meeting armed with a gun (RP 125).

The drug deal goes bad:

Sanchez Lopez arrived at the meeting place with his girlfriend, Cindy Laborin. (RP 34-35). Ms. Laborin and Mr. Sanchez Lopez stated that the defendant immediately struck him (Sanchez Lopez) in the head with a gun. (RP 35, 91, 93).

According to Rowell and the defendant, Sanchez Lopez had not brought sufficient methamphetamine. (RP 121, 235). As tensions grew, Rowell states that the defendant pulled out the gun and put it in Sanchez Lopez's face. (RP

¹ All citations designated "RP" refer to the trial held 11/12-11/13/09, and the sentencing held 04/01/10.

123-125). Sanchez Lopez also stated the defendant pointed a gun at him. (RP 91). He states that Rowell went through his pockets, taking his wallet, car keys and cell phone, as the defendant held the gun on him. (RP 91).

Ms. Laborin and Mr. Sanchez Lopez eventually went to a neighboring apartment and called the police. (RP 40).

The defendant's version:

The defendant admitted yelling at and cursing Sanchez Lopez and punching him with his fist while holding something that "looked like a gun." (RP 239, 241). He denied possessing a gun or taking anything from Ms. Laborin and/or Mr. Sanchez Lopez. (RP 241-242).

The charges and verdicts:

The defendant was charged with Robbery in the First Degree under RCW 9A.56.200 (1)(a)(i)(ii) and/or (iii), alleging that the defendant committed Robbery while armed with a deadly weapon, displayed what appeared to be a

firearm or inflicted bodily injury. (CP 16-17). There was also a Firearms Allegation, charging that the defendant was armed with a firearm during the commission of the robbery. (CP 16-17)

The defendant was charged in Count II with Unlawful Possession of a Firearm in the First Degree. (CP 17).

The defendant was found guilty of both counts, and the Firearms Allegation was answered "yes" (CP 4-, 50, 52).

The sole issue on appeal concerns the jury instruction regarding the Firearm Allegation. (App. Brief, 2).

ARGUMENT

- 1. THE DEFENDANT DID NOT OBJECT AT TRIAL TO THE JURY INSTRUCTION AND THIS COURT SHOULD NOT ADDRESS THE MERITS OF HIS OBJECTION.**

When did you learn that you must object at trial to perfect an appeal? The second year of law school? The first year in practice? After receiving a telephone call from an appellate

attorney wondering if there was some tactical reason we failed to object at trial to some hearsay?

The point of these rhetorical questions is that the principle is very basic. *State v. Davis*, 41 Wn.2d 535, 250 P.2d 548 (1952). An Appellate Court can refuse to review a claimed error if it was not raised with the trial court. The principle is set forth in RAP 2.5(a):

Errors Raised for First Time on Review.

The appellate court may refuse to review any claim of error which was not raised in the trial court. However, a party may raise the following claimed errors for the first time in the appellate court: (1) lack of trial court jurisdiction, (2) failure to establish facts upon which relief can be granted, and (3) manifest error affecting a constitutional right.

RAP 2.5(a).

There are clear reasons for the rule:

- judicial economy,
- finality of criminal cases,
- respect for jury verdicts,
- giving the trial Judge and the State an

opportunity to correct a claimed error,

- the status of the Appellate Court as not a court which decides whether a defendant is guilty or not guilty.

In this case, the defendant raises an objection to jury instructions for the first time on appeal. He did not object to the instruction before the trial court. (RP 265). As discussed below, this Court should decline to hear the objection.

A. The burden is on the defendant to establish that an exception to the general rule should be made, an exception which is rarely allowed.

As stated in *State v. Scott*, 110 Wn.2d 682, 687, 757 P.2d 492 (1988) (quoting comment (a), RAP 2.5, 86 Wn.2d 1152 (1976)), the general rule is that review is only on issues which were argued and decided at the trial level. Under RAP 2.5, "The exception actually is a narrow one, affording review only of 'certain constitutional questions.'" *State v. Scott*, 110 Wn.2d at 687. To satisfy the "manifest" constitutional error

exception in RAP 2.5(a), there must be actual prejudice shown and the trial court record must be sufficiently developed to determine the merits of the constitutional claim. *State v. McDonald*, 138 Wn.2d 680, 691, 981 P.2d 443 (1999). The defendant must show that the claimed error had practical and identifiable consequences in the trial. *State v. Israel*, 113 Wn. App. 243, 54 P.3d 1218 (2002). An Appellate Court should review claims raised for the first time on appeal if they 1) are of constitutional magnitude, 2) are "manifest," and 3) affected the outcome. *State v. Lynn*, 67 Wn. App. 339, 342-346, 835 P.2d 251 (1992), and *State v. Naillieux*, 241 P.3d 1280 (2010).

The defendant has the burden to make the required showing that an unpreserved error was a manifest error affecting a constitutional right. *State v. Nguyen*, 165 Wn.2d 428, 197 P.3d 673 (2008). The defendant fails on all three counts.

B. The claimed error is not of a constitutional magnitude.

As stated in *State v. Lynn*, 67 Wn. App. at 342-343, "RAP 2.5(a)(3) does not provide that all asserted constitutional claims may be raised for the first time on appeal." Almost any alleged error "can be phrased in constitutional terms." However, every alleged error in a criminal case is not assumed to be of "constitutional magnitude." *State v. O'Hara*, 167 Wn.2d 91, 98-99, 217 P.3d 756 (2009). The *O'Hara* Court stated that the asserted claim should be assessed to determine whether, if correct, it implicates a constitutional interest as compared to another form of trial error. *Id.* As the *Lynn* Court stated, "permitting every possible constitutional error to be raised for the first time on appeal undermines the trial process, generates unnecessary appeals, creates undesirable re-trials and is wasteful of the limited resources of prosecutors, public defenders and courts."

State v. Lynn, 67 Wn. App. at 344.

RAP 2.5(a) refers to a "manifest error affecting a constitutional right." (Emphasis added). It does not say "manifest error affecting a constitutional right in civil cases and any right in a criminal case." Here, the claimed error is technical. The trial court properly instructed the jury that it had to be unanimous to find the firearm enhancement committed and that the State had the burden of proof. If the alleged error herein is of constitutional magnitude, then what error in a criminal case is not?

C. The error is not manifest. In fact, this Court, three justices on the Supreme Court, and the Washington Supreme Court Committee on Jury Instructions did not view the instruction as an error.

If this Court determines the alleged error is of constitutional magnitude, it must also be manifest. *State v. Gordon*, 153 Wn. App. 516, 535, 223 P.3d 519 (2009). A "manifest error" is an

error that is unmistakable, evident or indisputable. *State v. Nguyen*, 165 Wn.2d 428.

Of course, the "error" was not obvious to this Court in its unanimous decision in *State v. Bashaw*, 144 Wn. App. 196, 182 P.3d 451 (2008), which held that an identical jury instruction was appropriate. The State concedes that this holding was reversed by the Washington State Supreme Court in its decision in *Bashaw*. *State v. Bashaw*, 169 Wn.2d 133, 234 P.3d 195 (2010). The defendant should also concede that given this Court's opinion, it cannot be said that the instruction was manifestly in error.

Further, the error was not "manifest" to the State Supreme Court. If it had been, the Court would have been unanimous. Instead, Chief Justice Madsen, Former Chief Justice Alexander, and Justice J. M. Johnson dissented.

Finally, the Washington State Supreme Court Committee on Jury Instructions did not view this instruction as an error, much less a manifest

error. The history of the committee's suggested instruction is as follows:

2005: It might be appropriate to instruct the jury that "if any one of you has a reasonable doubt as to the question, you must answer 'no.'" See WPIC 160.00, updated as of 2005².

2008: Based on this Court's *Bashaw* ruling in 2008, the committee revised the recommended instruction to eliminate the language quoted above from 2005. The Committee had this comment in response to *State v. Goldberg*, 149 Wn.2d 888, 892-93, 72 P.3d 1083 (2003):

After *Goldberg*, it was not clear whether the jury always needs to be unanimous in order to answer a special verdict question 'no.' Because the opinion could have been read in two different ways, the previous version of this instruction included bracketed alternative language.

Subsequently, the Court of Appeals held in *State v. Bashaw*, 144 Wn.App. 196, 182 P.3d 451 (2008), that *Goldberg* did not alter the general rule that unanimous jury verdicts are required in criminal cases. The *Bashaw* court

² 2005 Version of WPIC 160.00 attached as "Appendix A."

approved an instruction stating that "[s]ince this is a criminal case, alltwelve of you must agree on the answer to the special verdict." For the 2008 edition, the committee has modified the instruction in accordance with *Bashaw*.

11A Wash. Prac., Pattern Jury Instr. Crim. WPIC 160.00 (3d Ed)³.

While the defendant's argument on appeal ultimately carried the day, it is difficult to see how this outcome was "unmistakable," "evident," or "indisputable" since this Court, three members of the Washington State Supreme Court, and the Washington State Supreme Court Committee on Jury Instructions thought that the opposite result was appropriate.

D. In any event, the instruction did not "affect" the defendant's constitutional rights.

1. The test for "a manifest error affecting a constitutional right" under RAP 2.5 is different than the test for harmless error after an instructional error is given.

³ 2008 Version of WPIC 160.00 attached as "Appendix B."

The language used in RAP 2.5(a) is "(3) manifest error affecting a constitutional right." (Emphasis added). This results in a requirement that the defendant make a plausible showing that the claimed error had practical and identifiable consequences in the trial. *State v. Kirkman*, 159 Wn.2d 918, 155 P.3d 125 (2007). The defendant must show actual prejudice as a result of the claimed error. *State v. Walsh*, 143 Wn.2d 1, 17 P.3d 591 (2001).

This is a different standard than a harmless-error analysis regarding an instructional error. As stated in the Supreme Court's opinion in *Bashaw*, in the later situation the issue is whether the court can conclude that the instructional error was harmless. *State v. Bashaw*, 169 Wn.2d at 148. The Supreme Court in *Bashaw* declined to speculate whether the error would have changed the result. *Id.* Under RAP 2.5(a)(3), the defendant must affirmatively point

out in the record how the error had practical and identifiable consequences.

2. Here, the defendant has not demonstrated any actual prejudice.

There was no prejudice whatsoever to the defendant. The sole evidence at trial concerned what happened when the defendant and Mr. Rowell met with Ms. Laborin and Mr. Sanchez Lopez. The jury found beyond a reasonable doubt that the defendant was in possession of a firearm in Count II. The jury found beyond a reasonable doubt that he committed Robbery in the First Degree in Count I. Therefore, the jury *had* to find that the defendant was armed with a firearm at the time of the commission of the robbery.

The syllogism is:

- The defendant committed a robbery at an apartment on November 25, 2008.
- The defendant was in possession of a firearm during this time.

- Therefore, the defendant committed the robbery while armed with a firearm.

Any other result would be inconsistent. The defendant has not suggested any way he suffered actual prejudice.

E. There is no precedent that this issue can be raised for the first time on appeal.

The issue was not raised in the recent case of *State v. Bashaw*, 169 Wn.2d 133, which dealt with the issue of juror unanimity on a school bus stop enhancement instruction. As stated in the Court of Appeals decision, the defendant did not object to the instruction at trial. *State v. Bashaw*, 144 Wn. App. at 199. On appeal, the State did not argue that the matter could not be raised since there was no objection at trial. Perhaps the defendant in *Bashaw* properly raised the issue at trial. Perhaps the prosecution overlooked the issue. In any event, the *Bashaw* Court did not address the issue of RAP 2.5 and the propriety of raising an issue for the first

time on appeal.

Likewise, the issue did not come up in *State v. Goldberg*, 149 Wn.2d 888. The issue in that case concerned the situation where the jury informs the trial court judge that it is not unanimous regarding the special verdict on an aggravating factor. In that case, the trial judge accepted the jury's statement as a "No," it has not found the aggravating factor to be committed. Therefore, the failure to object at trial to the aggravating factor concluding instruction was not an issue.

The defendant also cited *State v. Stephens*, 93 Wn.2d 186, 607 P.2d. 304 (1980). However, Stephens did object at trial to the challenged jury instruction. *Id.* at 188.

If the defendant felt the instruction was not appropriate, he should have made an objection at trial. The trial court would have had the opportunity to correct the instruction. The State may have agreed with the defendant's

objection. In any event, this Court should decline to review the defendant's argument under RAP 2.5 (a).

2. EVEN IF THE DEFENDANT IS ALLOWED TO RAISE THIS ISSUE, ANY ERROR IS HARMLESS.

Although the Supreme Court in *Bashaw* emphasized the "deliberative process," that Court also stated that a jury instruction is harmless if it "conclude[s] beyond a reasonable doubt that the jury verdict would have been the same absent the error." *State v. Bashaw*, 169 Wn.2d at 147. In this case, no matter what the process, the jury found the defendant committed a robbery (Count I) and was in possession of a firearm (Count II) (CP 49-50). The only testimony about a firearm was in relation to the defendant having it at the meeting where the robbery occurred. Therefore, the only rational conclusion is that the defendant was in possession of the firearm while committing the robbery.

This case is far different from *Bashaw*. In *Bashaw*, the special allegation was that the defendant delivered drugs within 1000 feet of a school bus stop. In that case, the measuring device was not authenticated and there were varying estimates of the distances between school bus stops and the drug deliveries. In this case, unlike in *Bashaw*, given the jury verdicts on Counts I and II, there is no reasonable doubt that the defendant possessed a gun during the commission of the robbery.

Consider how contorted the result would be if the instructional error is deemed harmful. The jury's verdicts were consistent: the jury found the defendant was unlawfully in possession of a firearm, found he committed a robbery, and found that he committed the robbery while in possession of a firearm. The defendant does not quarrel with the jury verdicts of guilty on robbery in the first degree and unlawful possession of a firearm in the first degree. The

defendant suggests that this Court should ignore the consistency in the verdicts and special verdict and find that the jury would have had inconsistent verdicts, but for the concluding instruction.

CONCLUSION

The special verdict should be affirmed.

RESPECTFULLY SUBMITTED this 11th day of
February 2011.

ANDY MILLER

Prosecutor

A handwritten signature in black ink, appearing to read "Terry J. Bloor". The signature is written in a cursive style with a large initial "T".

TERRY J. BLOOR, Chief Deputy

Prosecuting Attorney

Bar No. 9044

OFC ID NO. 91004

APPENDIX A

**2005 VERSION OF
WPIC 160.00**

WPIC 160.00

**CONCLUDING INSTRUCTION—SPECIAL
VERDICT—PENALTY ENHANCEMENTS
[REPLACEMENT]**

You will also be given [a special verdict form] [special verdict forms] [for the crime of _____ (insert name of crime) _____] [for the crime[s] charged in count[s] _____]. If you find the defendant not guilty [of this crime] [of these crimes] [of _____ (insert name of crime) _____], do not use the special verdict form[s]. If you find the defendant guilty [of this crime] [of these crimes] [of _____ (insert name of crime) _____], you will then use the special verdict form[s] and fill in the blank with the answer "yes" or "no" according to the decision you reach. In order to answer the special verdict form[s], "yes", you must unanimously be satisfied beyond a reasonable doubt that "yes" is the correct answer. [If any one of you has a reasonable doubt as to the question, you must answer "no".] [If you unanimously have a reasonable doubt as to this question, you must answer "no".]

NOTE ON USE [Replacement]

For cases involving a sentencing enhancement, insert this paragraph immediately ahead of the last paragraph in the concluding instruction WPIC 151.00 or 155.00, whichever is being used.

Use the appropriate verdict form when this paragraph is included in the concluding instruction. See, e.g., WPIC 190.01 (Special Verdict Form—Deadly Weapon), 190.02 (Special Verdict Form—Firearm), 190.08 (Special Verdict Form—Sexual Motivation).

For a discussion of the unanimity issues raised in the instruction's final two (bracketed) sentences, see the Comment's discussion of the *Goldberg* case.

Choose from among the bracketed options within the instruction's first three sentences depending on which will provide the clearest directions to the jury, depending on such considerations as the number of charges and the existence of lesser included offenses.

COMMENT [Replacement]

Revised instruction. In the main volume and in previous editions, this instruction was limited to the sentencing enhancement for deadly

weapons, and separate instructions were provided for sentencing enhancements for firearms and sexual motivation. See also former WPIC 161.00 and 162.00. Because the language of all three instructions was the same, the committee has consolidated them into a single instruction, which can be used in any case involving a penalty enhancement.

Unanimity issue—*Goldberg*. The jury must be unanimous in order to answer “yes” to a special verdict question about the grounds for a sentence enhancement. *State v. Goldberg*, 149 Wn.2d 888, 892–93, 72 P.3d 1083 (2003). In light of *Goldberg*, however, it is not clear whether the jury always needs to be unanimous in order to answer a special verdict question “no.”

In *Goldberg*, the jury returned a general verdict of guilty as to premeditated first degree and a special verdict (under RCW Chapter 10.95) answering “no” to the question whether the charged aggravating circumstance had been proved beyond a reasonable doubt (these two verdicts are not inherently inconsistent). A polling of the jurors led to the discovery that three jurors disagreed with the “no” answer. The trial court treated this lack of unanimity as a deadlock and instructed the jurors to deliberate further on the special verdict. The Supreme Court reversed this decision, holding that the “no” answer on the special verdict was a final verdict, inasmuch as a “no” answer did not require unanimity, and therefore the trial judge should not have ordered further deliberations. *Goldberg*, 149 Wn.2d at 893–95, 72 P.3d 1083.

A puzzling aspect about *Goldberg* is its inconsistency with the general principle that verdicts in criminal cases must be unanimous. See *Goldberg*, 149 Wn.2d at 892, 72 P.3d 1083; Const. Art. I, § 21 (cited in *Goldberg*); *State v. Ortega-Martinez*, 124 Wn.2d 702, 707, 881 P.2d 231 (1994); CrR 6.16 (a)(2). A corollary of this rule is that a hung jury requires a mistrial on the issue in question, rather than a finding in favor of the defendant. The opinion in *Goldberg* does not address this general principle. Nor does its rationale shed any light on why special verdicts should be treated any differently in this regard than general verdicts. In holding that jurors do not need to be unanimous in answering “no” to a special verdict, the Supreme Court relied solely on the trial court’s jury instruction, which read in relevant part as follows:

In order to answer the special verdict form “yes”, you must unanimously be satisfied beyond a reasonable doubt that “yes” is the correct answer. If you have a reasonable doubt as to the question, you must answer “no”.

Goldberg, 149 Wn.2d at 893, 72 P.3d 1083. The *Goldberg* court construed the second sentence from this quotation as meaning that jurors need not be unanimous in order to answer “no.”

Possible interpretations of *Goldberg*. Because the *Goldberg* court relied exclusively on the jury instruction for its authority on this point, it is not clear how the opinion should be interpreted. On the one

WPIC 160.00

CONCLUDING INSTRUCTIONS

hand, the opinion's conclusion is written expansively: "In sum, special verdicts do not need to be unanimous in order to be final." *Goldberg*, 149 Wn.2d at 895, 72 P.3d 1083. On the other hand, because the Supreme Court did not cite to any authority other than the trial court's jury instruction, the opinion can be interpreted as merely applying the law of the case or as being limited to the particular statutes at issue from RCW Chapter 10.95. Under this approach, the opinion's expansive conclusion would be dicta.

If a trial judge interprets *Goldberg* as applying the law of the case doctrine or a similar theory, then the judge would have discretion to instruct jurors differently in other cases. A judge following this interpretation would use the second of the two bracketed sentences at the end of the instruction, thereby requiring unanimity among the jurors before they could answer "no" on the special verdict.

If a judge interprets *Goldberg* as applying to all special verdicts, and further that jurors should be instructed that they need not be unanimous in order to answer "no," then the judge should use the first of the two bracketed sentences at the end of the instruction. The committee has revised this bracketed sentence by adding the words "any one of" in order to more clearly inform the jury that a single juror's reasonable doubt is sufficient for a "no" answer.

Trial judges should carefully consider these issues before instructing jurors as to whether unanimity is required before jurors can answer "no" to a special verdict question.

[Current as of 2005 Update.]

APPENDIX B

**2008 VERSION OF
WPIC 160.00**

WPIC 160.00

CONCLUDING INSTRUCTION—SPECIAL
VERDICT—PENALTY ENHANCEMENTS

You will also be given [a special verdict form] [special verdict forms] [for the crime of (insert name of crime)] [for the crime[s] charged in count[s] ____]. If you find the defendant not guilty [of this crime] [of these crimes] [of (insert name of crime)], do not use the special verdict form[s]. If you find the defendant guilty [of this crime] [of these crimes] [of (insert name of crime)], you will then use the special verdict form[s] and fill in the blank with the answer "yes" or "no" according to the decision you reach. Because this is a criminal case, all twelve of you must agree in order to answer the special verdict form[s]. In order to answer the special verdict form[s] "yes," you must unanimously be satisfied beyond a reasonable doubt that "yes" is the correct answer. If you unanimously have a reasonable doubt as to this question, you must answer "no".

NOTE ON USE

For cases involving a sentencing enhancement, insert this paragraph immediately ahead of the last paragraph in the concluding instruction WPIC 151.00 or 155.00, whichever is being used.

Use the appropriate verdict form when this paragraph is included in the concluding instruction. See the special verdict forms found in WPIC Chapter 190.

Choose from among the bracketed options within the instruction's first three sentences depending on which will provide the clearest directions to the jury, depending on such considerations as the number of charges and the existence of lesser included offenses.

COMMENT

Unanimity issue—Goldberg. The jury must be unanimous in order to answer "yes" to a special verdict question about the grounds for a sentence enhancement. *State v. Goldberg*, 149 Wn.2d 888, 892–93, 72 P.3d 1083 (2003). After *Goldberg*, it was not clear whether the jury always needs to be unanimous in order to answer a special verdict question "no." Because the opinion could have been read in two different ways, the previous version of this instruction included bracketed alternative language.

CONCLUDING INSTRUCTIONS

WPIC 160.00

Subsequently, the Court of Appeals held in *State v. Bashaw*, 144 Wn.App. 196, 182 P.3d 451 (2008), that *Goldberg* did not alter the general rule that unanimous jury verdicts are required in criminal cases. The *Bashaw* court approved an instruction stating that “[s]ince this is a criminal case, all twelve of you must agree on the answer to the special verdict.” For the 2008 edition, the committee has modified the instruction in accordance with *Bashaw*.

[Current as of July 2008.]

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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

vs.

CHANCEY DEAN HOWARD,

Appellant.

NO. 286738

STATEMENT OF ADDITIONAL
AUTHORITIES

Pursuant to RAP 10.8, the State having filed its brief in the above matter submits as an additional authority *State of Washington v. Enrique Guzman Nunez*, Court of Appeals number 28259-7-III, decided on February 15, 2011, concerning the issue as to whether or not an objection to the special verdict instruction can be raised for the first time on appeal.

Respectfully submitted, this 16 day of February 2011.

ANDY MILLER

Prosecuting Attorney



TERRY J. BLOOR, Chief Deputy
Prosecuting Attorney

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