

No. 35111-4-III

COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

vs.

Emanuel Hubbart,

Appellant.

Benton County Superior Court Cause No. 15-1-01373-8

The Honorable Judge Bruce A. Spanner

Appellant's Opening Brief

Jodi R. Backlund
Manek R. Mistry
Attorneys for Appellant

BACKLUND & MISTRY

P.O. Box 6490
Olympia, WA 98507
(360) 339-4870
backlundmistry@gmail.com

TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

ISSUES AND ASSIGNMENTS OF ERROR..... 1

STATEMENT OF FACTS AND PRIOR PROCEEDINGS..... 3

ARGUMENT..... 7

I. Mr. Hubbard’s convictions must be reversed because an unconstitutional judicial comment conclusively established an essential element of each offense..... 7

II. The prosecutor committed misconduct that prejudiced Mr. Hubbard. 10

A. The prosecutor improperly vouched for C.W. and B.W. and relied on “facts” not in evidence..... 11

B. The prosecution impermissibly suggested that the trial was a search for truth and justice..... 13

C. If the prosecutor’s misconduct is not preserved for review, Mr. Hubbard was deprived of the effective assistance of counsel. 14

CONCLUSION 16

TABLE OF AUTHORITIES

FEDERAL CASES

<i>Alleyne v. United States</i> , --- U.S. ---, 133 S. Ct. 2151, 186 L. Ed. 2d 314 (2013).....	7, 8, 10
<i>Hodge v. Hurley</i> , 426 F.3d 368 (6 th Cir., 2005).....	15, 16
<i>Strickland v. Washington</i> , 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).....	15

WASHINGTON STATE CASES

<i>In re Glasmann</i> , 175 Wn.2d 696, 286 P.3d 673 (2012)...	10, 11, 12, 13, 14, 15
<i>State v. Becker</i> , 132 Wn.2d 54, 935 P.2d 1321 (1997).....	7
<i>State v. Berube</i> , 171 Wn. App. 103, 286 P.3d 402 (2012).....	14
<i>State v. Curtiss</i> , 161 Wn. App. 673, 250 P.3d 496 (2011).....	14
<i>State v. Emery</i> , 174 Wn.2d 741, 278 P.3d 653 (2012).....	14
<i>State v. Jackman</i> , 156 Wn.2d 736, 132 P.3d 136 (2006), <i>as corrected</i> (Feb. 14, 2007)	7, 8, 9
<i>State v. Jones</i> , 144 Wn. App. 284, 183 P.3d 307 (2008)	12
<i>State v. Kyllo</i> , 166 Wn.2d 856, 215 P.3d 177 (2009)	15, 16
<i>State v. Levy</i> , 156 Wn.2d 709, 132 P.3d 1076 (2006).....	7, 9, 10
<i>State v. Lindsay</i> , 180 Wn.2d 423, 326 P.3d 125 (2014)	11
<i>State v. Walker</i> , 182 Wn.2d 463, 341 P.3d 976 (2015), <i>cert. denied</i> , 135 S. Ct. 2844, 192 L. Ed. 2d 876 (2015)	11
<i>State v. Williams-Walker</i> , 167 Wn.2d 889, 225 P.3d 913 (2010).....	7, 8, 10

CONSTITUTIONAL PROVISIONS

U.S. Const. Amend. VI 1, 2, 7, 10, 15
U.S. Const. Amend. XIV 1, 2, 7, 10, 15
Wash. Const. art. I, §21..... 1, 7
Wash. Const. art. I, §22..... 1, 7, 10
Wash. Const. art. IV, §16..... 1, 7, 10

OTHER AUTHORITIES

ER 803 13
People v. Benedetto, 294 A.D.2d 958, 744 N.Y.S.2d 92 (2002) 14
RAP 2.5..... 7, 15

ISSUES AND ASSIGNMENTS OF ERROR

1. The court improperly commented on the evidence, in violation of Wash. Const. art. IV, §16.
2. The improper judicial comment violated Mr. Hubbard's right to a jury trial under U.S. Const. Amend. VI and XIV and Wash. Const. art. I, §§21 and 22.
3. The trial court erred by admitting Ex. 6, a court order that listed C.W.'s date of birth as "10/26/88."

ISSUE 1: A judge may not comment on the evidence. Did the evidence here include an improper judicial comment that conclusively established the element of C.W.'s date of birth for the jury?

4. Prosecutorial misconduct deprived Mr. Hubbard of his Fourteenth Amendment right to a fair trial.
5. The prosecutor committed flagrant, ill-intentioned, prejudicial misconduct by improperly vouching for C.W. and B.W.
6. The prosecutor committed misconduct by alluding to "facts" that were not in evidence.

ISSUE 2: A prosecutor may not directly or indirectly vouch for a witness who testifies against the accused. Did the prosecutor commit reversible misconduct by improperly vouching for C.W. and B.W.?

ISSUE 3: A prosecutor may not refer to "facts" that are not in evidence. Did the prosecutor commit misconduct by alluding to hearsay statements that were not admitted at trial?

7. The prosecutor committed flagrant, ill-intentioned, prejudicial misconduct by improperly suggesting that the trial was a search for truth and justice.

ISSUE 4: A jury's role is not to determine the truth, but rather to decide whether the State has proved the charged offenses beyond a reasonable doubt. Did the prosecutor commit reversible misconduct by implying that jurors should view the trial as a search for truth and justice?

8. Mr. Hubbart was denied his Sixth and Fourteenth Amendment right to the effective assistance of counsel.
9. Defense counsel provided ineffective assistance by failing to object to prosecutorial misconduct that prejudiced the defense and increased the likelihood of conviction.

ISSUE 5: Generally, defense counsel's failure to object to prosecutorial misconduct during closing falls below an objective standard of reasonableness. Did defense counsel provide ineffective assistance by failing to object to prosecutorial misconduct?

STATEMENT OF FACTS AND PRIOR PROCEEDINGS

Dawn and Emmanuel Hubbart were married in 2008 but had been in a relationship since the early 1990s. RP 134-136, 153, 155. Dawn has four children; in 2003 her daughters C.W. (age 13 or 14 at the time) and B.W. (age 12 or 13) lived with Mr. Hubbart and their mother. RP 154, 169, 196. In 2003, both daughters claimed that Mr. Hubbart had sexually abused them. RP 89-91. Dawn Hubbart didn't believe them and thought C.W. had fabricated the allegations so she could move to live with her biological father. RP 152.

Mr. Hubbart was arrested on the allegations in 2004 and held in custody. RP 62,113, 127-128, 149. C.W. had moved in with her father by the time the charges were filed. RP 155, 189.

During the time that Mr. Hubbart was in custody, B.W. recanted. RP 22, 147, 159, 197. She put her recantation into a letter, writing that Mr. Hubbart had not raped either C.W. or B.W., and that their biological father put them up to making the false allegations. RP 147; Ex. 1, 2, 3. Dawn Hubbart said the letter came about when B.W. told her that C.W. urged her sister to "stick to our story."¹ RP 148. When Dawn Hubbart

¹ At trial, B.W. maintained that the recantation was a lie. RP 198, 206.

asked her daughter about it, B.W. told her mother it was all a lie, and Mr. Hubbart had not molested them. RP 148.

The State charged Mr. Hubbart with rape of a child in the first, second and third degrees, all against C.W. CP 1-2. The allegations covered claimed sexual intercourse from 1994 through 2003. CP 1-2, 9-10. The State dismissed the charges in 2004, but refiled them in 2015. RP 81, 83. The State later added charges of child molestation one and two, again with C.W. listed as the victim. CP 9-10. Each of the charges contained the element of C.W.s age. CP 9-10.

The State used a PowerPoint slide presentation for both opening and closing statements. CP 14; State's PowerPoint Presentation Slides filed 1/26/17, Supp. CP; RP 70-71. The first slide shown during the State's opening statement referenced C.W.'s "20 year search for justice." State's PowerPoint Presentation Slides filed 1/26/17, Supp. CP. The eighth slide indicated that C.W. had "No interest but the truth" and "She has been saying the same things to adults for years." State's PowerPoint Presentation Slides filed 1/26/17, Supp. CP

C.W. and B.W. testified at the trial. B.W. acknowledged that she had taken back her claim of sexual abuse. RP 195-199, 205-212. She admitted she wrote the letter but claimed that she'd been threatened to make her write it. Ex. 1; RP 210.

The prosecution offered multiple documents in support of its theory that Mr. Hubbart left the state in 2004 to avoid prosecution. Over defense objection, the trial judge admitted court orders relating to Mr. Hubbart's conditions of release. CP 14; Ex. 6; RP 33-42. Those documents included a signed court order that noted C.W.'s alleged date of birth.² Ex. 6.

The prosecutor again used a PowerPoint during the closing argument. The first three slides contained the following:

Slide 1: [CW has] "No motive to fabricate at this point."
"She has been consistent through years, through different interviews."

Slide 2: "Defendant's flight from justice."

Slide 3: "[B.W.] has no motive to lie."

"How can you not believe her?"

State's PowerPoint Presentation Slides filed 1/26/17, Supp. CP.

These slides supported the State's theory that C.W. must be believed. RP 322-336, 340-350. The prosecutor told the jury that "[C.W.] doesn't have any motive at this point other than to just tell you the truth." RP 323. He argued that the only motive possible for such a story was the search for truth: "There's no motives here except for a search for the truth that frankly was way too long in coming...". RP 350. The State referenced "consistent statements going back 20 years," highlighting it

² C.W. testified to her own date of birth. RP 169.

with a slide making the same statement. RP 335; State's PowerPoint

Presentation Slides filed 1/26/17, Supp. CP.

The State went further with the argument:

[B.W.] has no motive to lie in this case, and really, you know, one thing the judge has told you in assessing the credibility of witnesses you can look at their demeanor on the witness stand, and frankly, how could you not believe [B.W.]?
RP 325.

How could you not believe [B.W.] with the way she testified? The sincerity and the tearfulness about, you know, the...fact that she lied.
RP 325-326.

If it was all a lie, as an adult she could have said, "No, I don't want to cooperate. Please, let's let sleeping dogs lie." RP 342.

What's the point other than justice? Other than a search for truth?
RP 343.

The defense did not object to any of these arguments by the prosecutor.

RP 322-336, 340-350.

Mr. Hubbart was convicted of five sex offenses, and sentenced to 308 months to life.³ CP 70, 74. After sentencing, he timely appealed. CP 84.

³ The parties later amended the Judgment and Sentence by agreement, correcting an error. Motion and Order to Modify Judgment and Sentence filed 6/8/17, Supp. CP.

ARGUMENT

I. MR. HUBBART’S CONVICTIONS MUST BE REVERSED BECAUSE AN UNCONSTITUTIONAL JUDICIAL COMMENT CONCLUSIVELY ESTABLISHED AN ESSENTIAL ELEMENT OF EACH OFFENSE.

The Washington constitution provides “Judges shall not charge juries with respect to matters of fact, nor comment thereon...” Wash. Const. art. IV, §16. The prohibition against judicial comments also protects the right to a jury determination of the facts required for conviction and punishment. U.S. Const. Amend. VI, XIV; Wash. Const. art. I, §§21 and 22; *see Alleyne v. United States*, --- U.S. ---, ___, 133 S. Ct. 2151, 186 L. Ed. 2d 314 (2013); *State v. Williams-Walker*, 167 Wn.2d 889, 896, 225 P.3d 913 (2010).⁴

Here, the court allowed the State to introduce a signed order indicating C.W.’s date of birth as “10/26/88.” Ex. 6. This violated Mr. Hubbard’s rights under Wash. Const. art. IV §16. *State v. Jackman*, 156 Wn.2d 736, 744, 132 P.3d 136, 140 (2006), *as corrected* (Feb. 14, 2007). It also infringed his right to a jury determination of all facts necessary for

⁴ Judicial comments invade a fundamental right, and thus can always be raised for the first time on review. RAP 2.5(a)(3); *State v. Becker*, 132 Wn.2d 54, 64, 935 P.2d 1321 (1997); *State v. Levy*, 156 Wn.2d 709, 720, 132 P.3d 1076 (2006). In addition, defense counsel objected to the admission of Ex. 6, arguing relevance, confusion, and prejudice. CP 14-15; RP 33-43. The objection should have prompted the court to consider redacting objectionable material from the exhibit.

conviction and punishment. *Alleyne*, --- U.S. at ___; *Williams-Walker*, 167 Wn.2d at 895-96.

The comment in this case is akin to those at issue in *Jackman*. The defendant in *Jackman* was charged with several crimes against four minor boys. *Jackman*, 156 Wn.2d at 740. The children provided their birth dates in testimony, the State introduced corroborating evidence for three of the four boys, and the defendant did not contest the children's ages at trial. *Id.*, at 740, 743, 745. To link each count with a specific child, each "to-convict" instruction included the minor victim's initials and date of birth. *Id.*, at 740-741.⁵ The defendant did not object to these instructions. *Id.*, at 741.

The Supreme Court reversed because the date-of-birth references improperly commented on the evidence:

By stating the victims' birth dates in the instructions, the court conveyed the impression that those dates had been proved to be true. Absent the instructions, the jury would have had to consider whether it believed the evidence presented at trial with respect to the victims' birth dates.

Id., at 744.

⁵ The operative language for each instruction told jurors that conviction required proof (for example) that the defendant "(1) ...aided, invited, employed, authorized, or caused B.L.E., DOB 04/21/1985 to engage in sexually explicit conduct; [and] (2) That B.L.E., DOB 04/21/1985, was a minor." *Id.*, at 741 n. 3.

Jackman controls here. The court order admitted as Exhibit 6 included the same comment at issue in *Jackman*. Ex. 6.

Just as in *Jackman*, “[b]y stating the victim[’s] birth date” in a court order, “the court conveyed the impression that [the birthdate] had been proved to be true.” *Id.* As in *Jackman*, “the fundamental basis for the offenses” charged here involved C.W.’s age at the time of each offense. *Id.*; CP 32-39.

Judicial comments are presumed prejudicial. *Levy*, 156 Wn.2d at 725. A comment on the evidence requires reversal unless the record affirmatively shows that no prejudice could have resulted. *Id.* This is a higher standard than normally applied to constitutional errors. *Id.*

In *Jackman*, the Supreme Court reversed even though undisputed evidence established each child’s date of birth. *Jackman*, 156 Wn.2d at 743, 745. The Supreme Court also noted that the defendant had not “challenged the *fact* of [the boys’] minority.” *Id.*, at 745 (emphasis in original). Despite this, the *Jackman* court found that the State had failed to meet its burden of affirmatively showing that no prejudice could have resulted from the error:

Nevertheless, it is still conceivable that the jury could have determined that the boys were *not* minors at the time of the events, if the court had not specified the birth dates in the jury instructions.

Id., at 745.

Likewise, in this case the record does not affirmatively show an absence of prejudice. *Id.* Although the defense theory did not focus on C.W.’s age, “it is still conceivable that the jury could have determined that” she was not the required age “at the time of the events, if the court had not specified the birth date[]” in the court order admitted as Ex. 6. *Id.*

The judicial comment infringed Mr. Hubbard’s rights under Wash. Const. art. IV, §16 and his constitutional right to a jury determination of the facts necessary for conviction and punishment. *Id.*; *Alleyne*, --- U.S. at ___; *Williams-Walker*, 167 Wn.2d at 895-96. His convictions must be reversed and the charges remanded for a new trial. *Levy*, 156 Wn.2d at 725.

II. THE PROSECUTOR COMMITTED MISCONDUCT THAT PREJUDICED MR. HUBBART.

Prosecutorial misconduct can deprive the accused of a fair trial. *In re Glasmann*, 175 Wn.2d 696, 703-704, 286 P.3d 673 (2012); U.S. Const. Amends. VI, XIV, Wash. Const. art. I, § 22. A conviction must be reversed where the misconduct prejudices the accused. *Id.*

Even absent objection, reversal is required when misconduct is “so flagrant and ill-intentioned that an instruction would not have cured the prejudice.” *Glasmann*, 175 Wn.2d at 704; *State v. Walker*, 182 Wn.2d 463, 478, 341 P.3d 976, 985 (2015), *cert. denied*, 135 S. Ct. 2844, 192 L. Ed.

2d 876 (2015) . Prosecutorial misconduct is flagrant and ill-intentioned when it violates professional standards and case law that were available to the prosecutor at the time. *Glasmann*, 175 Wn.2d at 707.

Reviewing courts examine the cumulative effect of improper conduct. *Id.*, at 707-12. Prosecutorial misconduct may require reversal even where ample evidence supports the jury’s verdict. *Glasmann*, 175 Wn.2d at 711-12. The focus of the reviewing court’s inquiry “must be on the misconduct and its impact, not on the evidence that was properly admitted.” *Glasmann*, 175 Wn.2d at 711.

Prosecutorial misconduct during argument can be particularly prejudicial. There is a risk that jurors will lend it special weight because of the prestige associated with the prosecutor’s office, and because jurors presume that the State has superior fact-finding capabilities. *Glasmann*, 175 Wn.2d at 706.

A. The prosecutor improperly vouched for C.W. and B.W. and relied on “facts” not in evidence.

A prosecutor must “seek conviction based only on probative evidence and sound reason.” *Glasmann*, 175 Wn.2d at 704. It is improper for the prosecution to convey personal opinions on witness credibility. *Id.* at 706-07; *see also State v. Lindsay*, 180 Wn.2d 423, 437, 326 P.3d 125 (2014). Nor may a prosecutor indirectly vouch for a witness based on

“facts” that are not in evidence. *See State v. Jones*, 144 Wn. App. 284, 295-297, 183 P.3d 307 (2008).

Here, in slideshows and in closing argument, the prosecutor improperly vouched for C.W. and B.W. The attorney expressed personal opinions, and relied on “facts” not in evidence. This misconduct was flagrant and ill-intentioned, and violated Mr. Hubbard’s due process right to a fair trial. *Glasmann*, 175 Wn.2d at 703-07.

The State told jurors that C.W. had “[n]o interest but the truth,” and had “no motive to fabricate.” Presentation Slides filed 1/26/17, Supp. CP; RP 325. He argued that C.W.’s motive was “to just tell you the truth,” or to “search for the truth.” RP 323, 343, 350. The prosecutor also told jurors B.W. “has no motive to lie,” described her “sincerity,” and asked “[h]ow can you not believe her?” Presentation Slides filed 1/26/17, Supp. CP; RP 325.

The prosecutor also bolstered C.W.’s testimony by referring to “facts” not in evidence. The State claimed—falsely, and without any evidentiary support—that C.W. was credible because she could have refused to cooperate with the prosecution. RP 342.

He also urged jurors to believe C.W. because her testimony was consistent with inadmissible hearsay, citing statements she made to the

police, to a CPS investigator, to a forensic interviewer, and to defense counsel.⁶ Presentation Slides filed 1/26/17, Supp. CP.

The State's attorney told jurors to believe C.W. because she "has been saying the same things to adults for years," "has been consistent through years, through different interviews," has made "consistent statements for 20 years." Presentation Slides filed 1/26/17, Supp. CP; *see also* RP 335 ("We've got consistent statements going back 20 years.").

The prosecutor committed misconduct by expressing personal opinions and vouching for state witnesses based on "facts" not in evidence. The misconduct was flagrant and ill-intentioned, and it violated Mr. Hubbard's due process right to a fair trial. *Glasmann*, 175 Wn.2d at 704-707. His convictions must be reversed. *Id.*

B. The prosecution impermissibly suggested that the trial was a search for truth and justice.

A jury's role is not to search for the truth. *State v. Emery*, 174 Wn.2d 741, 760, 278 P.3d 653 (2012); *State v. Berube*, 171 Wn. App. 103, 120-121, 286 P.3d 402 (2012). Instead, "a jury's job is to determine whether the State has proved the charged offenses beyond a reasonable doubt." *Emery*, 174 Wn.2d at 760.

⁶ The only admissible statement referenced by the prosecutor was C.W.'s statement to Dr. Zirkle, which came in under the medical exception to the rule against hearsay. RP 229-242; ER 803(a)(4).

Any suggestion that a trial is a search for truth “misstates the jury's duty.” *Berube*, 171 Wn. App. at 120. The same may be true of argument describing trial as a search for justice. *People v. Benedetto*, 294 A.D.2d 958, 959, 744 N.Y.S.2d 92 (2002); *but see State v. Curtiss*, 161 Wn. App. 673, 701, 250 P.3d 496 (2011).⁷

Here, the prosecutor suggested that the trial was a “20 year search for justice” and a “search for truth.” RP 343, 350; Presentation Slides filed 1/26/17, Supp. CP. These arguments misstated the jury’s role. They were flagrant, ill-intentioned, and prejudicial misconduct. *Glasmann*, 175 Wn.2d at 704-711. They require reversal of Mr. Hubbard’s convictions.

Id.

C. If the prosecutor’s misconduct is not preserved for review, Mr. Hubbard was deprived of the effective assistance of counsel.

The right to counsel includes the right to the effective assistance of counsel. U.S. Const. Amends. VI, XIV; *Strickland v. Washington*, 466 U.S. 668, 685, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Counsel’s performance is deficient if it falls below an objective standard of reasonableness. U.S. Const. Amends. VI, XIV; *State v. Kylo*, 166 Wn.2d

⁷ Although *Curtiss* upheld a prosecutor’s argument that “[t]his trial is a search for the truth and a search for justice,” it predated the Supreme Court’s decision in *Emery* and the Court of Appeals’ decision in *Berube*. *Curtiss*, 161 Wn. App. at 701.

(Continued)

856, 862, 215 P.3d 177 (2009). Deficient performance prejudices the accused when there is a reasonable probability that it affected the outcome of the proceeding. *Id.*⁸

Failure to object to prosecutorial misconduct is objectively unreasonable under most circumstances: “At a minimum, an attorney... should request a bench conference... where he or she can lodge an appropriate objection.” *Hodge v. Hurley*, 426 F.3d 368, 386 (6th Cir., 2005). An objection at sidebar will preserve the error for judicial review under a standard that is more favorable than the flagrant and ill-intentioned standard applied where no objection is made. *Glasmann*, 175 Wn.2d ta 704.

Here, defense counsel did not even take this “minimum” step. *Hodge*, 426 F.3d at 386. Counsel should have objected when the State improperly vouched for C.W. and B.W., referred to “facts” not in evidence, and characterized the trial as a “20 year search for justice” and a “search for truth.” At a minimum, defense counsel should have asked for a sidebar, objected, and sought a mistrial outside the presence of the jury. *Id.*

⁸ Ineffective assistance of counsel is an issue of constitutional magnitude that can be raised for the first time on appeal. *Id.*; RAP 2.5(a).

The prosecutor violated well-established rules that should have been obvious to defense counsel. Counsel's failure to protect his client's interest through a proper objection deprived Mr. Hubbard of the effective assistance of counsel.

There is a reasonable possibility that the prosecutor's misconduct influenced some jurors. *Kyllo*, 166 Wn.2d at 862. Accordingly, Mr. Hubbard's convictions must be reversed and the case remanded for a new trial. *Id.*

CONCLUSION

For the foregoing reasons, Mr. Hubbard's convictions must be reversed and the case remanded for a new trial.

Respectfully submitted on October 7, 2017,

BACKLUND AND MISTRY



Jodi R. Backlund, WSBA No. 22917
Attorney for the Appellant



Manek R. Mistry, WSBA No. 22922
Attorney for the Appellant

CERTIFICATE OF SERVICE

I certify that on today's date:

I mailed a copy of Appellant's Opening Brief, postage prepaid, to:

Emanuel Hubbart, DOC #789846
Airway Heights Corrections Center
PO Box 2049
Airway Heights, WA 99001

With the permission of the recipient(s), I delivered an electronic version of the brief, using the Court's filing portal, to:

Benton County Prosecuting Attorney
andy.miller@co.benton.wa.us
prosecuting@co.benton.wa.us

I filed the Appellant's Opening Brief electronically with the Court of Appeals, Division III, through the Court's online filing system.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Olympia, Washington on October 7, 2017.



Jodi R. Backlund, WSBA No. 22917
Attorney for the Appellant

BACKLUND & MISTRY

October 07, 2017 - 1:27 PM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 35111-4
Appellate Court Case Title: State of Washington v. Emanuel Hubbart
Superior Court Case Number: 15-1-01373-8

The following documents have been uploaded:

- 351114_Briefs_20171007132609D3112676_6735.pdf
This File Contains:
Briefs - Appellants
The Original File Name was 35111-4 State v. Hubbart Opening Brief .pdf
- 351114_Designation_of_Clerks_Papers_20171007132609D3112676_9699.pdf
This File Contains:
Designation of Clerks Papers - Modifier: Supplemental
The Original File Name was 35111-4 State v. Emanuel Hubbart Supplemental Designation of Clerks Papers.pdf

A copy of the uploaded files will be sent to:

- andy.miller@co.benton.wa.us
- prosecuting@co.benton.wa.us

Comments:

Sender Name: Jodi Backlund - Email: backlundmistry@gmail.com
Address:
PO BOX 6490
OLYMPIA, WA, 98507-6490
Phone: 360-339-4870

Note: The Filing Id is 20171007132609D3112676