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June 18, 2013  
Court of Appeals  
Division III  
State of Washington

NO. 31289-5-III

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COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

RESPONDENT,

v.

STEPHEN JASPER HOSSZU,

APPELLANT.

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BRIEF OF RESPONDENT

---

D. ANGUS LEE  
PROSECUTING ATTORNEY

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**I. IDENTITY OF RESPONDENT**

The State of Washington, represented by the Grant County Prosecuting Attorney's Office, is the Respondent herein.

**II. RELIEF REQUESTED**

Reversal is not warranted and Appellant's convictions must be affirmed.

**III. ISSUES**

1. Whether the trial court erred in finding that Appellant's offer of proof regarding alleged past behavior of the victim was irrelevant.
2. Whether the trial court's refusal to admit Appellant's proffer of alleged past behavior of the victim deprived the Appellant of a fair trial.

**IV. STATEMENT OF THE CASE**

The Appellant, Stephen Hosszu, and the victim, Sally V., lived across and one house down from each other on Dale Street in Moses Lake for approximately two and a half years prior to the incident of July 29, 2011. RP 92. Mr. Hosszu and his wife Joanne

were occasional visitors at Ms. V.'s home and possessed a key to take care of Ms. V.'s plants and mail during those times that she was away. *Id.* However, their relationship was casual; they did not socialize or go places together. RP 92.

Ms. V. testified that the Hosszus always came to her front door, and either knocked or rang the bell. RP 94. They would not normally come in, sometimes just having an item to drop off. RP 95. Ms. V. estimated that Mr. Hosszu and his wife had been in her home approximately three times. RP 138. According to Ms. V., neither of the Hosszus had ever entered her home through either of the two garage doors which were the only other means of entry to her home. RP 94, 93, 184.

On the afternoon of Friday, July 29, 2011, Ms. V. was in her kitchen, making jam. RP 95. She was wearing a bathing suit under a pair of shorts and a t-shirt. *Id.* Her kitchen had a door leading to an attached garage. RP 94. The garage had both a back door to her backyard, and a garage door which, like her front door, faced Dale Street. RP 93, 184.

Ms. V. testified that on the afternoon of July 29, 2011, her garage door was partially open approximately three feet to allow her dog to get in and out, and that her kitchen door to the garage

was also open to get in some of the air and breeze. RP 95. Ms. V. was startled when she looked up and saw Mr. Hosszu at the threshold of her kitchen, having gained access through her garage. RP 140, 175. Mr. Hosszu had not been invited over, nor had he ever been told that he could just “drop by.” RP 140.

Mr. Hosszu had ostensibly come by to bring Ms. V. a coffee can of pens and pencils which he and his wife had come across while cleaning. RP 141, 241. Ms. V. taught third grade with the Moses Lake School District, but had not been teaching that summer. RP 91, 141. Both Ms. V. and Mr. Hosszu testified that Ms. V. had never requested school supply donations. RP 162, 242. Mrs. Hosszu testified that she had. RP 278.

Mr. Hosszu placed the can of pencils down, and Ms. V. said “thank you.” RP 142, 141. She did not invite Mr. Hosszu to stay. RP 142. After he had placed the can on the counter, Mr. Hosszu came up behind Ms. V., placed his right hand on her right shoulder, put his left hand down her shorts, and inserted his middle finger up to the knuckle into Ms. V.’s vagina. RP 142. This lasted for approximately four to five seconds. RP 143. Ms. V. was shocked and concerned about her physical well-being having had a level two back fusion approximately one month earlier. *Id.* Ms. V. is 4’9” and

weighs 96 pounds. RP 144. Mr. Hosszu is 6' and weighs 160 pounds RP 163. After Mr. Hosszu removed his finger from her vagina, Ms. V. backed away from him. RP 144. It was then that she observed Mr. Hosszu with his eyes closed and his finger in his mouth. RP 144. At some time during this incident, Mr. Hosszu made the statement "[y]ou're going to make me cream in my shorts." RP 142, 144.

Ms. V. backed out of her kitchen, going into the garage on her way to her backyard. RP 144. In the garage, she turned and saw that Mr. Hosszu was about two and a half feet behind her. RP 145. Mr. Hosszu's pants were unzipped and his penis was erect. *Id.* Mr. Hosszu made various statements to Ms. V. at this time, two of which she recalled were "come and lick me, I know you want to," and a statement to the effect that if Ms. V. didn't have her "damn dog," Mr. Hosszu would be over to "do her" at 3 a.m. *Id.* Ms. V. repeatedly asked Mr. Hosszu to leave and to get out. *Id.* However, Mr. Hosszu continued to approach Ms. V., who went out of the garage, through the gate, and around to her front yard. RP 145, 146, 178, 180. Mr. Hosszu then left, walking past Ms. V. and telling her that he'd be back. RP 146.

Ms. V. testified that the entire occurrence lasted for about five to six minutes, and that she experienced shock, disbelief, and fear during the incident. RP 146. Afterwards Ms. V. took a shower and went to a previously scheduled Habitat for Humanity Committee applicant interview. RP 146.

On Monday, August 1, 2011, Ms. V. was again in her kitchen with the garage door partially open and her kitchen door ajar. She testified that she intended to be there only briefly, and that she felt that she "should be able to have my garage door open." RP 147. Again, Ms. V. turned and saw Mr. Hosszu at the threshold of her kitchen. *Id.* Again Mr. Hosszu was ostensibly bringing Ms. V. school supplies, on this occasion, adding machine tapes. RP 161. Ms. V. told Mr. Hosszu to just put the items down and leave, but he did not. RP 162. Ms. V. then left her house via the garage door and stood in her front yard, yelling at Mr. Hosszu to get out of her house. RP 162, 164. Mr. Hosszu exited Ms. V.'s home two to three minutes later and told her that his wife usually went to Kiwanis on Mondays, but that she was sick that day, and had been unable to go. Mr. Hosszu told Ms. V. that if she (Mrs. Hosszu) had been able to go (to Kiwanis), that he would stay and "do her." RP 163. Ms. V. took this to mean to have sex with her. *Id.* Ms. V.

could not remember whether or not she had told Mr. Hosszu on this occasion that she would call the police, but did recall that she had told him that on July 29<sup>th</sup>, when the rape had occurred. RP 163.

On Monday, August 1, 2011, Ms. V. told her boyfriend, Donald Key, that Mr. Hosszu had made her feel uncomfortable and informed him that Mr. Hosszu had engaged in both inappropriate behavior and language. RP 165, 188. Both Ms. V. and Mr. Key testified that their relationship had been a good one at the time of this incident. RP 165, 187. According to Mr. Key, when Ms. V. first told him of the incident, she was standoffish, distraught, and visibly trembling. RP 202. Mr. Key then went to Mr. Hosszu's home and asked him to step out onto the pathway to talk. RP 188. According to Mr. Key, Mr. Hosszu's initial response to Mr. Key's request to talk was "why, sure." *Id.* However when Mr. Key specifically asked Mr. Hosszu about his last interaction with Ms. V., Mr. Hosszu's head was pointed down ward, and there "was not a lot of eye contact." RP 189. Mr. Hosszu related to Mr. Key that he had taken adding machine tapes over to Ms. V.'s home. *Id.* Mr. Key then told Mr. Hosszu that Ms. V. had told him in graphic detail what had occurred that morning (sic), and that until Mr. Key heard differently, Mr. Hosszu was not welcome at Ms. V.'s home. RP 190. Mr. Key did

not recall any verbal response on the part of Mr. Hosszu, but rather recalled that Mr. Hosszu had turned and returned to his home. *Id.* Mr. Key then had further contact with Ms. V., who told him that Mr. Hosszu had a key to her home. RP 191, 165. Mr. Key returned to Mr. Hosszu's home and told him that he needed Ms. V.'s key. RP 191. Mr. Key testified that he did not recall any verbal exchange during this incident, but rather that Mr. Hosszu just brought him the key. *Id.* After this final contact with Mr. Hosszu, Ms. V. provided Mr. Key with additional details of what had transpired and was crying while she did so. RP 202.

It was also on Monday, August 1, 2011, that Ms. V. reported the July 29, 2011, incident to law enforcement. RP 164. She testified that she had waited until Monday because she felt scared and ashamed. *Id.* Moses Lake Police Department Detective Juan Rodriguez had contact with Ms. V. on August 2, 2011. RP 204, 205. When Ms. V. provided him with the details of the incident and the ensuing contact, he noticed that she was nervous, very emotional, and crying. RP 206. Detective Rodriguez initially went to Ms. V.'s home to take photographs, and then went to Mr. Hosszu's home to contact him. *Id.* Detective Rodriguez asked Mr. Hosszu if he had taken adding machine tapes to Ms. V., and Mr.

Hosszu said that he had. RP 207. The detective then told Mr. Hosszu that he needed to come down to the department to talk a little further. *Id.* Mr. Hosszu agreed and he was transported by a patrol vehicle to the department. *Id.*

At the police department, Mr. Hosszu was interviewed and videotaped by Detective Rodriguez. RP 210-216. At the conclusion of that interview, Mr. Hosszu was placed under arrest for rape. RP 217. After his arrest, Mr. Hosszu called his wife to explain the situation, and according to Detective Rodriguez, made the statement "I made a mistake, I put my hand on Sally's vagina." RP 218.

Mr. Hosszu testified that on July 29, 2011, he had taken pens and pencils over to Ms. V.'s home. RP 241. He stated at trial that he had knocked on the door and rang the doorbell, although he admitted that at the interview conducted four days after the incident, he had told Detective Rodriguez that he could not remember how he had entered Ms. V.'s home. RP 242.

According to Mr. Hosszu, he had removed one of the pencils to show to Ms. V. because it was unusual. RP 243. Mr. Hosszu testified that Ms. V. then told him that it (the pencil) "looked like Don's penis." *Id.* At some point Mr. Hosszu then placed his hand

on Ms. V.'s scapula and asked her, "is this what you missed?" RP 244, 245. Ms. V. then responded "yes," in what Mr. Hosszu described as "a wanting, seductive way." RP 245.

Mr. Hosszu testified that while he had put his hand on Ms. V.'s vaginal area, he had not penetrated her. RP 245. However when interviewed by Detective Rodriguez four days after the incident, he told him that he did not remember whether or not he had penetrated Ms. V. RP 258. Mr. Hosszu testified that after he had placed his hand on the outside of Ms. V.'s vagina, Ms. V. had pushed her vagina into him, he had stepped back, and that he had "immediately pulled my hand away as though it was burned. At that point I says, no, this is unright – not right, it's dirty, unclean, foul (sic)." RP 246, 245.

Mr. Hosszu testified that he did not recall whether or not Ms. V. asked him to leave, but that he had left of his own accord, and did so by going under the garage door. RP 246.

Mr. Hosszu testified that he had returned to Ms. V.'s home on Monday, August 1<sup>st</sup> to take her adding machine tape which he and his wife had come across in their cleaning. RP 248. According to Mr. Hosszu, he had told Ms. V. that his wife was ill and would not be going to Kiwanis so that she would not wonder why she didn't

see him driving Mrs. Hosszu at the regular time. RP 249, 250.

According to Mr. Hosszu, it was on August 1<sup>st</sup>, that he spoke to Ms. V. and “I told her that, I told her, no way, nowhere, no how, no anything of any kind of sex or anything else to do with her any place anytime, anywhere.” RP 249. According to Mr. Hosszu, he then walked out of Ms. V.’s garage, and told her “bye, and see you.” RP 249.

Mr. Hosszu testified that he had not told Detective Rodriguez about Ms. V.’s consent to the act that occurred on July 29<sup>th</sup>, because he “wanted an ace in the hole in case anything would be coming up.” RP 252. Mr. Hosszu testified that he didn’t know why he’d been taken to the police station and that he didn’t trust the cops. *Id.* According to Mr. Hosszu, he’d been told by the cops that they wanted to question him about some adding machine tapes, and he didn’t tell Detective Rodriguez what had transpired because he thought that he was there to talk about the tapes. RP 253. Mr. Hosszu didn’t feel that it was necessary to question the detective about the reason that they wanted to talk to him about the adding machine tapes as he (Mr. Hosszu) was getting information about what was going on by listening. RP 262, 263.

Regarding the initial incident of July 29, 2011, Mr. Hosszu testified that his penis had never been outside of his shorts. However, Mr. Hosszu admitted that when he had been interviewed by Detective Rodriguez, four days after the incident, he had told the detective that he could not remember whether or not his penis had been outside his shorts. RP 246, 247, 290.

Mr. Hosszu had not questioned Mr. Key's retrieval of Ms. V.'s key because he felt that he had no say in the matter. RP 265.

Ms. V. had testified that the last time that she had seen the Hosszus prior to the incident of July 29, 2011, was the night of July 28, 2011. RP 139. Ms. V. testified that she had not invited the Hosszus over, she had not asked them to stay, and that the entire incident lasted less than half an hour. *Id.*

Joanne Hosszu also testified that she and her husband had gone to Ms. V.'s on July 28<sup>th</sup> in response to a call from Mr. Key. RP 276. According to Mrs. Hosszu, Ms. V. was hospitable during their one and a half hour visit. *Id.*

Ms. V. testified that she had had no contact with Mr. Hosszu since the August 1, 2011, encounter. RP 165. She testified that she had never been in a relationship with Mr. Hosszu, nor had she ever been intimate with him. *Id.* When asked if she had ever

expressed any desire to be intimate with Mr. Hosszu, she answered “absolutely not.” *Id.* Ms. V. stated that she had never said anything of an intimate nature to Mr. Hosszu, nor had she ever indicated that she wanted any type of sexual contact with him. RP 142.

Before trial began, counsel for Mr. Hosszu filed a Motion to Admit Evidence of Victim’s Past Behavior Pursuant to ER 412. CP 22-23. Appellant’s offer of proof consisted of the following:

Defendant’s wife Joanne Hosszu and Defendant if he chooses to testify will testify to the following: Within a few days before the incidents giving rise to the charges, Mr. and Mrs. Hosszu were called by the Defendant’s (sic) then boyfriend and asked to check on the alleged victim in this case, SV as the boyfriend was concerned for SV having not been able to communicate with her. Mr. and Ms. Hosszu had been to SV’s home before as they were neighbors, the Hosszu’s living across the street from SV. When the Hosszu’s arrived at the door, SV invited them in, saying that she (SV) needed to talk to them (Mr. and Ms. Hosszu). SV was wearing a grey bathrobe and stated she was “nude” underneath the bathrobe. SV mentioned she was nude underneath the robe at least three times. SV was continually moving her jaw back and forth and was stating that her jaw was sore as she had just given her boyfriend Don a 30 minute “blowjob”. SV also made reference to the fact that she may not have been sexually fulfilled because her boyfriend doesn’t like Viagra. During this time, SV kept opening and closing the bathrobe in what could be construed as a suggestive manner although this gesture did not reveal any intimate parts of SV’s body. SV also hugged Ms. Hosszu and said that it was nice to have someone hug her (SV’s) breasts.

CP 22-23 Motion to Admit Evidence of Victim’s Past Behavior Pursuant to ER 412 (verbatim).

## V. ARGUMENT

### A. THE TRIAL COURT DID NOT ERR IN DENYING APPELLANT'S MOTION TO ADMIT EVIDENCE OF THE ALLEGED VICTIM'S PAST BEHAVIOR.

ER 412(a) regarding Sexual Offenses—Victim's Past

Behavior in criminal cases directs one to RCW 9A.44.020 also known as the "rape shield statute."

RCW 9A.44.020 (3) provides that:

(3) In any prosecution for the crime of rape or for an attempt to commit, or an assault with an intent to commit any such crime evidence of the victim's past sexual behavior including but not limited to the victim's marital behavior, divorce history, or general reputation for promiscuity, nonchastity, or sexual mores contrary to community standards is not admissible if offered to attack the credibility of the victim and is admissible on the issue of consent only pursuant to the following procedure:

(a) A written pretrial motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the past sexual behavior of the victim proposed to be presented and its relevancy on the issue of the consent of the victim.

(b) The written motion shall be accompanied by an affidavit or affidavits in which the offer of proof shall be stated.

(c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have a direct interest in the case or in the work of the court.

ER 401 provides that “relevant evidence” means “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” In Mr. Hosszu’s case the court found that Appellant’s offer of proof was insufficient to establish relevancy and no hearing was held.

The trial court found that in a light most favorable to Mr. Hosszu, Ms. V’s alleged behavior could at most “be characterized as sexual openness.” There was no suggestion that Ms. V. “invited, encouraged, or suggested sexual contact with Defendant.” Furthermore, the court found that, even if true, none of the “circumstances, clothing, context, or comments on the day of the alleged offense were similar” to those alleged by Mr. Hosszu. And, even if true, Ms. V’s comments referenced sexual contact with her boyfriend, and as the court indicated, arguably with Ms. Hosszu. CP 24-25.

Assuming that Appellant’s proffer was accurate, Mr. Hosszu’s argument for its admission highlights the very abuses that the rape shield statute seeks to avoid. Mr. Hosszu argues that having been present at the victim’s home the night before the rape, and having observed her alleged behavior and comments, he was

led to the belief that Ms. V. was sexually open and receptive. As the trial court noted, there was no similarity between the alleged acts of the night before and the incident of the rape. (*N.B.* Appellant seems to believe that his argument would have been bolstered if the trial court had realized that the visit between Ms. V. and the Hosszus had occurred the night before, rather than having mistakenly believed that a few days had passed. BA 10. The State disputes that assertion, but would note that the court's mistaken belief came from Appellant himself. CP 22-23.) If Mr. Hosszu's assertions about Ms. V.'s behavior the night before the rape are in fact true, Ms. V. had indicated only that she was capable of making suggestive remarks, and had just recently engaged in a lengthy and unsatisfactory session of fellatio with her boyfriend. The fact that Mr. Hosszu believed that Ms. V.'s behavior the following day was "wanting" makes the determination a subjective one in the mind of the offender. One could make an argument similar to that of Mr. Hosszu's were the victim a mother of many children, a woman who had engaged in phone sex, or any woman to whom a defendant could ascribe enhanced sensuality.

The admission of prior sexual conduct is within the discretion of the trial court and is reviewed for abuse of discretion. *State v.*

*Gregory*, 158 Wn.2d 759, 783, 147 P.3d 1201 (2006), *State v. Harris*, 36 Wn.App. 746, 677 P.2d 202 (1984). In *State v. Morley*, 46 Wn.App. 156, 159, 730 P.2d 687 (1986), the court found that statements of the defendant's fiancée about statements made by the victim regarding prostitution were inadmissible. The court in *Morley* stated that there must be a "particularized factual showing." (quoting *State v. Hudlow*, 99 Wn.2d 1, 659 P.2d 514 (1983)). In *State v. Kalamarski*, 27 Wn.App. 787, 620 P.2d 1017 (1980), the court found that one consensual act between the defendant and the victim having occurred some 18 months previously was too remote. The court in *Gregory* quoting *Hudlow*, 99 Wn.2d at 11, stated "[f]actual similarities between prior consensual sex acts and the questioned sex acts claimed by the defendant to be consensual would cause the evidence to meet the minimal relevancy test of ER 401. However, the factual similarities must be particularized, not general." *Gregory*, 158 Wn.2d at 784, (cites omitted.) In *State v. Posey*, 161 Wn.2d 638, 167 P.3d 560 (2007), the trial court properly excluded an e-mail written by a rape victim as evidence that the victim would have consented to violence and rape. The e-mail was not addressed or sent to the defendant, and described only potential sexual misconduct and potential sexual mores. *Id.*

Appellant can show nothing in his offer of proof that specifically relates to him, or to any indication that the victim, Ms. V., wanted any sexual interaction with him in any manner. Mr. Hosszu can show no particularized factual similarities between the events of July 28, 2011, and July 29, 2011. Furthermore, Ms. V. had not asked Mr. Hosszu over, she did not ask him to stay, and there is simply no indication in Appellant's allegations that Ms. V. indicated any type of sexual desire directed towards him.

In *Gregory*, the court noted that:

"[a] related purpose that is evident from the plain language of RCW 9A.44.020(d) (is) to eliminate prejudicial evidence that has little, if any, relevance to the issues of credibility or consent. The statute clearly contemplates that where there is a substantial danger or undue prejudice to the truth finding process, such evidence will be excluded. *Hudlow*, 99 Wn.2d at 16. Such prejudice might occur if the victim's past sexual conduct 'confuse[s] the issues, mislead[s] the jury, or cause[s] [it] to decide the case on an improper or emotional basis.' *Id.* at 14." *Gregory*, 158 Wn.2d at 783.

Because the evidence proffered by Mr. Hozzsu had no relevance as to the events that transpired on the afternoon of July 29, 2011, and would have not assisted the trier of fact in making its determination, the court properly denied Mr. Hosszu's motion to admit irrelevant evidence which could only serve to besmirch the mores of Ms. V.

B. THE TRIAL COURT'S REFUSAL TO ADMIT THE APPELLANT'S PROFFER DID NOT DEPRIVE HIM OF A FAIR TRIAL, AS APPELLANT HAD THE OPPORTUNITY TO PRESENT EVIDENCE AND TO CONFRONT AND CROSS-EXAMINE THE ADVERSE WITNESS.

As stated above, Mr. Hozzsú fails to show the relevance of that which he alleges that Ms. V. did and said the night before the rape. A trial court does not deny a defendant his or her right to present evidence in his or her defense and to confront and cross-examine adverse witnesses when it determines that the probative value of the evidence of the victim's alleged past sexual behavior is outweighed by its prejudicial effect and denies its admission.

*Hudlow*, 99 Wn.2d at 15. In *Gregory*, 158 Wn.2d at 786, the court held that the application of RCW 9A.44.020 to prevent the introduction of irrelevant evidence violated neither the defendant's Sixth amendment constitutional right nor his Wash.Const. art. 1, § 22 right to present a consent defense. *Id.* citing *State v. Mounsey*, 31 Wn.App. 511, 643 P.2d 892, review denied, 97 Wn.2d 1028 (1982).

Mr. Hosszu was afforded the opportunity to fully cross-examine Ms. V. about the event occurring on the afternoon of July 29, 2011. Furthermore, he himself testified about the victim's alleged desire to consensually engage in sexual contact with him.

Were the jury to have heard the remarks that Ms. V. allegedly made to both of the Hosszus the night before the rape, those remarks would have done nothing to support Mr. Hosszu's argument that Ms. V. consented to having sexual relations with him, and would not have assisted the trier of fact in making that determination, but would have rather admitted past alleged sexual behavior of the victim for the very reason the rape shield statute was created to prevent.

#### C. APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS.

Appellant submitted a Statement of Additional Grounds for Review alleging that the prosecutor was ordered to obtain a second interview of his wife to support his allegations regarding the victim's behavior on the night of the 28<sup>th</sup>; to address medication usage by the victim; and alleging that the prosecutor and detective were reprimanded by the court after the jury's verdicts were returned.

Without citation to the record, it is not possible to respond to Appellant's assertion regarding the court's directions and statements.

Similarly without any specificity or argument as to the relevance of Ms. V.'s medication usage, or reference to the record,

it is not possible to respond to Mr. Hosszu's generalized statements.

As to the alleged sexual behavior of the victim on the night before the rape took place, Mr. Hosszu raises no additional assertions not raised in his Motion to Admit Evidence of Victim's Past Behavior Pursuant to ER 412 filed pre-trial and considered and rejected by the trial court. CP 22-23, CP 24-25. In fact, Mr. Hosszu's statements regarding Ms. V's behavior on July 28, 2011, only reinforce the court's ruling as to the irrelevancy of the proffered evidence. In his statement, Mr. Hosszu makes no reference to any alleged sexual behavior or statements of the victim specific to himself, but merely argues the alleged sexual promiscuity of Ms. V. As the court stated in its ruling denying the admission of such evidence, "(t)he proffered evidence amounts to 'she was asking for it.' Even if that were true, nothing in the offered evidence suggests SV was asking the *defendant* for sexual conduct." (Emphasis in the original). CP 24-25.

VI. CONCLUSION

Based upon the foregoing, the State respectfully requests this Court deny Appellant Hosszu's appeal and affirm his convictions.

Dated this 17<sup>th</sup> of June, 2013.

Respectfully submitted:

D. ANGUS LEE, WSBA #36473  
Grant County Prosecuting Attorney

  
\_\_\_\_\_  
Carole L. Highland, WSBA #20504  
(Deputy) Prosecuting Attorney

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION III

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	No. 31289-5
	)	
vs.	)	
	)	
STEPHEN JASPER HOSSZU,	)	DECLARATION OF SERVICE
	)	
Appellant.	)	
_____		

Under penalty of perjury of the laws of the State of Washington, the undersigned declares:

That on this day I served a copy of the Brief of Respondent in this matter by e-mail on Andrea Burkhart, attorney for Appellant, receipt confirmed, pursuant to the parties' agreement:

Andrea Burkhart  
[Andrea@BURKHARTANDBURKHART.COM](mailto:Andrea@BURKHARTANDBURKHART.COM)

That on this day I hand delivered to the Grant County Sheriff's Office for delivery to Appellant an envelope containing a copy of the Brief of Respondent in the above-entitled matter.

Stephen Jasper Hosszu  
c/o Grant County Jail  
Law and Justice Center  
Ephrata WA 98823

Dated: June 18, 2013.

  
\_\_\_\_\_  
Kaye Burns