

FILED  
Court of Appeals  
Division III  
State of Washington  
12/7/2017 12:05 PM

NO. 35109-2-III

---

COURT OF APPEALS, DIVISION III  
STATE OF WASHINGTON

---

STATE OF WASHINGTON, RESPONDENT

v.

OMAR LOPEZ, APPELLANT

---

APPEAL FROM THE SUPERIOR COURT OF GRANT COUNTY

---

BRIEF OF RESPONDENT

---

GARTH DANO  
Grant County Prosecuting Attorney

KATHARINE W. MATHEWS  
Deputy Prosecuting Attorney  
WSBA No. 20805  
Attorneys for Respondent  
kwmathews@grantcountywa.gov

P.O. Box 37  
Ephrata, Washington 98823  
PH: (509) 754-2011

**Table of Contents**

**I. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR..... 1**

A. AFTER LEAVING THE WALKWAY AND ENTRY AREA, LOPEZ RAN AROUND THE BROWNS' RESIDENCE AND HID IN A CRAWL SPACE ACCESS WELL. DID THE COURT PROPERLY REFUSE HIS NONSTANDARD JURY INSTRUCTION WHEN HE EXCEEDED THE SCOPE OF AN IMPLIED LICENSE TO ENTER OR REMAIN ON THE PROPERTY? (ASSIGNMENT OF ERROR No. 1)

B. LOPEZ DID NOT OBJECT WHEN THE PROSECUTOR REMARKED IN CLOSING THAT THE JURY HAD HEARD NO EVIDENCE LOPEZ OWNED THE SLINGSHOT GUZMAN IDENTIFIED AS HIS OR THAT ANYONE OTHER THAN GUZMAN OWNED IT. REGARDLESS OF WHETHER THE PROSECUTOR'S COMMENTS WERE IMPROPER, DID LOPEZ WAIVE OBJECTION WHEN HE FAILED TO OBJECT AT TRIAL, THEN FAILED TO DEMONSTRATE ON APPEAL THE COMMENT WAS SO FLAGRANT AND ILL-INTENTIONED A TIMELY CURATIVE INSTRUCTION COULD NOT HAVE CORRECTED ANY RESULTING CONFUSION? (ASSIGNMENT OF ERROR No. 2)

**II. STATEMENT OF THE CASE..... 1**

**III. ARGUMENT..... 6**

A. AFTER LEAVING THE WALKWAY AND ENTRY AREA, LOPEZ RAN AROUND THE BROWNS' RESIDENCE AND HID IN A CRAWL SPACE ACCESS WELL. HE EXCEEDED THE SCOPE OF AN IMPLIED LICENSE TO ENTER OR REMAIN ON THE PROPERTY AND THE COURT PROPERLY REFUSED HIS NONSTANDARD JURY INSTRUCTION.....6

B. LOPEZ DID NOT OBJECT WHEN THE PROSECUTOR REMARKED IN CLOSING THAT THE JURY HAD HEARD NO EVIDENCE LOPEZ OWNED THE SLINGSHOT GUZMAN IDENTIFIED AS HIS OR THAT ANYONE OTHER THAN GUZMAN OWNED IT. REGARDLESS OF WHETHER THE PROSECUTOR'S COMMENTS WERE IMPROPER, LOPEZ WAIVED OBJECTION WHEN HE FAILED TO OBJECT AT TRIAL, THEN FAILED TO

DEMONSTRATE ON APPEAL THE COMMENT WAS SO FLAGRANT AND ILL-INTENTIONED A TIMELY CURATIVE INSTRUCTION COULD NOT HAVE CORRECTED ANY RESULTING CONFUSION.....	8
1. <i>Standard of review.</i> .....	8
2. <i>The prosecutor did not violate Lopez’s constitutional right not to testify because her remarks were not manifestly intended to comment on Lopez’s silence to infer guilt and no juror would naturally and necessarily accept her statement as a comment on his failure to take the stand....</i> .....	9
3. <i>Any harm from the prosecutor’s comments could easily have been cured by a brief instruction from the bench.</i> .....	12
C. THE STATE DOES NOT SEEK COSTS ON APPEAL.....	12
<b>V. CONCLUSION</b> .....	13

## Table of Authorities

<i>Florida v. Jardines</i> , 569 U.S. 1, 133 S. Ct. 1409, 185 L.Ed.2d 495 (2013).....	4, 5, 7
<i>Singleton v. Jackson</i> , 85 Wn. App. 835, 935 P.2d 644 (1997).....	8
<i>State v. Ashby</i> , 77 Wn.2d 33, 459 P.2d 403 (1969).....	10
<i>State v. Barry</i> , 183 Wn.2d 297, 352 P.3d 161 (2015).....	10, 11
<i>State v. Borboa</i> , 157 Wn.2d 108, 135 P.3d 469 (2006).....	10
<i>State v. Burke</i> , 163 Wn.2d 204, 181 P.3d 1 (2008).....	10
<i>State v. C.B.</i> , 195 Wn. App. 528, 380 P.3d 626 (2016).....	7
<i>State v. Emery</i> , 174 Wn.2d 741, 278 P.3d 653 (2012).....	8, 9, 12
<i>State v. Fernandez-Medina</i> , 141 Wn.2d 448, 6 P.3d 1150 (2000).....	7
<i>State v. Fiallo-Lopez</i> , 78 Wn. App. 717, 899 P.2d 1294 (1995).....	11
<i>State v. Hoffman</i> , 116 Wn.2d 51, 804 P.2d 577 (1991).....	7
<i>State v. Hughes</i> , 106 Wn.2d 176, 721 P.2d 902 (1986).....	7
<i>State v. Kalebaugh</i> , 183 Wn.2d 578, 355 P.3d 253 (2015).....	12

<i>State v. Lewis</i> , 130 Wn.2d 700, 927 P.2d 235 (1996).....	10
<i>State v. Pavelich</i> , 150 Wash. 411, 273 P. 182 (1928).....	10
<i>State v. Pinson</i> , 183 Wn. App. 411, 333 P.3d 528 (2014).....	11
<i>State v. Ramirez</i> , 49 Wn. App. 332, 742 P.2d 726 (1987).....	11
<i>State v. Rose</i> , 128 Wn.2d 388, 909 P.2d 280 (1996).....	8
<i>State v. Seagull</i> , 95 Wn.2d 898, 632 P.2d 44 (1981) .....	8
<i>State v. Stenson</i> , 132 Wn.2d 668, 940 P.2d 1239 (1997).....	9
<i>State v. Weber</i> , 159 Wn.2d 252, 149 P.3d 646 (2006).....	9
<b>Statutes, Rules, and Constitutional Provisions</b>	
13 ROYCE A. FERGUSON, JR., WASHINGTON PRACTICE: CRIMINAL PRACTICE AND PROCEDURE § 4505 (3d ed. 2004).....	8
RAP 10.3(b) .....	1
RCW 9A.56.068.....	5

**I. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR**

- A. AFTER LEAVING THE WALKWAY AND ENTRY AREA, LOPEZ RAN AROUND THE BROWNS' RESIDENCE AND HID IN A CRAWL SPACE ACCESS WELL. DID THE COURT PROPERLY REFUSE HIS NONSTANDARD JURY INSTRUCTION WHEN HE EXCEEDED THE SCOPE OF AN IMPLIED LICENSE TO ENTER OR REMAIN ON THE PROPERTY? (ASSIGNMENT OF ERROR No. 1)
- B. LOPEZ DID NOT OBJECT WHEN THE PROSECUTOR REMARKED IN CLOSING THAT THE JURY HAD HEARD NO EVIDENCE LOPEZ OWNED THE SLINGSHOT GUZMAN IDENTIFIED AS HIS OR THAT ANYONE OTHER THAN GUZMAN OWNED IT. REGARDLESS OF WHETHER THE PROSECUTOR'S COMMENTS WERE IMPROPER, DID LOPEZ WAIVE OBJECTION WHEN HE FAILED TO OBJECT AT TRIAL, THEN FAILED TO DEMONSTRATE ON APPEAL THE COMMENT WAS SO FLAGRANT AND ILL-INTENTIONED A TIMELY CURATIVE INSTRUCTION COULD NOT HAVE CORRECTED ANY RESULTING CONFUSION? (ASSIGNMENT OF ERROR No. 2)

**II. STATEMENT OF THE CASE<sup>1</sup>**

The State adopts the facts recited by appellant Omar Lopez and supplements those facts as follows. RAP 10.3(b).

On November 28, 2016, Hector Guzman left his keys overnight in his 1995 Jeep Cherokee. RP 43–44. When he woke the next morning, the Jeep was gone. RP 44. Guzman did not give anyone permission to use the Jeep. *Id.* He did not know Omar Lopez. *Id.* A slingshot and a screwdriver were among the various items of personal property that went missing with the Jeep. RP 50, 53.

---

<sup>1</sup> The State cites to the sequentially paginated verbatim report of trial, February 1–2, 2017, designated RP \_\_\_\_ and to the clerk's papers, designated CP \_\_\_\_.

Blaine and Janet Brown<sup>2</sup> did not know Omar Lopez. RP 61, 76. Their house was in farmland a little over half a mile east of Royal City, Washington. RP 62. The Browns owned all the property to the west as far as Royal City, and another 30 acres to the east. RP 78. Blaine Brown's youngest son owned everything north of the road and leased the Browns' property for farming. RP 78, 82. The Browns did not hire individuals to work the farm or do work around their home. RP 64. They lived alone. RP 74. On November 30, 2016, the Browns did not have anything on their property for sale. RP 64.

The Browns' property was not fenced. RP 66. No signs on the Browns' property indicated that people who stopped by unannounced were unwelcome. RP 73. A sidewalk from a long gravel driveway led to the back door of the Browns' house. *Id.* The patio sliding door entrance to the back door was covered. *Id.*

On November 30, 2016, the Browns left their home unattended when they went to Moses Lake. RP 76. They did not expect visitors. *Id.* Janet Brown's son, Darin Smith, was chief of the Royal City Police Department. RP 76, 84–85. He was driving near the Browns' property that day and noticed an older Jeep Cherokee pull into their driveway. RP 87.

---

<sup>2</sup> When referred to singly, Janet and Blaine Brown are designated by their first names to avoid confusion. The State means no disrespect.

He was about 100 yards away. RP 88. He continued a short distance past the driveway, considered, then turned around and entered the driveway.

RP 88. He was in a fully marked RCPD police vehicle. RP 84–85.

As Smith entered the driveway, he saw a man he did not recognize walking across the driveway toward the sidewalk area leading to the house. RP 89. The Jeep was parked behind a workshop approximately 150 feet down the driveway. RP 99–100, 144. From the road, a person could see only the very back of the vehicle. RP 100. The man crossed the driveway in front of Smith and continued walking up the walkway to the rear entry. RP 146.

Smith continued to the end of the driveway, turned around, and headed back to the house, intending to ask what the man wanted. RP 91. By that time, the man had left the back door and was waking in Smith's direction. RP 150. He did not acknowledge Smith in any way. RP 150. Smith did not call out or signal. RP 150. As Smith approached, still in his vehicle, the man took off running around the house to the west. RP 91. Smith sensed something was amiss and thought he might have interrupted a burglary. RP 92, 94. He drove back to the Jeep and called dispatch with the license plate information. RP 92. He had lost sight of the stranger. RP 92. After calling dispatch, he drove across the lawn and parked in a place with a good line of sight, figuring the man might be heading for a line of

trees. RP 92. Smith requested a canine, suspecting the man might be hiding in shrubbery along the highway. RP 98.

Smith decided to wait for the dog and keep an eye out. RP 103. While waiting, he hollered commands for the man to come out of wherever he was hiding, including a warning that a canine was on its way. RP 170, 173. Then he heard a noise behind him. RP 103. Eventually, he found fresh shoe prints in the grass leading to a corner of the house. RP 102. Not seeing anyone, he walked around the edge of the house to its crawl space access area. *Id.* He found Lopez, hiding in the access well. RP 105. Lopez had a 10 to 12 inch long screwdriver and a slingshot in his pocket, RP 106, 210. Guzman testified both items were his. RP 57–58.

The State charged Lopez with second degree criminal trespass, CP 25–26. Lopez proposed a nonstandard jury instruction on that charge. CP 27. The nonstandard instruction cited *Florida v. Jardines*, 569 U.S. 1409, for the proposition that: “A third party visitor has an implied license to enter onto residential property and approach a homeowner’s front door.” CP 27. The State argued the facts supporting implied license in *Jardines*—going to an entry door, knocking, waiting, and leaving if no one answered—were absent in Lopez’s case. RP 127. Defense counsel responded: “By him knocking, I think that’s an implied license to - - he obviously spent some time at the back door. There is no no trespassing

signs, but there is an applied [sic] license for him to go there . . . .” CP 128–29. The State countered that *Jardines* required Lopez to leave once nobody answered when he knocked at either door. RP 129. The court declined to give the nonstandard instruction but did give a version of the standard instruction Lopez had proposed stating the statutory defense to second degree trespass, that he reasonably believed the owner of the premises would have licensed him to enter or remain. RP 130, CP 52.

Lopez was also tried on the charge of possession of a stolen vehicle, RCW 9A.56.068, which required proof he knew the Jeep was stolen. CP 25. Lopez did not testify and the jury was instructed: “The defendant is not required to testify. You may not use the fact that the defendant has not testified to infer guilt or to prejudice him in any way.” RP 315, CP 36.

During closing argument, the deputy prosecutor discussed the circumstantial evidence demonstrating knowledge, stressing the items of personal property found inside the Jeep when it was recovered. RP 332–33. She urged the jury to review the numerous photographs of what was in the front passenger seat and in the back. RP 333. She reminded the jury Guzman identified various items of recovered property as his, including the screwdriver Lopez was carrying and the slingshot “that did not - - you heard no evidence whatsoever that [the slingshot] belonged to Mr. Lopez.

What you heard was uncontested testimony that [the slingshot] was Mr. Guzman's. Nobody else came in and said, that was my stuff." *Id.* Lopez did not object. *Id.*

### III. ARGUMENT

A. AFTER LEAVING THE WALKWAY AND ENTRY AREA, LOPEZ RAN AROUND THE BROWNS' RESIDENCE AND HID IN A CRAWL SPACE ACCESS WELL. HE EXCEEDED THE SCOPE OF AN IMPLIED LICENSE TO ENTER OR REMAIN ON THE PROPERTY AND THE COURT PROPERLY REFUSED HIS NONSTANDARD JURY INSTRUCTION.

The jury was instructed on one of Lopez's defense theories, that he reasonably believed the premises owner would have licensed him to enter or remain. CP 52. His proposed nonstandard jury instruction was intended to support an alternate theory, that he legally entered the property as an ordinary invitee because he had an implied license to do so. Br. of Appellant at 6. Lopez's rejected instruction might have been appropriate if he had been arrested after walking to the Browns' door, knocking, then leaving when nobody answered. *Florida v. Jardines*, 569 U.S. 1, 8, 133 S. Ct. 1409, 185 L.Ed.2d 495 (2013). "This implicit license typically permits the visitor to approach the home by the front path,<sup>3</sup> knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave." *Id.* That did not happen.

---

<sup>3</sup> The layout of the Brown property, with the rear walkway coming off the driveway, makes it appear the rear entry is the main one.

Jury instructions must be supported by substantial evidence. *State v. Fernandez-Medina*, 141 Wn.2d 448, 455, 6 P.3d 1150 (2000). Although a defendant is entitled to an instruction supported by evidence, it is error to give an instruction the evidence does not support. *State v. Hoffman*, 116 Wn.2d 51, 111, 804 P.2d 577 (1991) (citing *State v. Hughes*, 106 Wn.2d 176, 191, 721 P.2d 902 (1986)). Reviewing courts assess evidence supporting a proposed jury instruction in the light most favorable to the requesting party requesting. *Fernandez-Medina, supra*, 141 Wn.2d. at 455–56. “[T]he implied license to proceed up a walkway to a front door arising from custom has ‘spatial and temporal’ limits.” *State v. C.B.*, 195 Wn. App. 528, 540, 380 P.3d 626 (2016) (quoting *Jardines*, 569 U.S. at 19 (Alito, J., dissenting)). In *C.B.*, the question was whether property owners “impliedly open[ed] their private sidewalk and front porch to third parties for the purpose of dingdong ditching and shouting racist comments through open windows.” *Id.* at 542. Those circumstances, although involving repulsive juvenile behavior on a walkway and front porch, are arguably more supportive of implied license than Lopez’s attempt to hide in a crawl space entry well. “A visitor cannot traipse through the garden, meander into the backyard, or take other circuitous detours that veer from the pathway that a visitor would customarily use.” *Jardines*, 569 U.S. at 19 (Alito, J. dissenting) (citations omitted).

Justice Alito did not alter established Washington law.

“Washington courts reviewing criminal search and seizure issues have recognized that the public has implied consent to approach a private residence along established access routes.” *Singleton v. Jackson*, 85 Wn. App. 835, 841 n.2, 935 P.2d 644 (1997) (citing *State v. Rose*, 128 Wn.2d 388, 392, 909 P.2d 280 (1996); *State v. Seagull*, 95 Wn.2d 898, 902, 632 P.2d 44 (1981)). Lopez abandoned established access routes, and any implied license, when he fled the walkway and hid in the crawl space well.

This Court should conclude the trial court properly declined to give an unsupported instruction.

B. LOPEZ DID NOT OBJECT WHEN THE PROSECUTOR REMARKED IN CLOSING THAT THE JURY HAD HEARD NO EVIDENCE LOPEZ OWNED THE SLINGSHOT GUZMAN IDENTIFIED AS HIS OR THAT ANYONE OTHER THAN GUZMAN OWNED IT. REGARDLESS OF WHETHER THE PROSECUTOR’S COMMENTS WERE IMPROPER, LOPEZ WAIVED OBJECTION WHEN HE FAILED TO OBJECT AT TRIAL, THEN FAILED TO DEMONSTRATE ON APPEAL THE COMMENT WAS SO FLAGRANT AND ILL-INTENTIONED A TIMELY CURATIVE INSTRUCTION COULD NOT HAVE CORRECTED ANY RESULTING CONFUSION.

1. *Standard of Review*

Lopez did not object to the prosecutor’s closing remarks. RP 333.

When defense counsel fails to object to an improper statement, the standards of review are based on a defendant’s duty to object. *State v. Emery*, 174 Wn.2d 741, 761, 278 P.3d 653 (2012) (citing 13 ROYCE A. FERGUSON, JR., WASHINGTON PRACTICE: CRIMINAL PRACTICE AND

PROCEDURE § 4505, at 295 (3d ed. 2004)). ““This is to give the court an opportunity to correct counsel, and to caution the jurors against being influenced by such remarks.”” *Id.* at 761–62. Timely objection prevents further improper remarks. *Id.* at 762. Timely objection also prevents potential abuse of the appellate process. *Id.* The *Emery* court reiterated a long-standing concern in this regard: that if not required to object, a defendant could “simply lie back, not allowing the trial court to avoid the potential prejudice, gamble on the verdict, and then seek a new trial on appeal.” *Id.* (quoting *State v. Weber*, 159 Wn.2d 252, 271–72, 149 P.3d 646 (2006) (remaining internal citations omitted)). Under this heightened standard of review, Lopez is deemed to have waived any error unless he establishes the State’s misconduct “was so flagrant and ill intentioned that an instruction could not have cured the resulting prejudice.” *Emery*, 174 Wn.2d at 760–61 (citing *State v. Stenson*, 132 Wn.2d 668, 727, 940 P.2d 1239 (1997)).

2. *The prosecutor did not violate Lopez’s constitutional right not to testify because her remarks were not manifestly intended to comment on Lopez’s silence to infer guilt and no juror would naturally and necessarily accept her statement as a comment on his failure to take the stand.*

Two factors guide analysis of whether the prosecutor’s comment impermissibly commented on Lopez’s silence: “(1) whether the prosecutor manifestly intended the remarks to be a comment on the defendant’s

exercise of his right not to testify and (2) whether the jury would ‘naturally and necessarily’ interpret the statement as a comment on the defendant’s silence.” *State v. Barry*, 183 Wn.2d 297, 307, 352 P.3d 161 (2015). “[I]ndirect or fleeting references to a defendant’s apparent exercise of the right to silence do not rise to the level of constitutional error.” *State v. Burke*, 163 Wn.2d 204, 225–26, 181 P.3d 1 (2008). Here, the jury was instructed that it was prohibited from using Lopez’s silence “to infer guilt or to prejudice him in any way.” CP 36. “Most jurors know that an accused has a right to remain silent and, absent any statement to the contrary by the prosecutor, would probably derive no implication of guilt from a defendant’s silence.” *State v. Lewis*, 130 Wn.2d 700, 706, 927 P.2d 235 (1996). A prosecutor may comment on “lack of evidence so long as the prosecutor does not directly refer to the defendant’s decision not to testify.” *State v. Borboa*, 157 Wn.2d 108, 123, 135 P.3d 469 (2006) (citing *State v. Pavelich*, 150 Wash. 411, 420, 273 P. 182 (1928)). In *Borboa*, the Supreme Court held a prosecutor’s repeated references to lack of defense evidence did not improperly impinge on the defendant’s right to remain silent. *Id.* As happened here, “the prosecuting attorney never referenced the defendant’s decision not to testify and made only passing reference to the lack of defense evidence.” *Id.* See, also, *State v. Ashby*, 77 Wn.2d 33, 38, 459 P.2d 403 (1969) (not improper to state “that certain testimony is

undenied, without reference to who may or may not be in a position to deny it”). When statements do not explicitly comment on a defendant’s failure to testify, courts examine the prosecutor’s comments in the context in which it was offered. *Barry, supra*, 183 Wn.2d at 306. A prosecutor may make brief, subtle references to unrefuted testimony without reference to who could have denied it. *State v. Ramirez*, 49 Wn. App. 332, 336, 742 P.2d 726 (1987).

A violation occurs only when the sole person who could offer contrary evidence is the defendant himself. *State v. Fiallo-Lopez*, 78 Wn. App. 717, 729, 899 P.2d 1294 (1995). Lopez asserts he is the only person who could have refuted testimony the slingshot in the Jeep did not belong to him. That cannot be determined on the record here. Had it belonged to him, it is possible he could have produced witnesses to say so or, perhaps, a snapshot of himself with his slingshot.

Here, the prosecutor’s comments were far from the objectionable statement in *Fiallo-Lopez*, that “there was no attempt by the defendant to rebut the prosecution’s evidence . . . .” *Id.* Neither is it a statement asserting Lopez’s silence was evidence of his guilt. *State v. Pinson*, 183 Wn. App. 411, 420, 333 P.3d 528, 533 (2014). It was a brief, passing reference to uncontested evidence that the slingshot belonged to someone else. Lopez’s argument that the jury would necessarily consider the lack of

contrary evidence was due solely to his choice not to testify and from that, conclude he made that choice because he was guilty, is without merit.

Jurors are presumed to follow the court's instructions. *State v. Kalebaugh*, 183 Wn.2d 578, 586, 355 P.3d 253, 257 (2015).

3. *Any harm from the prosecutor's comments could easily have been cured by a brief instruction from the bench.*

Regardless of whether the prosecutor's statements were improper, Lopez did not object. There is simply no evidence the passing remarks were in any way flagrant and ill-intentioned. *Emery, supra*, 174 Wn.2d at 760–61. A timely curative instruction to disregard those statements would have obviated any prejudice. *Id.*

This Court should conclude the prosecutor's remarks were not improper, that Lopez waived error when he failed to object, and that any possible prejudice could easily have been cured had he done so.

C. COSTS ON APPEAL

The State does not intend to seek costs on appeal. Lopez has been determined indigent and likely to remain so.

///

///

**IV. CONCLUSION**

This Court should affirm Lopez's convictions for possession of a stolen vehicle and second degree criminal trespass.

DATED this 7th day of December, 2017.

Respectfully submitted,

GARTH DANO  
Grant County Prosecuting Attorney



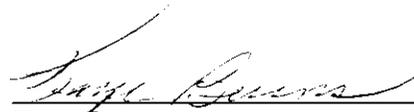
KATHARINE W. MATHEWS  
Deputy Prosecuting Attorney  
WSBA No. 20805  
Attorneys for Respondent  
kwmathews@grantcountywa.gov

CERTIFICATE OF SERVICE

On this day I served a copy of the Brief of Respondent in this matter by e-mail on the following party, receipt confirmed, pursuant to the parties' agreement:

Andrea Burkhart  
Andrea@2arrows.net

Dated: December 7, 2017.

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

**GRANT COUNTY PROSECUTOR'S OFFICE**

**December 07, 2017 - 12:05 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division III  
**Appellate Court Case Number:** 35109-2  
**Appellate Court Case Title:** State of Washington v Omar Lopez  
**Superior Court Case Number:** 16-1-00736-1

**The following documents have been uploaded:**

- 351092\_Briefs\_20171207120502D3432156\_8419.pdf  
This File Contains:  
Briefs - Respondents  
*The Original File Name was Brief of Respondent.pdf*

**A copy of the uploaded files will be sent to:**

- Andrea@2arrows.net
- gdano@grantcountywa.gov

**Comments:**

---

Sender Name: Kaye Burns - Email: kburns@grantcountywa.gov

**Filing on Behalf of:** Katharine W. Mathews - Email: kwmathews@grantcountywa.gov (Alternate Email: )

Address:

PO Box 37

Ephrata, WA, 98823

Phone: (509) 754-2011 EXT 3905

**Note: The Filing Id is 20171207120502D3432156**