

**FILED**  
May 28, 2013  
Court of Appeals  
Division III  
State of Washington

No. 31276-3

COURT OF APPEALS  
DIVISION III  
OF THE STATE OF WASHINGTON

---

STATE OF WASHINGTON, Respondent

v.

FREDRICK S. PITMAN, Appellant

---

APPEAL FROM THE SUPERIOR COURT  
OF SPOKANE COUNTY

---

BRIEF OF APPELLANT

---

Marie J. Trombley, WSBA 41410  
Attorney for Fredrick Pitman  
PO Box 829  
Graham, WA  
509.939.3038

## TABLE OF CONTENTS

I. Assignments of Error .....	1
II. Statement of Facts.....	2
III. Argument .....	7
A. The Evidence Was Insufficient For Any Rational Trier Of Fact To Find Beyond A Reasonable Doubt That Mr. Pitman Was The Driver Of The Motorcycle Attempting To Elude A Pursuing Police Vehicle .....	7
B. Mr. Pitman Received Ineffective Assistance Of Counsel ..	10
C. The Trial Court Erred In Denying Mr. Pitman’s Motion For A New Trial, Based Upon An Unfair Trial In Which Substantial Justice Was Not Done .....	16
IV. Conclusion .....	17

## TABLE OF AUTHORITIES

### *Washington Cases*

<i>In re Davis</i> , 152 Wn.2d 647, 101 P.3d 1 (2004).....	11
<i>In re Elmore</i> , 162 Wn.2d 236, 172 P.3d 335 (2007) .....	11
<i>State ex re. Carroll v. Junker</i> , 79 Wn.2d 12, 482 P.2d 775 (1971) .....	16
<i>State v. A.N.J.</i> , 168 Wn.2d 91, 225 P.3d 956 (2010).....	15
<i>State v. Adams</i> , 91 Wn.2d 86, 584 P.2d 1168 (1978).....	12
<i>State v. Allen</i> , 161 Wn. App. 727, 255 P.3d 784 (2011).....	8
<i>State v. Baeza</i> , 100 Wn.2d 487, 670 P.2d 646 (1983) .....	7
<i>State v. Blight</i> , 150 Wn.2d 475, 273 P.751 (1929).....	16
<i>State v. Burri</i> , 87 Wn.2d 175, 550 P.2d 507 (1976).....	12
<i>State v. Byrd</i> , 30 Wn.App. 794, 638 P.2d 601 (1981) .....	13
<i>State v. Cheatam</i> , 150 Wn. 2d 626, 81 P.3d 830, 841 (2003).....	13
<i>State v. Collins</i> , 2 Wn.App. 757, 470 P.2d 227 (1980).....	8
<i>State v. Dawkins</i> , 71 Wn.App. 902, 863 P.2d 124 (1993).....	16
<i>State v. Hill</i> , 83 Wn.2d 558, 520 P.2d 618 (1974) .....	7
<i>State v. Klinger</i> , 96 Wn.App. 619, 980 P.2d 282 (1999) .....	11
<i>State v. O’Neill</i> , 148 Wn.2d 564, 62 P.3d 489 (2003) .....	10
<i>State v. Sanchez</i> , 171 Wn.App. 518, 288 P.3d 351(2012).....	10
<i>State v. White</i> , 80 Wn.App. 406, 907 P.2d 310 (1995).....	11
<i>Sunnyside Valley Irrigation Dist. v. Dickie</i> , 149 Wn.2d 873, 73 P.3d 369 (2003).....	7

**U.S. Supreme Court Cases**

*In re Winship*, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970) ..... 7

*Strickland v. Washington*, U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674  
(1984)..... 11

*Washington v. Texas*, 388 U.S. 14, 87 S.Ct. 1920, 18 L.Ed.2d 1019 (1967  
..... 13

**Constitutional Provisions**

Const. art. 1 § 3 ..... 7

Const. art. 1 § 22 ..... 7

U.S. Const. Amends. VI, XIV..... 7

Wash. Const. Art. 1 § 7 ..... 10

**Other**

*Eyewitness Evidence, Improving Its Probative Value* , Gary L. Wells &  
Elizabeth A. Olson, 7 Psychol. Sci. Pub. Int. 45,48 (2006) ..... 8

*How to Analyze the Accuracy of Eyewitness Testimony In A Criminal  
Case*, Richard A. Wise, Clifford S. Fishman, Martin A. Safer,  
Connecticut Law Review. December 2009 at 503 ..... 9

I. Assignments of Error

- A. The Trial Court Erred In Finding The Officer's Identification Of Mr. Pitman As The Driver Of The Motorcycle Was Valid. (CP 89)
- B. The Trial Court Erred In Making Finding Of Fact No. 11: "The Court Finds That The Man The Officers Contacted On January 6, 2012, Was The Defendant, Fredrick S. Pitman." (CP 90).
- C. The Trial Court Erred In Making Conclusion Of Law No. 1: "...The Court Concludes Beyond A Reasonable Doubt That The Motorcycle Driver Was The Defendant, Fredrick S. Pitman..." (CP 91).
- D. Mr. Pitman Received Ineffective Assistance Of Counsel Where Counsel Failed To Investigate Or Present An Alibi Witness And Expert.
- E. The Trial Court Erred In Denying Mr. Pitman's Motion For A New Trial Based on Ineffective Assistance of Counsel Resulting In An Unfair Trial In Which Substantial Justice Had Not Been Done.

Issues Relating To Assignments of Error

- A. To prove the crime of attempt to elude a police vehicle, the State must prove all elements of the crime beyond a reasonable doubt. Where the prosecution failed to prove the identity of the suspect beyond a reasonable doubt, is reversal required?

- B. An accused has the constitutional right to effective assistance of counsel, and defense counsel is obligated to investigate the facts of the case. Mr. Pitman's defense was that he was the subject of mistaken identity. Was Mr. Pitman's constitutional right to effective assistance of counsel violated when his attorney did not interview or call an alibi witness or obtain an expert on eyewitness identification?
- C. Did the trial court err in denying Mr. Pitman's motion for a new trial, based upon an unfair trial in which substantial justice was not done?

## II. Statement of Facts

Fredrick Pitman was charged by amended information with attempting to elude a pursuing police vehicle. CP 25. Concerned that he would be subject to prejudice because of his race, he waived his right to a jury trial. RP 46-47. At a bench trial, the following evidence was presented.

On January 6, 2012, Spokane police officers Daniels and Wheeler were on "anti-crime" patrol. RP 56,69. Shortly after midnight, they observed a man sitting on a parked motorcycle at the southbound curb on Rockwell between Madison and Monroe. RP 58,59;102. They later testified that because there had been a rash of motorcycle thefts, they ran

the license plate. RP 58. The bike had not been reported as stolen, but the registered owner was listed as a female. RP 58, 61. Without getting out of their vehicle officers rolled down the window and made contact. RP 58;60.

The individual on the bike was using his cell phone and did not make much eye contact with them. RP 61. He wore a motorcycle helmet. The helmet was of the type open only from the upper lip to the mid-forehead, with the mouth area enclosed. RP 62. In response to officer questioning, he showed them an agreement paper from the registered owner. RP 103;109-110.

The male was not asked to produce identification or a driver's license, and officers never asked him his name. RP 32; 88. Nor did the driver of the motorcycle reference himself by name. RP 88.

Officers later described the lighting as dark at the time they made the contact. There was a streetlight at the corner of the intersection and possibly some light in the alleyway. RP 77;114-115. Without using their flashlights to illuminate him, they believed they recognized the rider as Mr. Pitman. Their recognition was based on his eye color, cheekbones, nose and upper lip. RP 63; 105-106;113.

Officer Daniels also testified he recognized Mr. Pitman's voice, based on the five to ten contacts he had with Mr. Pitman over a nine year

period. The last contact occurred roughly three years earlier. RP 62; 85. Officer Wheeler stated that over a six-year period he had approximately six contacts with Mr. Pitman, however, he was not certain about the voice. RP 105; 113.

Without confirming identity, they ran a license check on Mr. Pitman's name to determine if he had a valid driver's license. The report came back that Mr. Pitman's license was suspended in the 3<sup>rd</sup> degree. RP 88. Officers later testified they did not issue a ticket at that time because "he wasn't driving." RP 95.

The officers ended the contact "and maintained visual eye contact on him as we moved a few blocks away to see if he would in fact drive away without a license." RP. 64. A few moments later, the motorcycle headlight came on; the driver made a U-turn and headed west. RP 65. Following the motorcycle down Rockwell, officers did not activate the emergency lights or siren for six blocks, until they were on Ash. RP 116. The motorcycle never left its lane of travel, did not run any stop signs or red lights, but did speed. RP 93-94. Officers ended the pursuit after a chase on two streets of "limited blocks." RP 90. Mr. Pitman was arrested over three weeks later for attempting to elude a pursuing police vehicle. CP1.

During trial, the prosecuting attorney advised the court that she could hear Mr. Pitman relating confidential information to his attorney. RP 128. Shortly thereafter, the State rested. After a break, defense counsel informed the court that Mr. Pitman was dissatisfied with his representation. RP 133. The court determined it would take another recess for Mr. Pitman and his attorney to confer, cleared the courtroom, and then advised Mr. Pitman to keep his voice down. RP 137. The defense did not present any witnesses. Mr. Pitman was found guilty. RP 174.

At the time set for a sentencing hearing, defense counsel advised that Mr. Pitman had attempted to file a pro se motion for a new trial along with three affidavits, and a Washington State bar complaint against him. RP 195. The court agreed the defense attorney should be able to withdraw based on a conflict of interest and an unconflicted attorney be appointed to represent Mr. Pitman at sentencing. RP 209.

At the re-set sentencing hearing, replacement counsel argued the motion for a new trial based on newly discovered evidence, and ineffective assistance of counsel amounting to a verdict wherein “substantial justice had not been done.” RP 221.

Two of the affidavits were submitted with the motion for a new trial. The affiants stated they went with Mr. Pitman to the area on

Rockwell at midnight to recreate the scene. Both affiants were unable to discern eye color or facial characteristics, in direct contrast to officer testimony. CP 30-31; 34-35.

Additionally, one of the affiants provided an alibi for the evening of January 6, the night Mr. Pitman was accused of attempting to elude. RP 221-225; CP 34-35. The alibi witness stated she had given her contact information to Mr. Pitman's attorney, having called and left several messages at the public defender's office. Neither counsel nor anyone else from the public defender's office contacted her. CP 35. The third affiant, Mr. Pitman's mother, stated in writing that despite officer concerns that Mr. Pitman had committed a felony, no one came to her home (his residence) looking for him that evening, or any other day. CP 33.

Counsel argued that Mr. Pitman received ineffective assistance as trial counsel had not contacted the alibi witnesses to present relevant evidence that likely would have changed the result in the case, and failed to use an investigator or expert to present evidence on the difficulty of determining identity under the given conditions at the scene. RP 225-227; CP 51. The court denied the motion for a new trial and imposed sentence. RP 238; 255. Mr. Pitman makes this appeal. CP 111.

### III. Argument

Following a bench trial, the factual findings are reviewed for substantial evidence and the legal conclusions *de novo*, the reviewing court determining whether the findings support the conclusions.

*Sunnyside Valley Irrigation Dist. v. Dickie*, 149 Wn.2d 873, 880, 73 P.3d 369 (2003).

- A. The Evidence Was Insufficient For Any Rational Trier Of Fact To Find Beyond A Reasonable Doubt That Mr. Pitman Was The Driver Of The Motorcycle Attempting To Elude A Pursuing Police Vehicle.

Due Process Rights, guaranteed under the United States Constitution and the Washington Constitution, require the State to prove every element of a crime charged beyond a reasonable doubt. U.S. Const. Amends. VI, XIV; Const. art. 1 §§ 3, 22; *In re Winship*, 397 U.S. 358, 364, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970); *State v. Baeza*, 100 Wn.2d 487, 488, 670 P.2d 646 (1983).

In a criminal trial, it is axiomatic that the prosecution bears the burden of establishing beyond a reasonable doubt the identity of the accused as the person who committed the crime. *State v. Hill*, 83 Wn.2d 558, 560, 520 P.2d 618 (1974). Identity was the key issue in this case.

Mr. Pitman argues the witness identification of him presented at trial does not amount to substantial evidence, that is, evidence sufficient to convince “an unprejudiced thinking mind of the truth of the fact to which evidence is directed.” *State v. Collins*, 2 Wn.App. 757, 759, 470 P.2d 227 (1980).

Here, the officers emphasized that they identified Mr. Pitman, an African-American, based on his eye color, cheekbones, and voice. The identification appears to have been cross-racial. “Studies have shown that cross-racial identification, or an identification when an eyewitness of one race is asked to identify a particular individual of another race, is an especially problematic identification” *State v. Allen*, 161 Wn. App. 727, 735, 255 P.3d 784 (2011) (internal citations omitted).

Further complicating the identification, the circumstances under which the officers claimed they recognized the defendant were less than ideal. The encounter occurred late at night with overhead street lighting about halfway down the block at the intersection. Poor lighting conditions make it more difficult for an eyewitness to make an accurate identification<sup>1</sup>. The individual on the bike wore a full- face helmet, leaving

---

<sup>1</sup> *Eyewitness Evidence, Improving Its Probative Value*, Gary L. Wells & Elizabeth A. Olson, 7 *Psychol. Sci. Pub. Int.* 45,48 (2006).

*only* his eyes, eyebrows, upper lip, nose, and cheeks visible, to the extent that he even turned his face toward the officers.

Research on eyewitness testimony has demonstrated that a disguise, as simple as a hat, can make it significantly more difficult for an eyewitness to make an accurate identification. A hat decreases identification accuracy because it conceals the perpetrator's hair and facial shape<sup>2</sup>.

Both officers testified that they were 100 percent certain the motorcyclist was Mr. Pitman. Yet, research has shown that while police officers are “more skilled than lay eyewitnesses at remembering the details of a crime, studies indicate they are not better than lay eyewitnesses at identifying the perpetrator of a crime. *This result occurs because though people can be trained to give more detailed accounts of crimes, their ability to identify faces cannot be improved.*”<sup>3</sup> (Emphasis added). In other words, certainty of an officer does not amount to accuracy.

Under Washington law, a police officer can ask for identification simply because the officer subjectively suspects the possibility of criminal activity, but does not have a suspicion rising to the level to justify a *Terry*

---

<sup>2</sup> *How to Analyze the Accuracy of Eyewitness Testimony In A Criminal Case*, Richard A. Wise, Clifford S. Fishman, Martin A. Safer, Connecticut Law Review. December 2009 at 503

<sup>3</sup> *Id.* at 500.

stop. *State v. O'Neill*, 148 Wn.2d 564, 577, 62 P.3d 489 (2003); Wash. Const. Art. 1 § 7. Here, despite having the authority to objectively identify the driver of the motorcycle, the officers instead merely agreed between themselves as to the identity of the driver. “Mistaken eyewitness identification is a leading cause of wrongful conviction, as recognized by Washington courts...’the vast majority of [studied] exonerees (79%) were convicted based on eyewitness testimony; we now know that all of these eyewitnesses were incorrect.” *State v. Sanchez*, 171 Wn.App. 518, 572, 288 P.3d 351(2012)(Alteration in the original; internal citations omitted).

Moreover, both officers testified the motorcycle rider produced a paper showing some sort of understanding between the registered owner and the rider. However, nothing in the record shows the State contacted the registered owner to determine the identity of the motorcyclist. Neither officer gave testimony about viewing the document or the names listed on the document.

There is insufficient evidence for the trial court to find that the State met its burden of proving the identity of Mr. Pitman as the driver of the motorcycle. Thus, the evidence is insufficient to sustain the conviction.

B. Mr. Pitman Received Ineffective Assistance Of Counsel.

The Sixth Amendment to the U.S. Constitution, and Article 1 § 22 of the Washington Constitution, guarantee the right to assistance of counsel. Such assistance must be effective. *Strickland v. Washington*, U.S. 668, 685, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). A claim of ineffective assistance of counsel is reviewed *de novo*. *State v. White*, 80 Wn.App. 406, 410, 907 P.2d 310 (1995).

Establishing ineffective assistance of counsel requires Mr. Pitman to demonstrate his counsel's conduct fell below an objective standard of reasonableness, and prejudice resulted from that deficient performance. *State v. Klinger*, 96 Wn.App. 619, 622, 980 P.2d 282 (1999). Prejudice exists if there is a reasonable probability that, but for the errors, the result of the proceeding would have been different. *Strickland*, 466 U.S. at 687.

#### 1. Failure to Contact And Interview An Alibi Witness

Failure to conduct a reasonable investigation enabling counsel to make informed decisions about how to best represent a client can constitute ineffective assistance of counsel. *In re Davis*, 152 Wn.2d 647, 721-22, 101 P.3d 1 (2004). "This includes investigating all reasonable lines of defense, especially 'the defendant's most important defense'." *In re Elmore*, 162 Wn.2d 236, 253, 172 P.3d 335 (2007) (internal citations omitted). Simply put, defense counsel has an obligation to provide "factual support for the defense where such corroboration is available.

Not pursuing such corroborating evidence with an adequate pretrial investigation may, under certain circumstances, establish constitutionally deficient performance.” *In re Davis*, 152 Wn.2d at 739. (internal citations omitted).

Here, Mr. Pitman maintained that he was not the individual who drove the motorcycle on the night in question. After trial, but prior to sentencing, Mr. Pitman filed several affidavits from friends and family. One affiant, Kara Happy, detailed that on the night in question Mr. Pitman was with her, playing ping-pong.

An attorney representing a criminal defendant has the right and the duty to interview and examine a witness whose testimony may be helpful in determining the guilt or innocence of the defendant. *State v. Burri*, 87 Wn.2d 175, 181, 550 P.2d 507 (1976). Here, the affiant stated that she had given her contact information to Mr. Pitman to give to his attorney, as well as personally left several messages for the attorney. Neither the attorney nor anyone from the public defender’s office returned her telephone calls.

If defense counsel’s trial conduct can be characterized as legitimate trial strategy or tactics, then it cannot serve as a basis for a claim that the defendant received ineffective assistance. *State v. Adams*, 91 Wn.2d 86, 90, 584 P.2d 1168 (1978). However, a criminal defendant

has the right to offer the testimony of his or her witnesses in order to establish a defense. *Washington v. Texas*, 388 U.S. 14, 19, 87 S.Ct. 1920, 18 L.Ed.2d 1019 (1967); *State v. Cheatam*, 150 Wn. 2d 626, 648, 81 P.3d 830, 841 (2003).

In *Byrd*, the reviewing court found a possible ineffective assistance based on failure to conduct an appropriate investigation. *State v. Byrd*, 30 Wn.App. 794, 799, 638 P.2d 601 (1981). There, a neighbor heard the victim and defendants Byrd and Miller enter an apartment where an alleged rape occurred. Co-defendant Miller argued that the neighbor could have contradicted the victim's account that she was taken to the apartment by force. Defense counsel failed to contact the neighbor, even though defendant provided the name and contact information to counsel. Miller submitted the neighbor's affidavit in support of his personal restraint petition. *Id.*

While the decision to call a particular witness is presumed to be a matter of trial strategy, such a presumption can be overcome by a showing that counsel failed to investigate or subpoena a necessary witness. *In re Davis*, 160 Wn. App. at 595-96. Similar to *Byrd*, the attorney here did not contact or interview Ms. Happy, who would have testified on behalf of Mr. Pitman. Ms. Happy was *the* alibi witness in a case that hinged on

identity. She was a crucial witness for Mr. Pitman's defense of mistaken identity.

The reasonableness of counsel's challenged conduct must be viewed in light of all the circumstances, on the facts of the particular case as of the time of counsel's conduct. *Strickland*, 466 U.S. at 689-90. Here, the State's case rested entirely on the testimony of two officers. To not interview or even return the telephone calls of an alibi witness, was not reasonable in light of the State's case.

A lawyer's performance is deemed deficient if he has made errors so serious that he was not functioning as the counsel guaranteed to the defendant by the Sixth Amendment. Prejudice requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, that is, a trial whose results are reliable. *Strickland* 466 U.S. at 687. Here, there can be no question that counsel's failure to contact, interview, and call an alibi witness undermines confidence in the trial outcome. Here, but for counsel's deficient performance there was a reasonable probability the result of the proceedings would have been different. A new trial is the remedy.

## 2. Failure to Utilize An Investigator or Expert Witness.

In his motion for a new trial, Mr. Pitman argued through counsel that at the very least, an investigation should have been conducted before

trial at the scene of the alleged incident. (CP 60). Because the State's case rested solely on the observations of the two witnesses made under poor lighting with the subject's face mostly covered by a helmet, an investigator could have been very helpful in presenting information on identification under such conditions.

The motion further stated that retention of an eyewitness identification expert in a case such as this one was customary practice. (CP 61). The *A.N.J.* Court analyzed the issue of defense counsel doing a proper investigation in the context of advising the defendant whether or not to plead guilty. *State v. A.N.J.*, 168 Wn.2d 91, 225 P.3d 956 (2010). The court held that "depending on the nature of the charge and the issues presented, effective assistance of counsel may require the assistance of expert witnesses to test and evaluate the evidence against a defendant." *Id.* at 112. As outlined above, there were many factors that an expert could have addressed: lighting, cross-racial identification, certainty versus accuracy, and the frequency of misidentification when headgear is worn.

Failure to present an expert to assist the trier of fact in understanding the scientific factors that affect the identification process and make it unreliable, was deficient performance. Mr. Pitman's opportunity to present a full and vigorous defense was hampered by

counsel's failure to investigate witnesses and present expert testimony to assist the trier of fact.

C. The Trial Court Erred In Denying Mr. Pitman's Motion For A New Trial, Based Upon An Unfair Trial In Which Substantial Justice Was Not Done.

Under CrR 7.5, a court may grant a new trial when it appears that substantial justice has not been done. *State v. Dawkins*, 71 Wn.App. 902, 906, 863 P.2d 124 (1993). The abuse of discretion standard applies when reviewing the granting of a new trial based upon ineffective assistance of counsel. *State v. Blight*, 150 Wn.2d 475, 478, 273 P.751 (1929). Based on the above arguments, Mr. Pitman argues his trial was unfair and failed to provide substantial justice.

In the trial court's decision on the motion for a new trial, the court discussed the complications of eye witness testimony and then stated,

“And I found it compelling that they [police officers] were so certain on the scene that it was Mr. Pitman that they didn't even ask the person sitting on the motorcycle for identification, something that they could have done to have him identify himself. And to me, that became the confirmation of the testimony that I'm always looking for, you know, even when I have something undisputed.” RP 237.

A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds or reasons. *State ex re. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971). The issue

before the court was whether Mr. Pitman received ineffective assistance of counsel because the alibi witness was never interviewed and counsel did not retain an expert to assist the court in weighing the identification testimony. The court rendered its decision based on its belief that the officers were “100 percent convinced” the motorcyclist was Mr. Pitman. RP 23-37. This is an abuse of discretion. Mr. Pitman was entitled to effective assistance of counsel for his defense, and the court’s denial of the motion for a new trial was based on an untenable reason.

#### IV. Conclusion

Based on the foregoing facts and authorities, Mr. Pitman respectfully asks this Court to reverse his conviction for insufficiency of the evidence, and dismiss with prejudice. In the alternative, he requests that this Court find he received ineffective assistance of counsel, in violation of his Sixth Amendment rights, and order a new trial.

Submitted this 28<sup>th</sup> day of May 2013.

s/Marie Trombley  
WSBA 41410  
Attorney for Fredrick Pitman  
PO Box 829  
Graham, WA 98338  
509-939-3038  
Fax: 253-268-0477  
Email: [marietrombley@comcast.net](mailto:marietrombley@comcast.net)

CERTIFICATE OF SERVICE

I, Marie J. Trombley, attorney for Appellant Fredrick Pitman, do hereby certify under penalty of perjury under the laws of the United States and the State of Washington, that a true and correct copy of the Appellant's Brief was sent by first class mail, postage prepaid on May 28, 2013 to: Fredrick S. Pitman, 2311 W. 16<sup>th</sup> Ave Lot 229, Spokane, WA 99224; and by email per agreement between the parties to: Mark E. Lindsey, Spokane County Prosecutor at [kowens@spokanecounty.org](mailto:kowens@spokanecounty.org).

s/Marie J. Trombley  
WSBA 41410  
PO Box 829  
Graham, WA 98338  
509-939-3038  
Fax: 253-268-0477  
[marietrombley@comcast.net](mailto:marietrombley@comcast.net)