

FILED

September 23, 2014

Court of Appeals
Division III
State of Washington

NO. 31433-2-III

COURT OF APPEALS

STATE OF WASHINGTON

DIVISION III

STATE OF WASHINGTON,

Plaintiff/Respondent,

V.

TERREK TREMAIN CORBIN,

Defendant/Appellant.

APPELLANT'S BRIEF

Dennis W. Morgan WSBA #5286
Attorney for Appellant
P.O. Box 1019
Republic, Washington 99166
(509) 775-0777

TABLE OF CONTENTS

TABLE OF AUTHORITIES

TABLE OF CASES	ii
STATUTES	ii
RULES AND REGULATIONS	ii
ASSIGNMENT OF ERROR	1
ISSUE RELATING TO ASSIGNMENT OF ERROR	1
STATEMENT OF THE CASE	1
SUMMARY OF ARGUMENT	8
ARGUMENT	8
CONCLUSION	18
APPENDIX “A”	
APPENDIX “B”	
APPENDIX “C”	

TABLE OF AUTHORITIES

CASES

Jackson v. Virginia, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed.2d 590 (1979)
..... 11

State v. Baylor, 17 Wn. App. 616, 565 P.2d 99 (1977) 17

State v. Carter, 154 Wn.2d 71, 109 P.3d 823 (2005) 12

State v. Green, 94 Wn.2d 216, 616 P.2d 628 (1980) 12

State v. Holcomb, 180 Wn. App. 583 (2014)..... 14

State v. McChristian, 158 Wn. App. 392, 241 P.3d 468 (2010)..... 16

STATUTES

RCW 9A.04.100(1)..... 17

RCW 9A.08.020(3)..... 14

RCW 9A.32.030(1)..... 8

RULES AND REGULATIONS

CrR 3.6..... 5

ASSIGNMENT OF ERROR

1. The State failed to establish each and every element of accomplice liability with regard to Counts 1, 2 and 3 of the Amended Information. (CP 1)

ISSUE RELATING TO ASSIGNMENT OF ERROR

1. Did the State fail to establish, beyond a reasonable doubt, that Terrek Tremain Corbin was an accomplice to the charged offenses?

STATEMENT OF CASE

Mark Wallace and his son, Brandon Wallace, were selling marijuana from their residence at 1811 South 10th Avenue in Yakima. (RP 437, ll. 5-6; RP 438, ll. 17-25; RP 451, l. 22 to RP 452, l. 2)

On October 24, 2010 the Wallace family heard a knock on the front door. Brandon Wallace answered the door. When he opened the door a gun was shoved in his face. He was told to get down. (RP 440, ll. 12-13; ll. 20-24; RP 441, ll. 1-3; RP 456, ll. 13-20; RP 457, ll. 1-2)

Three (3) individuals entered the home. At least two (2) of them were black. They all had guns. Brandon Wallace was hit in the head with the gun and he fell to the floor. (RP 457, ll. 10-13; ll. 21-25; RP 459, ll. 9-15; RP 461, ll. 4-7; ll. 12-13)

Mark Wallace, who was in bed, jumped up and went to the living room. His wife, Corey Wallace heard a gunshot. The gunshot occurred immediately after he entered the living room. He was shot in the chest and later died at a hospital. (RP 436, ll. 10-13; RP 441, l. 5; ll. 16-20; RP 442, ll. L6-13; RP 462, ll. 4-22)

The three (3) individuals then ran out the door following the shooting. Brandon Wallace provided descriptions to the police. Two (2) of the men were wearing bandanas. The third had on a Halloween-type mask. The shooter was wearing a black hoodie with a lighter colored swirl on the sleeve. No one was wearing a hat. (RP 460, ll. 5-14; RP 461, ll. 8-17; RP 463, ll. 6-12; RP 472, ll. 3-16; RP 527, ll. 17-18)

Detective Sanchez of the Yakima Police Department responded to the scene. He found an expended cartridge and a spent bullet on the living room floor. (RP 529, ll. 20-21; RP 534, ll. 15-22)

The next day, Richard Klise, a janitor at the Southeast Community Center, located a coat, hat and gun in a dumpster. Law enforcement was contacted and the items were taken into evidence. A black handker-

chief/bandana was found in the pocket of the hoodie. (RP 620, ll. 20-21; RP 623, ll. 13-15; RP 632, ll. 7-18)

Community Corrections Officer (CCO) McLean was at the Yakima Police Department when the officers were examining the evidence. He had been supervising Mr. Corbin since September 2010. He took a photo of him on September 14. When he saw the coat he believed it was Mr. Corbin's. (RP 644, ll. 2-5; ll. 8-12; ll. 20-23; RP 646, l. 13 to RP 647, l. 3)

An arrest warrant had been issued for Mr. Corbin prior to October 24. He failed to remain in contact with CCO McLean. Mr. Corbin called Mr. McLean on November 2 because he heard that he was a suspect in a murder investigation. (RP 358, ll. 8-19; RP 363, ll. 1-10; RP 365, ll. 1-10)

Mr. Corbin was later arrested in King County. He was transported to Yakima County where he was interviewed by Detective Deloza. The interview was recorded on video. (Exhibit 258; RP 754, l. 8 to RP 790, l. 16)

A pre-trial motion in limine limited the portions of the video interview that could be played for the jury. During the interview Mr. Corbin made the following statements:

- "I was on the run." (RP 231, l. 10; RP 755, l. 8)

- “I was already on the run prior to this.” (RP 233, ll. 20-22; RP 757, ll. 18-19)
- “I’m just here to clear my name.” (claiming an alibi). (RP 757, ll. 21-22; RP 758, ll. 23-25)
- “... that’s when I was on the run from the law.” (RP 759, l. 6)
- “I was on the run.” (RP 761, ll. 21-23)

Mr. Corbin believed that the clothes in the photo taken by Mr. McLean had been stolen when he was living in Shoreline. He indicated that any of his friends could have worn the jacket. (RP 763, ll. 18-23; RP 765, ll. 2-5)

Mr. Corbin offered to give a DNA sample. He denied that his DNA would be on a gun. (RP 765, ll. 12-14; RP 774, ll. 19-24)

Near the end of the interview Mr. Corbin stated: “All bullshit aside, but all that other stuff, guns and masks or gloves or anything of that nature, I don’t, you know what I’m saying.” (RP 790, ll. 13-15; RP 1014, ll. 13-15)

An Information was eventually filed on May 25, 2011. Mr. Corbin was charged with one (1) count of first degree premeditated murder, one (1) count of second degree assault with a deadly weapon, one (1) count of

first degree burglary, and three (3) counts of attempted first degree robbery. All counts carried a firearm enhancement. (CP 18)

An Amended Information was filed on June 6, 2011 changing Count 1 to first degree felony murder based upon either first degree burglary or attempted first degree robbery. All other counts remained the same.

Multiple continuances occurred until trial finally commenced on November 6, 2012. (CP 21; CP 24; CP 26; CP 28; CP 29; CP 30; CP 32; CP 33; CP 34; CP 35; CP 36)

A CrR 3.6 hearing was conducted concerning telephone calls from the jail. The trial court limited the telephone calls to specific portions that were played for the jury. The pertinent portions are:

- “Bang” refers to a gun. (RP 299, ll. 19-24; RP 346, ll. 8-14; RP 854, ll. 4-10; RP 857, ll. 20-24)
- “Licks” and “jacking” refer to robbery. (RP 320, l. 16; RP 325, ll. 19-25; RP 856, ll. 5-18)
- “They have everything they’re ever going to have.” (RP 329, l. 3; RP 329, l. 8 to RP 330, l. 5; RP 332, ll. 12-20; RP 859, ll. 17-19)
- “... front liner in this;” “... the sacrificial person” (RP 334, ll. 7-8; RP 334, l. 17 to RP 337, l. 22; RP 341, ll. 9-18;

RP 858, l. 25 to RP 859, l. 4)

The State was also allowed to present a rap song which Mr. Corbin sang during one of the telephone calls:

*Feel me in the street because I'm here with
a pistol and I ain't never been afraid of no
contract killer. Been here to lick, you better
(unintelligible) jack you then I sell it right
back to your blood.*

(PR 860, ll. 17-19)

Mr. Corbin performs rap music (Appendix "C") and often goes to Seattle in connection with his music. (RP 763, ll. 21-23; RP 893, ll. 14-17)

The gun which was recovered, along with the bullet and cartridge, were sent to the Washington State Patrol Crime Lab (WSPCL). It was determined that the bullet which killed Mr. Wallace was fired by that gun. (RP 719, ll. 18-20; RP 730, ll. 1-14)

DNA analysis was also conducted on the evidence that was recovered. There was insufficient DNA present on the hoodie. There was insufficient DNA on the gun. No ID could be established. (RP 689, ll. 2-24; RP 690, ll. 1-7; RP 691, ll. 3-21; RP 697, ll. 15-23)

A bloodstain was found on the hoodie. It came from an unknown male. No possible conclusions could be drawn as to the ownership of the hoodie. (RP 701, ll. 18-23; RP 702, ll. 18-21)

Mr. Corbin's DNA was located on the hat. It was the only DNA present. It was possible that his DNA was on the bandana since there were at least three (3) contributors to that DNA. (RP 698, l. 22 to RP 699, l. 7; RP 700, ll. 21-25)

Jennifer Dahlberg, the forensic scientist who conducted the DNA analysis, could not determine when Mr. Corbin would have had contact with the hat or where that contact may have occurred. (RP 711, ll. 7-16)

Law enforcement was unable to establish any type of linkage between Mr. Corbin, Mr. Wallace, or the Wallace residence. (RP 804, ll. 14-25)

Eric Graham, Mr. Corbin's cousin, testified that they were living together at the Livia Cardenas residence on October 24, 2010. Mr. Corbin's girlfriend, Kathy Crawford, and his daughter were also present. Mr. Corbin never left the residence on October 24. He did leave on the early morning of October 25. Mr. Corbin never returned to the residence. He left his belongings there. (RP 880, ll. 2-3; RP 881, ll. 19-25; RP 882, l. 21 to RP 883, l. 10; RP 883, l. 24 to RP 884, l. 2; RP 885, ll. 17-22; RP 889, ll. 3-13)

The jury submitted a note to the trial court concerning accomplice liability. The trial court referred the jury to its instructions. (CP 180)

The jury found Mr. Corbin guilty of first degree felony murder,

second degree assault and first degree burglary. The jury also determined that he or an accomplice was armed with a firearm as to all three (3) counts. (CP 181; CP 182; CP 183; CP 187; CP 189; CP 190)

Judgment and Sentence was entered on December 27, 2012. Mr. Corbin was sentenced to a total of seven hundred and four (704) months to be followed by thirty-six (36) months of community custody on Count 1 and eighteen (18) months on Counts 2 and 3. The underlying counts ran concurrently and the firearm enhancements consecutively. (CP 4)

Mr. Corbin filed his Notice of Appeal on January 23, 2013. (CP 197)

SUMMARY OF ARGUMENT

Under the facts and circumstances of this case, no rational trier of fact could have found each and every one of the essential elements of accomplice liability as to the offenses of first degree felony murder, first degree burglary and second degree assault.

ARGUMENT

RCW 9A.32.030 (1) provides, in part:

A person is guilty of murder in the first degree when:

- (a) ...
- (b) ...
- (c) He ... commits or attempts to commit the crime of either (1) robbery in the first or second degree, (2) ..., (3) burglary in the first degree, (4) ..., or (5) ..., and in the course of or in furtherance of such crime or in immediate flight therefrom, he ..., or another participant, causes the death of a person other than one of the participants

Count 1 of the Amended Information states:

On or about October 24, 2010, in the State of Washington, acting as a principal or an accomplice to another participant in the crime, while committing the crime of First Degree Burglary or attempting to commit the crime of First Degree Robbery, and in the course of and furtherance of that crime or in immediate flight from that crime, you or an accomplice shot Mark Wallace, not a participant in that crime, thereby causing the death of Mark Wallace.

The record reflects that the jury convicted Mr. Corbin as an accomplice. The third juror note to the trial court states:

If we believe that the defendant was involved as an accomplice, but not one of the three who entered the house, can we find him guilty of the charges brought against him?

(Appendix "A")

The phrasing of the question clearly indicates that the jury did not believe that Mr. Corbin entered the Wallace residence on October 24, 2010. However, it does reflect that they believed he was somehow involved with the events on that date.

Instruction 8 provided the jury a definition of accomplice. The State was required to prove each and every element of accomplice liability in order for it to prevail. The State failed to do so. (CP 146; Appendix “B”)

The evidence presented by the State consisted of:

- 1). A hat containing Mr. Corbin’s DNA (no individual entering the Wallace home was observed to be wearing a hat);
- 2). A black handkerchief/bandana with mixed DNA that could include Mr. Corbin;
- 3). The gun used in the murder which contained no viable DNA;
- 4). A generic hoodie which may or may not have belonged to Mr. Corbin (insufficient DNA to analyze);
- 5). A photo of Mr. Corbin taken approximately six (6) weeks prior to the murder with him wearing a similar jacket;
- 6). No specific identification of the jacket by any of the Wallace family;

- 7). No specific identification of any individual entering the Wallace home;
- 8). No evidence that Mr. Corbin solicited, commanded, encouraged, or requested another person to commit either an assault, a burglary, or a murder;
- 9). No evidence that Mr. Corbin was even present at the scene;
- 10). Mr. Corbin left the Yakima area shortly after October 24, 2010;
- 11). Speculation concerning the meaning of various words in the telephone calls and rap songs insofar as their relationship to the charged offenses;
- 12). Attempted impeachment of Mr. Corbin's alibi witness (RP 836, ll. 16-19);
- 13). Mr. Corbin's reference to "guns, masks or gloves" in the video interview.

At most, Mr. Corbin may have had some knowledge of the events occurring on October 24, 2010. The State did not connect the dots as to how Mr. Corbin acquired that knowledge. Mr. Corbin himself acknowledged that he had heard numerous rumors on the street. (RP 757, ll. 3-19; RP 758, ll. 3-5; ll.10-13; RP 769, ll. 22-24; RP 780, ll. 10-13)

The determination of whether or not the State established Mr. Corbin's complicity in the offenses is subject to the test originally announced in *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781, 61 L. Ed.2d 590 (1979):

“... [T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, *any rational trier of fact* could have found the essential elements of the crime *beyond a reasonable doubt*.”

State v. Green, 94 Wn.2d 216, 221, 616 P.2d 628 (1980).

The State failed to present any evidence of an attempted robbery. The jury found Mr. Corbin not guilty of three (3) counts of attempted first degree robbery.

The State did not present any evidence of an agreement other than the fact that three (3) individuals entered the Wallace home on the evening of October 24, 2010. None of those individuals was ever specifically identified.

... [W]here an individual who is charged with first degree murder based on the felony murder provision of the first degree murder statute has not participated directly in the commission of the predicate felony, the State must establish that he or she was an accomplice to the predicate felony in order to sustain a conviction. Only when his or her complicity in the underlying felony has been established does the coparticipant

clause of the felony murder provision of the first degree murder statute operate to impute criminal liability for the homicide committed in the course of or in the furtherance of the felony.

State v. Carter, 154 Wn.2d 71, 81, 109 P.3d 823 (2005).

The underlying felony in Mr. Corbin's case is first degree burglary.

Count 3 of the Amended Information states:

On or about October 24, 2010, in the State of Washington, acting as a principal or an accomplice to another participant in the crime, you or another participant in the crime, with intent to commit a crime against a person or property therein, entered or remained unlawfully in the building located at 1811 South 10th Avenue, Yakima, Washington, and in entering, while in, or in immediate flight from that building, you or another participant in the crime were armed with a deadly weapon, and/or in entering, while in, or in immediate flight from that building, you or another participant in the crime intentionally assaulted Brandon Wallace, Jr.

The State established that Brandon Wallace, Jr. was the victim of an assault.

The State established that the weapon used in the assault was a deadly weapon. Thus, the crime of first degree burglary was established.

What the State failed to establish is that Mr. Corbin had anything to do with that particular offense.

Again, the jury believed that Mr. Corbin was not one of the individuals who entered the residence. Therefore, it was incumbent upon the State to prove, beyond a reasonable doubt, that Mr. Corbin had entered into some type of an agreement with the three (3) individuals who did enter the Wallace home. The State did not present any such evidence.

In *State v. Holcomb*, 180 Wn. App. 583, 588 (2014) the Court stated:

And, “[t]he legislature has said that anyone who participates in the commission of a crime is guilty of the crime and should be charged as a principal, regardless of the degree or nature of his participation. Whether he holds the gun, holds the victim, keeps a lookout, stands by ready to help the assailant, or aids in some other way, he is a participant. The elements of the crime remain the same.” *State v. Carothers*, 84 Wn.2d 256, 264, 525 P.2d 731 (1974), *overruled on other grounds by State v. Harris*, 102 Wn.2d 148, 685 P.2d 584 (1984).

The State did not establish that Mr. Corbin held the gun. No one held the victim. No evidence was introduced that Mr. Corbin was acting as a lookout. No evidence was introduced that Mr. Corbin was even present.

A person is an accomplice of another person in the commission of a crime if:

- (a) With knowledge that it will promote or facilitate the commission of the crime,

- he
- (i) solicits, commands, encourages, or requests such other person to commit it; or
 - (ii) aids or agrees to aid such other person in planning or committing it; or
- (b) His conduct is expressly declared by law to establish his complicity.

RCW 9A.08.020 (3).

There is nothing in the record to indicate that the law would expressly declare that Mr. Corbin was complicit in either the offense of first degree felony murder or first degree burglary. .

As previously indicated, the State did not present any evidence that Mr. Corbin solicited, commanded, encouraged, or requested any other person to commit the crime of first degree burglary.

Washington's complicity statute, RCW 9A.08.020, provides that a person is guilty of a crime if he is an accomplice of the person that committed the crime. A person is an accomplice under the statute if, with knowledge that it will promote or facilitate the commission of the crime, he aids another person in committing it. RCW 9A.08.020. General knowledge by an accomplice that a principal intends to commit "a crime" does not impose strict liability for any and all offenses that follow. *State v. Roberts*, 142 Wn.2d 471, 513, 14 P.3d 713 (2000). Our supreme court has made clear, however, that an accomplice need not have knowledge of each element of the principal's crime to be convicted under RCW 9A.08.020; general knowledge of "the crime" is sufficient.

Roberts, 142 Wn.2d at 513 (citing *State v. Rice*, 102 Wn.2d 120, 683 P.2d 199 (1984); *State v. Davis*, 101 Wn.2d 654, 682 P.2d 883 (1984)). “[A]n accomplice, having agreed to participate in a criminal act, runs the risk of having the primary actor exceed the scope of the preplanned illegality.” *Davis*, 101 Wn.2d at 658. In other words, “an accused who is charged with assault in the first or second degree as an accomplice must have known generally that he was facilitating an assault, even if only a simple, misdemeanor assault, and need not have known that the principal was going to use deadly force or that the principal was armed.” *In re Pers. Restraint of Sarausad*, 109 Wn. App. 824, 836, 39 P.3d 308 (2001).

State v. McChristian, 158 Wn. App. 392, 400-01, 241 P.3d 468 (2010).

Initially, the State was required to establish that Mr. Corbin agreed to participate in a burglary of the Wallace residence. No evidence was presented of his involvement in the actual burglary.

Since the jury believed that Mr. Corbin was not one of the individuals who entered the residence, then he would have no knowledge of what occurred inside the residence.

The only linkage between Mr. Corbin and the events of October 24, 2010 is the hat containing his DNA. No one entering the Wallace residence wore a hat.

The murder weapon was found with the hat and a hoodie.

It was never established, beyond a reasonable doubt, that the hood-

ie was in fact Mr. Corbin's. It is difficult to believe that sufficient DNA could not be located on the hoodie to establish that it was Mr. Corbin's. The blood on the hoodie belonged to an unknown individual.

The black handkerchief/bandana located in the hoodie pocket contained mixed DNA. Mr. Corbin could not be excluded as a contributor.

Every person charged with the commission of a crime is presumed innocent unless proved guilty. No person can be convicted of a crime unless each element of such crime is proved by competent evidence beyond a reasonable doubt.

RCW 9A.04.100 (1).

As announced in *State v. Baylor*, 17 Wn. App. 616, 618, 565 P.2d 99 (1977):

In this state when it cannot be determined which of two defendants actually committed a crime, and which one encouraged or counseled, it is not necessary to establish the role of each. It is sufficient if there is a showing that each defendant was involved in the commission of the crime, having committed at least one overt act as specified in RCW 9.01.030 (superseded for offenses committed after July 1, 1976, by RCW 9A.08.020).

The State did not establish that Mr. Corbin committed any overt act in relation to any of the charged offenses. The State failed to carry its burden of proof under the facts and circumstances of the case.

CONCLUSION

The State failed to carry its burden of proof. The evidence in the case against Mr. Corbin is so slight as to be nonexistent.

Mr. Corbin respectfully requests that his convictions be reversed and the case dismissed.

DATED this 23rd day of September, 2014.

Respectfully submitted,

s/ Dennis W. Morgan
DENNIS W. MORGAN WSBA #5286
Attorney for Defendant/Appellant.
P.O. Box 1019
Republic, WA 99166
(509) 775-0777
(509) 775-0776
nodblspk@rcabletv.com

RECEIVED

12 NOV 26 PM 12:51

KIM EATON
EX OFFICIO CLERK
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR YAKIMA COUNTY

State of Washington
Plaintiff/Petitioner

NO. 11-1-00711-7

vs.

QUESTION FROM THE JURY
and COURT'S RESPONSE

Terrek Corbin
Defendant/Respondent

QUESTION FROM THE JURY:

If we believe that the defendant was involved as an accomplice, but ~~was one of the three who entered the house~~ ^{not one of the three who} entered the house, can we find him guilty of the charges brought against him?

SIGNATURE OF PRESIDING JUROR:

DATE AND TIME: 26 NOV 2012 11:35 AM Andrew Redden

COURT'S RESPONSE: (After affording all counsel/parties opportunity to be heard.)

Refer to the instructions as given

Butler & Redden
Judge

DATE AND TIME RETURNING TO JURY: 11-26-12 31433 2-000000180

(Do Not Destroy)

INSTRUCTION NO. 8

A person is an accomplice in the commission of a crime if, with knowledge that it will promote or facilitate the commission of the crime, he either:

(1) solicits, commands, encourages, or requests another person to commit the crime; or

(2) aids or agrees to aid another person in planning or committing the crime.

The word "aid" means all assistance whether given by words, acts, encouragement, support, or presence. A person who is present at the scene and ready to assist by his or her presence is aiding in the commission of the crime. However, more than mere presence and knowledge of the criminal activity of another must be shown to establish that a person present is an accomplice.

31433 2-000000146

Gangsta rap

From Wikipedia, the free encyclopedia

Gangsta rap is a subgenre of hip hop music that evolved from hardcore hip hop. The genre was pioneered in the mid-1980s by rappers such as Schoolly D and Ice-T, and was popularized in the later part of the 1980s by groups like N.W.A.^[1] After the national attention that Ice-T and N.W.A attracted in the late 1980s and early 1990s, gangsta rap became the most commercially lucrative subgenre of hip hop. Some gangsta rappers have been associated, or allegedly have ties with the Bloods or Crips gangs.^[2]

The subject matter inherent in gangsta rap has caused a great deal of controversy. Criticism has come from both left wing and right wing commentators, as well as religious leaders, who have accused the genre of promoting crime, serial killing, violence, profanity, sex addiction, homophobia, racism, promiscuity, misogyny, rape, street gangs, drive-by shootings, vandalism, thievery, drug dealing, alcohol abuse, substance abuse, disregarding law enforcement, materialism, and narcissism. The White House administrations of both George H. W. Bush and Bill Clinton criticized the genre.^[3] "Many black rappers--including Ice-T and Sister Souljah--contend that they are being unfairly singled out because their music reflects deep changes in society not being addressed anywhere else in the public forum. The white politicians, the artists complain, neither understand the music nor desire to hear what's going on in the devastated communities that gave birth to the art form," wrote journalist Chuck Philips in a review of the battle between the

Establishment and defenders of rap music.^[3] "The reason why rap is under attack is because it exposes all the contradictions of American culture ... What started out as an underground art form has become a vehicle to expose a lot of critical issues that are not usually discussed in American politics. The problem here is that the White House and wanna-bes like Bill Clinton represent a political system that never intends to deal with inner city urban chaos," Sister Souljah told Philips.^[3]

On the other hand, some commentators (for example, Spike Lee in his satirical film *Bamboozled*) have criticized gangsta rap as analogous to black minstrel shows and blackface performance, in which performers – both black and white – were made up to look African American, and acted in a stereotypically uncultured and ignorant manner for the entertainment of audiences. Gangsta rappers often defend themselves by saying that they are describing the reality of inner-city life, and that they are only adopting a character, like an actor playing a role, which behaves in ways that they may not necessarily endorse. Gangsta Rappers appears hardcore and "badder" compared to the early concepts and themes of hip-hop because they were saying what some people were afraid to say. Plenty of victims of police brutality wanted to say "fuck the police" but they were afraid to say it; they were too afraid of appearing to be anti-American or anti- government order. Though some these gangsta rappers are just painting fantasies, where they're violent and dealing drugs, a life they probably know nothing about, they are hard because they have the "balls" to tell these crazy stories even though they haven't lived it. In the "hood" perpetrating or putting on these made up personas is life-threatening but the fact that these gangsta rappers told the stories of others they were given respect for letting the world know that there existed a world outside of their "perfect" world. In this world of gangsta rap there exist the emotion and perspective of a marginalized people that are constantly overlooked and are constantly berated and belittled by society. Gangsta rap was a side effect to the various wrongdoings that were being done to Black people in underprivileged neighborhoods. The various riots that were sparked by the Rodney King beating and the acquittal of the police officers that did the beating sparked anger and outrage in a people and area that was already on the bubble. Gangsta rap acted as an outlet so these marginalized and victimized people could express themselves angrily and not in fear that they were going to be silenced for telling the truth. They used gangsta rap to tell their stories, which were not always pretty. Gangsta rap told stories of violence, hypersexuality, and drugs. Some think that presently gangsta rap is a thing of the past, however it seems to have evolved in a new form deemed trap music.^[4]

Gangsta rap	
Stylistic origins	Hip hop, hardcore hip hop
Cultural origins	Mid-1980s, United States
Typical instruments	Vocals (rapping, beatboxing), drum machine, sampler
Derivative forms	Dirty rap, mafioso rap
	Fusion genres
	G-funk, Mobb music
	Regional scenes
	Southwest hip hop, West Coast hip hop, East Coast hip hop, Southern hip hop, Midwest hip hop, Chicano rap
	Other topics
	Horrorcore

Contents

NO. 31433-2-III

COURT OF APPEALS

DIVISION III

STATE OF WASHINGTON

STATE OF WASHINGTON,)
) YAKIMA COUNTY
Plaintiff,) NO. 11 1 00711 7
Respondent,)
) CERTIFICATE OF SERVICE
v.)
)
TERREK TREMAIN CORBIN,)
)
Defendant,)
Appellant.)
)

I certify under penalty of perjury under the laws of the State of Washington that on this 23rd day of September, 2014, I caused a true and correct copy of the *APPELLANT'S BRIEF* to be served on:

COURT OF APPEALS, DIVISION III
Attn: Renee Townsley, Clerk
500 N Cedar St
Spokane, WA 99201

E-FILE

CERTIFICATE OF SERVICE

YAKIMA COUNTY PROSECUTOR'S OFFICE

Attention: Tamara Ann Hanlon
128 N 2nd Street, Room 329
Yakima, Washington 98901-2621

U. S. MAIL

TERREK TREMAIN CORBIN #863468

Washington State Penitentiary
1313 North 13th Avenue
Walla Walla, Washington 99362

U.S. MAIL

s/ Dennis W. Morgan

DENNIS W. MORGAN WSBA #5286

Attorney for Defendant/Appellant.

P.O. Box 1019

Republic, WA 99169

Phone: (509) 775-0777

Fax: (509) 775-0776

nodblspk@rcabletv.com

CERTIFICATE OF SERVICE