

FILED
Court of Appeals
Division III
State of Washington
12/18/2018 9:54 AM

No. 36142-0-III

IN THE COURT OF APPEALS
OF THE
STATE OF WASHINGTON
DIVISION III

STATE OF WASHINGTON,

Respondent,

v.

DAVID L. RICKMAN,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR ASOTIN COUNTY

The Honorable Judge Scott D. Gallina

APPELLANT'S OPENING BRIEF

Jill S. Reuter, WSBA #38374
Eastern Washington Appellate Law
PO Box 8302
Spokane, WA 99203
Phone: (509) 242-3910
admin@ewalaw.com

Brooke D. Hagara, WSBA #35566
Hagara Law, PLLC
1408 W. Broadway Avenue
Spokane, WA 99201-1902
Phone: (509) 323-9000
brooke@hagaralaw.com

TABLE OF CONTENTS

A. SUMMARY OF ARGUMENT.....1

B. ASSIGNMENTS OF ERROR.....2

C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR.....3

D. STATEMENT OF THE CASE.....3

E. ARGUMENT.....17

Issue 1: Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to Deputy Conley’s testimony regarding statements made by Mr. Lewis when Mr. Lewis did not testify at Mr. Rickman’s trial.....17

Issue 2: Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to testimony regarding Mr. Rickman’s capacity for violence, Mr. Lewis’ booking photo, and Mr. Lewis’ arrest with drugs and drug paraphernalia.....23

Issue 3: Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to admission of Mr. Evans’ and Ms. Currin’s written statements, when the statements were inadmissible hearsay and contained damaging evidence not elicited during the trial testimony.....27

Issue 4: The cumulative error doctrine requires reversal and remand for a new trial.....30

Issue 5: This court should deny appellate costs against Mr. Rickman in the event the State is the substantially prevailing party on appeal.....31

F. CONCLUSION.....34

TABLE OF AUTHORITIES

WASHINGTON SUPREME COURT

State v. Blazina, 182 Wn.2d 827, 344 P.3d 680 (2015)..... 31, 33

State v. Foxhoven, 161 Wn.2d 168, 163 P.3d 786 (2007) 24

State v. Greiff, 141 Wn.2d 910, 10 P.3d 390 (2000)..... 30

State v. Grier, 171 Wn.2d 17, 246 P.3d 1260 (2011) 19

State v. Hicks, 163 Wn.2d 477, 181 P.3d 831(2008) 18

State v. Kyлло, 166 Wn.2d 856, 215 P.3d 177 (2009) 18

State v. McFarland, 127 Wn.2d 322, 899 P.2d 1251 (1995)..... 18

State v. Smith, 106 Wn.2d 772, 725 P.2d 951 (1986)..... 24

State. Sutherby, 165 Wn.2d 870, 204 P.3d 916 (2009)..... 18

State v. Thang, 145 Wn.2d 630, 41 P.3d 1159 (2002)..... 23, 24

WASHINGTON COURTS OF APPEAL

In re Pers. Restraint of Hubert, 138 Wn.App. 924,
158 P.3d 1282 (2007)..... 19

State v. Lopez, 95 Wn. App. 842, 980 P.2d 224 (1999)..... 30

State v. McCreven, 170 Wn. App. 444, 284 P.3d 793 (2012)..... 23

State v. Sexsmith, 138 Wn. App. 497, 157 P.3d 901 (2007)..... 19

State v. Sinclair, 192 Wn. App. 380, 367 P.3d 612(2016)..... 31

State v. Slocum, 183 Wn. App. 438, 333 P.3d 541 (2014). 24

WASHINGTON STATE CONSTITUTION AND STATUTES

RCW 10.01.160 32

RCW 10.73.160(3)..... 32

WASHINGTON COURT RULES

ER 401.....26

ER 402.....26

ER 404(b)..... 23

ER 801(c)..... 19, 27, 28, 29

ER 801(d)(1) 28

ER 802.....19

GR 34.....33

RAP 14.2..... 31, 34

RAP 15.2..... 33

FEDERAL AUTHORITIES

Bruton v. U.S., 391 U.S. 123,
88 S. Ct. 1620, 20 L. Ed. 2d 476 (1968). 20

Richardson v. Marsh, 481 U.S. 200,
107 S. Ct. 1702, 1709, 95 L. Ed. 2d 176 (1987). 21, 22

Strickland v. Washington, 466 U.S. 668,
104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). 18

A. SUMMARY OF ARGUMENT

Michael Evans reported that he was assaulted and robbed by two unknown assailants. Justin Lewis and David L. Rickman were identified as suspects. Law enforcement detained Mr. Lewis in the truck described by Mr. Evans, where they located Mr. Evans' backpack and a table leg that Mr. Evans identified as the assault weapon. Mr. Lewis initially denied involvement in the incident, but admitted to having been involved in an altercation when confronted with the backpack. Mr. Evans identified Mr. Lewis at the scene. Mr. Lewis was arrested with drugs and paraphernalia on his person. Mr. Rickman was later arrested separately and denied involvement in the incident. The State charged Mr. Rickman with first degree assault, first degree robbery, and obstructing a law enforcement officer.

Mr. Lewis and Mr. Rickman were tried separately. At Mr. Rickman's jury trial, defense counsel did not object to testimony of Mr. Lewis' out-of-court statements to the arresting officer. Defense counsel did not object to testimony of Mr. Rickman's capacity to violence, admission of Mr. Lewis' booking photo, or evidence that Mr. Lewis possessed drugs and paraphernalia when he was arrested. Defense counsel also did not object to admission of the pre-trial written statement of Mr.

Evans, or that of Michelle Currin, another witness. Mr. Rickman was convicted of first degree assault and obstructing a law enforcement officer.

Mr. Rickman now appeals, arguing defense counsel was ineffective for failing to object to: admission of Mr. Lewis' statements; admission of evidence of his propensity for violence; admission of Mr. Lewis' booking photo and arrest with drugs and paraphernalia; and admission of Mr. Evans' and Ms. Currin's written statements. Mr. Rickman is entitled to a new trial under each of these bases. In the alternative, he argues that cumulative error in admission of the above evidence entitles him to a new trial.

Mr. Rickman also preemptively objects to the imposition of any appellate costs.

B. ASSIGNMENTS OF ERROR

1. Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to Deputy Conley's testimony regarding statements made by Mr. Lewis when Mr. Lewis did not testify at Mr. Rickman's trial.
2. Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to testimony of Mr. Rickman's capacity for violence, admission of Mr. Lewis' booking photo, and testimony of Mr. Lewis' arrest with drugs and drug paraphernalia.
3. Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to admission of Mr. Evans' and Ms. Currin's written statements,

when the statements were inadmissible hearsay and contained damaging evidence not elicited during the trial testimony.

4. The cumulative error doctrine requires reversal and remand for a new trial.
5. An award of costs on appeal against Mr. Rickman would be improper in the event that the State is the substantially prevailing party.

C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

Issue 1: Whether Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to Deputy Conley's testimony regarding Mr. Lewis' statements when Mr. Lewis did not testify at Mr. Rickman's trial.

Issue 2: Whether Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to testimony of Mr. Rickman's capacity for violence, admission of Mr. Lewis' booking photo, and testimony of Mr. Lewis' arrest with drugs and drug paraphernalia.

Issue 3: Whether Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to admission of Mr. Evans' and Ms. Currin's written statements, when the statements were inadmissible hearsay and contained damaging evidence not elicited during the trial testimony.

Issue 4: Whether the cumulative error doctrine requires reversal and remand for a new trial.

Issue 5: Whether the Court should impose appellate costs against Mr. Rickman in the event the State is the substantially prevailing party.

D. STATEMENT OF THE CASE

In April 2017, Robert Bevins was preparing for bed at his home in Clarkston, Washington, when his doorbell rang unexpectedly. (RP 36, 37). He opened the door to an unfamiliar man who stated he had been

beaten up and robbed. (RP 37). The man asked Mr. Bevins to call an ambulance. (RP 37). He stated he had been hit in the head with what he thought was a baseball bat. (RP 38). His backpack and cell phone had been taken. (RP 39).

Asotin County Sheriff's Deputy Nathan Conley responded. (RP 45, 46). Upon arrival at Mr. Bevins's residence, he contacted the complainant, identified as Michael Evans. (RP 48). Deputy Conley observed an abrasion to Mr. Evans' head, a large, bruising knot on his hip, and little nicks and cuts on his hands. (RP 49-50, State's Ex. 8-12). Mr. Evans said two men assaulted him. (RP 54, 56). After the assault, he gave them his backpack. (RP 56). He described the backpack as brown and black with a logo. (RP 57). It contained a LG-style smartphone, \$150 cash, clothing, and his wallet. (RP 57). He said the men were associated with a white Chevrolet pickup. (RP 58).

Another deputy located the truck, initiated a traffic stop, and contacted the occupants. (RP 59). He identified the occupants as Codie French, Erica Evans, and Justin Lewis. (RP 59, 92). The deputy detained Mr. Lewis. (RP 59, 65). A backpack located inside the truck matched Mr. Evans' description. (RP 62).

Deputy Conley then responded to the truck's location with Mr. Evans. (RP 63). Mr. Evans identified the backpack recovered from the

truck as his. (RP 64). Inside was a black wallet with his Washington State identification card. (RP 73). He identified Justin Lewis as one of the males who assaulted him, stating Mr. Lewis was the one who struck him with a baseball bat. (RP 65, 135). In the bed of Mr. Lewis' pickup was a table leg with a large nut affixed to the end with black electrical tape. (RP 75-77, State's Exs. 2-4, 21).

Through subsequent investigation, Deputy Conley identified the second suspect as David Rickman. (RP 96). When contacted at his mother's home, Mr. Rickman did not respond to officer's commands to come out of the house. (RP 104-109). After about 30 minutes, he came outside and was successfully placed in custody. (RP 104-109).

Based on these events, the State charged Mr. Rickman with first degree assault (count I); first degree robbery (count II); and obstructing a law enforcement officer (count III). (CP 9-11).

The case proceeded to jury trial. (RP 14-121). The State called Robert Bevins, Deputy Conley, Michael Evans, Tracy Lewis, and Deputy Daniel Vargas as witnesses. (RP 36, 45, 235, 242). Robert Bevins, Tracy Lewis, and Deputy Vargas testified consistent with the above facts. (RP 36-44, 235-271).

During Deputy Conley's testimony, he testified extensively to additional facts surrounding the arrest of Justin Lewis. (RP 65-69, 78, 82,

84). With no objection from defense counsel, Deputy Conley began by identifying Mr. Lewis with a booking photograph, admitted as an exhibit by the State. (RP 65, 66, State's Ex. 25). The photograph depicted Mr. Lewis unshaven, hair uncombed, wearing a black-and-gray striped tunic. (State's Ex. 25). He was standing in front of a cement-block wall under numbers stamped in black. (State's Ex. 25). The bottom of the picture read, "Asotin County Sheriff's Office, Number 162305." (State's Ex. 25).

Also without objection from defense counsel, Deputy Conley testified to various articles of drug paraphernalia and "illicit narcotics" found on Mr. Lewis when he was arrested. (RP 68). The items included hypodermic needles, syringes used for injecting, spoons and containers used to hold illicit narcotics, methamphetamine and heroin. (RP 68, 78, 161-62, 251). The Court admitted photographs of the items as exhibits, without objection from defense counsel. (RP 85, State's Exs. 5, 18). No drugs or paraphernalia were found on Mr. Rickman at the time of his later arrest. (RP 164).

Deputy Conley stated Mr. Lewis had what appeared to be a small blood spot on his shirt. (RP 69, States Ex. 14). That shirt was submitted to the Washington State Patrol Crime Lab for comparison to the DNA of Mr. Evans, Mr. Lewis, and Mr. Rickman. (RP 94, 128). None of Mr. Rickman's clothing was tested. (RP 129, 130).

Deputy Conley testified that the Crime Lab had found that Mr. Evan's blood was on Mr. Lewis' shirt. (RP 129). The State admitted the Crime Laboratory Report based on Deputy Conley's testimony, over a relevance objection from the defense. (RP 129, State's Ex. 23).

Deputy Conley also testified, again without objection, to Mr. Lewis' statements the evening of his arrest. (RP 86-88). He testified Mr. Lewis initially told him he had not been involved in any kind of altercation. (RP 87, 88). He testified Mr. Lewis told him he took Cody French to Walmart that evening, then went back to his mother's residence. (RP 88). When he left his mother's residence, law enforcement contacted him. (RP 88). Deputy Conley testified that after he confronted Mr. Lewis with the presence of Mr. Evans' backpack in his truck, Mr. Lewis changed his story and acknowledged he was aware of or had been involved in a skirmish that night. (RP 88).

Following the extensive testimony about Mr. Lewis, Deputy Conley testified to his contact that night with Mr. Rickman. (RP 100). He and other officers had located Mr. Rickman at his mother's residence. (RP 100-102).

Deputy Conley stated that Mr. Rickman was "highly intoxicated," at the time of his arrest. (RP 107). He further opined that Mr. Rickman was under the influence of alcohol and a stimulant, specifically

methamphetamine. (RP 112, 113). He testified that Mr. Rickman waived his rights and spoke with him after his arrest. (RP 113). Mr. Rickman told him he could not have been involved with the assault because he was in Lewiston, Idaho. (RP 118). He told Deputy Conley he did not hit Mr. Evans. (RP 121).

Deputy Conley observed that the outside of Mr. Rickman's hands were dirty. (RP 118). Mr. Rickman told him that while at his mother's residence he punched drywall. (RP 119). He stated that sometimes methamphetamine and alcohol caused him to go into a blackout state where he did not remember what happened. (RP 120). He did not recall whether he went into a blackout state on the night of the incident. (RP 120).

During Deputy Conley's testimony regarding Mr. Rickman's statement, the State elicited evidence of Mr. Rickman's propensity for violence, without objection from defense counsel:

[The State]: Did he make any statements about whether or not he has the capacity to do violence?

[Deputy Conley]: He stated that he has done, ah, similar, if not the same, crimes in the past, acknowledging he has capacity.

(RP 121).

Following that testimony, Deputy Conley testified to his subsequent contact with Mr. Evans. (RP 122). When he contacted Mr.

Evans about preparing a written statement, Mr. Evans told him that he had lied or misled law enforcement about some things in his initial report. (RP 122, 123). He told Deputy Conley that he actually knew Mr. Lewis, and was planning on selling drugs to him the night of the incident. (RP 123, 124).

Mr. Evans testified following Deputy Conley. (RP 175). He admitted to knowing Mr. Lewis through the “course of, using and distributing drugs throughout the Valley.” (RP 174). Before the charged events, he was stuck in Spokane and contacted Codie French and asked her to give him a ride back to the Clarkston area. (RP 177). Early in the morning of April 4th or 5th, 2017, Ms. French and Michelle Currin picked him up in Spokane. (RP 178). He knew Ms. Currin as Mr. Lewis’ girlfriend. (RP 178). Before leaving Spokane, Mr. Evans bought some heroin and Ms. French bought some methamphetamine. (RP 179). They arrived back in the Valley around noon the next day. (RP 180). Once in town, Mr. Evans went to the Nez Perce County Jail to visit his girlfriend. (RP 182). He ended up at the Clarkston Albertson’s at about 8 p.m., where he began to get messages that someone had hydrocodone they wanted to sell him. (RP 183). He contacted Ms. French and asked her if she wanted to buy some hydrocodone. (RP 183). Mr. Lewis arrived less than an hour later, driving Ms. French’s white Chevrolet pickup. (RP

183). Mr. Lewis told Mr. Evans he needed to stop by his place before they went to pick up the hydrocodone. (RP 184).

Upon arrival at Mr. Lewis' apartment complex, Mr. Evans testified that Mr. Lewis told him he needed to run inside briefly. (RP 185). While Mr. Lewis was inside, Mr. Rickman came up to the truck window and started talking to Mr. Evans. (RP 185). Mr. Evans had never met Mr. Rickman. (RP 185). Mr. Rickman borrowed some electrical tape from Mr. Evans, then walked toward the back of the truck. (RP 186). Mr. Lewis came back outside and joined Mr. Rickman at the rear of the truck, conversing with him. (RP 187). Mr. Evans could not hear the conversation. (RP 187).

Mr. Evans then testified that Mr. Lewis walked up to the passenger door of the truck and opened it. (RP 188). He asked Mr. Evans why a man had answered his girlfriend's phone when he called. (RP 188). Mr. Evans stated Mr. Lewis was holding a black BB gun. (RP 188). Mr. Lewis appeared to be mad. (RP 189). Mr. Evans testified he was then struck in the back of the head with a club through the driver's side of the truck. (RP 189). He identified a table leg as the "club David Rickman used to beat me." (RP 190, State's Ex. 21).

Mr. Evans testified he was struck twice by the club before Mr. Lewis pulled him out of the truck and threw him to the ground. (RP 191).

Mr. Lewis told him to drop his stuff. (RP 192). Mr. Evans testified that everything happened really fast, and that Mr. Lewis and Mr. Rickman were beating him with a club, grabbing him on the ground, picking him up, throwing him down, and stomping him. (RP 193). He then heard a female voice telling them to stop. (RP 193). At that point, Mr. Evans got up and left with his heroin, leaving his backpack. (RP 194, 197).

During cross-examination, defense counsel asked Mr. Evans if he had previously identified the instrument that struck him as a bat. (RP 216). Mr. Evans conceded he had. (RP 216). He conceded that his written statement did not contain the information that Mr. Lewis and Mr. Rickman conversed behind the truck prior to Mr. Lewis approaching him. (RP 218). Mr. Evans also testified that he had previously identified Mr. Lewis as “Jeremy,” because he was “shaken up.” (RP 221). He stated he “couldn’t really tell” who had kicked him. (RP 224).

Prior to redirect examination, the State admitted Mr. Evans’ entire written statement as an exhibit, without objection from defense counsel. (RP 225-226, Defense Ex. 51). In that statement, Mr. Evans wrote,

[S]ome other huge guy went upside my head with what I had thought was possibly an aluminum bat but which turned out to be a table leg with a nasty metal end, then Jeremy was pulling me out of the truck and telling me to give up my stuff while the other guy was continuing to hit me with the weapon and either him or Jeremy picked me up and slammed me to the ground several times.

(Defense Ex. 51).

In its case, the defense called Michelle Currin, Mary Rickman, Codie French, and Mr. Rickman. (RP 272-390). Ms. Rickman and Ms. French testified consistent with the above facts. (RP 312-323, 345-374).

Ms. Currin had been Mr. Lewis' girlfriend for nine years. (RP 272). She testified she met Mr. Rickman "the first time he got out of prison." (RP 273). She and Mr. Lewis lived with Ms. French at the time of the incident. (RP 274). She knew Mr. Evans through Ms. French. (RP 276). The day before the charged incident, Ms. French was trying to arrange a ride for Mr. Evans because he was stranded in Spokane. (RP 274). Ms. Currin rode with Ms. French to pick up Mr. Evans. (RP 274).

Later that night, Ms. Currin smoking outside her apartment and she could hear Mr. Lewis and Mr. Evans talking. (RP 284). When she heard things become heated, she came around the fence and could see Mr. Evans, Mr. Lewis, and Mr. Rickman. (RP 285-86). She testified they were "first talking" and then "all the sudden Michael [Evans] was getting all, I don't know – like he was getting all agitated like." (RP 286).

She testified that Mr. Rickman and Mr. Evans then began "fighting." (RP 286). When she told them to stop, Mr. Evans ran toward

her and punched her. (RP 286). She punched him back and he ran off.
(RP 286).

Ms. Currin testified that Mr. Evans, Mr. Lewis, and Mr. Rickman all participated in the fight. (RP 289). She saw both Mr. Lewis and Mr. Rickman connect punches. (RP 289). She stated that no one was holding any weapons and she didn't see anyone throwing Mr. Evans to the ground. (RP 289).

During cross-examination, Ms. Currin testified that she was at Mr. Lewis' mother's house when Mr. Rickman came in after the incident. (RP 305). He said, "something about beating up Michael Evans." (RP 305, 306, 308). She observed that his hand was swollen. (RP 309). She denied that Mr. Rickman and Mr. Lewis had set up Mr. Evans because they all wanted a drug fix. (RP 307).

The State admitted Ms. Currin's two prior written statements as exhibits, without objection from defense counsel. (RP 308, State's Ex. 28, 29). In her first written statement, she described the assault against Mr. Evans, in pertinent part:

And then I heard shuffling around and went out there and David was punching, hitting, and yelling at Mike. Justin and I was yelling at David to stop. And Justin kept yelling at David...David ran after him...David came to mom's telling Tracy and I that he just beat someone down after beating him in the parking lot...he came back and said he beat up Mike again.

(State's Ex. 28).

In her second written statement, she again described the assault, in pertinent part:

David Rickman started beating Michael Evans up and Justin and I scream stop repeatedly...and David came to Tracy's where I was and he had a broken hand...he beat Michael Evans up that time and after he ran after him.

(State's Ex. 29).

The defense last called Mr. Rickman to testify. (RP 375). Mr. Rickman testified that around 9 p.m. on the evening of the incident, he was leaving his house, which was near where Justin Lewis' mother resided. (RP 378). His attention was drawn by an unknown man calling him a "punk." (RP 378). He looked around and, "I'm the only person he can talk to and I'd never – I've never known the dude, so I don't understand why he's coming at me this way." (RP 379). He started punching him, then took off running when he saw a car coming. (RP 379).

During cross-examination, Mr. Rickman stated he had not struck Mr. Evans with the table leg. (RP 383, RP 390). He never saw Ms. Currin or Mr. Lewis. (RP 384). He conceded he was drunk during the events in question, and that he told the officer he didn't know what

happened, but he didn't think he committed the assault while in a blackout. (RP 385).

The State then inquired further, without objection from defense counsel, regarding Mr. Rickman's history of assault:

[The State]: You told him you'd done things like this before?

[Mr. Rickman]: Ah, I couldn't tell you.

[The State]: When – when you were in a blackout?

[Mr. Rickman]: I couldn't tell you.

[The State]: Okay. Now – now you can't tell me. All right. You have a prior conviction for robbery in Nez Perce County?

[Mr. Rickman]: Yes, I do.

[The State]: Is that what you were referring to when you said, ah, to the deputy, that you've done things like this in the past?

[Mr. Rickman]: I was referring to fighting.

(RP 386).

During closing argument, the State emphasized witness credibility, conceding the problems with Mr. Evans' credibility but arguing that his story fit with the rest of the evidence. (RP 431, 433, 434). Without objection from defense counsel, the State argued that Mr. Lewis' statements were not credible:

What did Mr. Lewis say when he was contacted and asked about those belongings, the backpack in particular? Oh, that's mine. Why does Justin Lewis say that the backpack belongs to him when he's confronted by police? Just got nervous and confused, ah, about this? Why doesn't he say, hey, there was a fight – in fact, what does he tell the officers? I don't know nothing about any altercation; right? . . . But he doesn't say, hey, there was a fight, this guy ran off, he's got all this stuff here, can you take it, officer? This stuff belongs to him. No, he says it's my backpack.

There was no – I don't know what you're talking about. What is that evidence of? That's corroboration for what Mr. Evans says.

(RP 434, 435).

The State further argued, without objection from defense counsel, that Mr. Lewis' statement that he didn't know anything about an assault was not credible given that the DNA evidence showed Mr. Evans' blood on his shirt. (RP 440). The State argued:

The fact that he's, ah, denying being involved in this altercation; the fact that he's lying about the ownership of those items; is evidence of what? His consciousness of guilt.

(RP 440-41).

The State summarized:

There is no question that Mr. Lewis robbed Mr. Evans, that he set him up to come down there, took his property by force with the help of his cousin, who he met with moments before at the back of the truck, as Mr. Evans indicated in his statement. Mr. Lewis distracted him while his cousin went around to the driver's side door and coldcocked him from behind with the club and then they demanded his property and Mr. Lewis – or Mr. Evans was lucky to escape. And Mr. Lewis maintained possession of that property and then, again, later on lied to the officers about it.

(RP 457).

The jury found Mr. Rickman guilty of first degree assault (with a deadly weapon enhancement) and obstructing a law enforcement officer.

(CP 154-155; RP 485). The jury found Mr. Rickman not guilty of first degree robbery. (CP 154; 486).

The felony judgment and sentence contains the following boilerplate language: “[a]n award of costs on appeal against the defendant may be added to the total financial obligations.” (CP 167). The trial court found Mr. Rickman indigent for purposes of appeal and granted him a right to review at public expense. (CP 191-192). Mr. Rickman timely appeals. (CP 179-188).

E. ARGUMENT

Issue 1: Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to Deputy Conley’s testimony regarding statements made by Mr. Lewis when Mr. Lewis did not testify at Mr. Rickman’s trial.

Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to admission of Mr. Lewis’ statements during the testimony of Deputy Conley. Mr. Lewis did not testify at Mr. Rickman’s trial. His statements were inadmissible hearsay and admission violated the Confrontation Clause. Because the State argued during closing that Mr. Lewis’ lack of credibility made Mr. Rickman not credible, the result of the trial likely would have been different absent admission of Mr. Lewis’ statements. Defense

counsel could not have had a legitimate tactical reason for allowing the State to argue guilt by association.

Under the Sixth Amendment, a criminal defendant has the right to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668, 685-86, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984). “A claim of ineffective assistance of counsel is an issue of constitutional magnitude that may be considered for the first time on appeal.” *State v. Kylo*, 166 Wn.2d 856, 862, 215 P.3d 177 (2009). The claim is reviewed de novo. *State v. Sutherby*, 165 Wn.2d 870, 883, 204 P.3d 916 (2009).

To establish ineffective assistance of counsel, a defendant must demonstrate (1): [D]efense counsel’s representation was deficient, *i.e.*, it fell below an objection standard of reasonableness based on consideration of all of the circumstances; and (2) defense counsel’s deficient performance prejudiced the defendant, *i.e.* there is a reasonable probability that, except for counsel’s unprofessional errors, the result of the proceeding would have been different. *State v. McFarland*, 127 Wn.2d 322, 334-35, 899 P.2d 1251 (1995).

In other words, prejudice is established by showing that “counsel’s errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.” *State v. Hicks*, 163 Wn.2d 477, 488, 181P.3d831(2008)(quoting *Strickland*, 466 U.S. at 687).

Tactical decisions made by counsel cannot serve as a basis for an ineffective assistance of counsel claim. *State v. Grier*, 171 Wn.2d 17, 33, 246 P.3d 1260 (2011). “[S]trategy must be based on reasoned decision-making[.]” *In re Pers. Restraint of Hubert*, 138 Wn.App. 924, 928, 158 P.3d 1282 (2007).

To prove the failure to object to the admission of evidence constituted ineffective assistance of counsel, a defendant must show “that the failure to object fell below prevailing professional norms, that the objection would have been sustained, . . . that the result of the trial would have been different if the evidence had not been admitted[.]” and that the decision was not tactical. *State v. Sexsmith*, 138 Wn. App. 497, 509, 157 P.3d 901 (2007).

Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. ER 801(c). Hearsay is not admissible absent an exception in the Evidence Rules, other court rules, or by statute. ER 802.

Mr. Lewis’ statements are hearsay by definition and were not admissible. *See* ER 801(c). He was not present to testify at trial. If defense counsel had objected to Mr. Lewis’ statements as hearsay, the objection would have been sustained. Because the State argued that Mr. Lewis wasn’t credible, therefore Mr. Rickman was similarly untruthful,

the result of the trial likely would have been different had it not been able to use Mr. Lewis' guilt to infer Mr. Rickman's.

Admission of a non-testifying defendant's confession implicating the other defendant in a joint trial violates that defendant's right to cross-examine witnesses under the Sixth Amendment of the Constitution.

Bruton v. U.S., 391 U.S. 123, 88 S. Ct. 1620, 20 L. Ed. 2d 476 (1968). In *Bruton*, two defendants were tried together for armed robbery. *Id.* at 124. One of the defendants confessed to law enforcement and admitted he had an accomplice to the crime. *Id.* The confession was admitted at the joint trial, and the jury was instructed to disregard the confession as evidence against the non-confessing defendant. *Id.* In reversing the conviction against that defendant, the Court found a limiting instruction was inadequate:

[T]here are some contexts in which the risk that the jury will not, or cannot, follow instructions is so great, and the consequences of failure so vital to the defendant, that the practical and human limitations of the jury system cannot be ignored. Such a context is presented here, where the powerfully incriminating extrajudicial statements of a codefendant, who stands accused side-by-side with the defendant, are deliberately spread before the jury in a joint trial.

Id. at 135-36.

Conversely, the Confrontation Clause is not violated by the admission of a non-testifying codefendant's confession with a proper

limiting instruction when the confession is redacted to eliminate not only the defendant's name, but any reference to his or her existence.

Richardson v. Marsh, 481 U.S. 200, 211, 107 S. Ct. 1702, 1709, 95 L. Ed. 2d 176 (1987). In *Richardson*, the defendants were tried together for assault and homicide. *Id.* The State introduced a statement given by one co-defendant where he admitted to having a conversation in the car before the crimes that he would have to kill the victims after the robbery. *Id.* at 203. At the time the confession was admitted, the court admonished the jury not to use it against the other defendant in any way. *Id.* at 204. The other defendant then testified and placed herself in the car during that conversation. *Id.*

The Court distinguished confessions where one defendant “expressly implicated” the other, and those that only became incriminating when linked with other evidence. *Id.* at 208. In the latter:

[W]here the necessity of such linkage is involved, it is a less valid generalization that the jury will not likely obey the instruction to disregard the evidence . . . while it may not always be simple for the members of the jury to obey the instruction that they disregard an incriminating inference, there does not exist the overwhelming probability of their inability to do so that is the foundation of *Bruton*'s exception to the general rule.

Id.

Mr. Lewis' statements do not expressly implicate Mr. Rickman, but the court did not admonish the jury with a limiting instruction, either sua sponte or at defense's request. The *Richardson* ruling is premised on the concept that a co-defendant's statements in such linkage cases will only be admitted with a limiting instruction. *See Richardson*, 481 U.S. at 211.

After first failing to object to Mr. Lewis' statements as inadmissible hearsay, defense counsel then failed to raise the Confrontation Clause violation or request a limiting instruction. The failure to recognize such evidentiary and constitutional principles falls below prevailing professional norms. The admission of Mr. Lewis' statements did not help Mr. Rickman's case in any way and failing to object to them could not have been the result of any legitimate tactic or strategy. Rather, defense counsel remained silent while the State admitted the statements, then used them to tarnish Mr. Rickman by association during its closing argument. The statements both were inadmissible hearsay and violative of the Confrontation Clause and would not have been admitted had defense counsel objected. Mr. Rickman has established that he received ineffective assistance of counsel because defense counsel failed to object to the admission of Mr. Lewis' statements. His convictions should be reversed and remanded for a new trial.

Issue 2: Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to testimony regarding Mr. Rickman’s capacity for violence, Mr. Lewis’ booking photo, and Mr. Lewis’ arrest with drugs and drug paraphernalia.

Defense counsel’s failure to object to improper propensity and bad act evidence fell below prevailing professional norms, allowing the State to argue Mr. Rickman’s and Mr. Lewis’ bad character instead of the facts of the case. Admission of Mr. Rickman’s propensity for assault and Mr. Lewis’ criminal type would have made the jury less likely to believe Mr. Rickman’s version of the incident. The trial result would have been different without this impermissible and powerfully prejudicial evidence.

The applicable test for ineffective assistance of counsel is set forth in Issue 1 above.

“Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith.” ER 404(b). Such evidence “may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” ER 404(b).

“Evidence of prior bad acts is presumptively inadmissible.” *State v. McCreven*, 170 Wn. App. 444, 458, 284 P.3d 793 (2012). “In doubtful cases, the evidence should be excluded.” *State v. Thang*, 145 Wn.2d 630,

642, 41 P.3d 1159 (2002) (citing *State v. Smith*, 106 Wn.2d 772, 776, 725 P.2d 951 (1986)).

“The burden of demonstrating a proper purpose for admitting evidence of a person’s prior bad acts is on the proponent of the evidence.” *State v. Slocum*, 183 Wn. App. 438, 448, 333 P.3d 541 (2014). In order to admit evidence under ER 404(b), the trial court must follow four steps: “(1) find by a preponderance of the evidence that the misconduct occurred, (2) identify the purpose for which the evidence is sought to be introduced, (3) determine whether the evidence is relevant to prove an element of the crime charged, and (4) weigh the probative value against the prejudicial effect.” *State v. Foxhoven*, 161 Wn.2d 168, 174, 163 P.3d 786 (2007) (quoting *Thang*, 145 Wn.2d at 642). “This analysis must be conducted on the record.” *Id.* at 175 (citing *Smith*, 106 Wn.2d at 776).

Deputy Conley testified that he asked Mr. Rickman whether he had the capacity to do violence, and that Mr. Rickman responded he had committed similar crimes in the past. (RP 121). The State further questioned Mr. Rickman during his testimony about whether “he’d done things like this before.” (RP 386). All of this inquiry was without objection from defense counsel.

Here, no proper purpose existed for the State to elicit testimony about Mr. Rickman’s capacity for violence, either through Deputy Conley

or through Mr. Rickman himself. Propensity evidence is strictly prohibited under ER 404(b) because it is so prejudicial. Had defense counsel objected, the evidence would have been excluded. Defense counsel could not have had any tactical reason for allowing the jury to know that his client had engaged in or been convicted of the exact same type of behavior for which he was presently charged.

Further, Mr. Rickman and Ms. Currin testified that Ms. Currin raised the issue whether Mr. Evans had started the fight, and Mr. Evans' and Mr. Rickman's credibility were weighed against each other as a key issue in the trial, since they were the only witnesses to the incident who testified. Admission of evidence that Mr. Rickman had assaultive history allowed the jury to find Mr. Evans more credible. Without the knowledge that Mr. Rickman had that history, the result of the trial likely would have been different.

Defense counsel was further ineffective for failing to object during Mr. Rickman's trial to admission of Mr. Lewis' booking photograph and evidence that Mr. Lewis was found with drugs and drug paraphernalia on his person at the time of his arrest. (RP 65, 66, 68, 78, 161-62, 164, 251, State's Ex. 25). The court did not try Mr. Rickman's and Mr. Lewis' cases together, and Mr. Rickman was not present when Mr. Lewis was arrested.

Evidence that is not relevant is not admissible. ER 402. Relevant evidence is “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.” ER 401.

Mr. Lewis’ booking photo and evidence that he was arrested with drugs and paraphernalia were not relevant to prove that Mr. Rickman had robbed or assaulted Mr. Evans. Further, that evidence was strictly prohibited under ER 404(b). The booking photo showed that Mr. Lewis, Mr. Rickman’s cousin and alleged accomplice, was a criminal druggie, and that was the person who Mr. Rickman associated with. (State’s Ex. 25). The evidence was extremely prejudicial to Mr. Rickman as the jury could not help but paint him with the same brush as the person who was so closely linked to him. The State then further linked them together during its closing argument when it argued that because Mr. Lewis had lied about the altercation, Mr. Rickman must similarly be untruthful. (RP 440-441, 457).

Defense counsel’s failure to object to evidence of Mr. Rickman’s assaultive propensity through Deputy Conley and during Mr. Rickman’s cross-examination constituted ineffective assistance of counsel. Defense counsel’s failure to object to admission of Mr. Lewis’ booking photo and arrest with drugs and paraphernalia also constituted ineffective assistance

of counsel. Mr. Rickman's convictions should be reversed and remanded for a new trial.

Issue 3: Mr. Rickman was denied his Sixth Amendment right to effective assistance of counsel when defense counsel failed to object to admission of Mr. Evans' and Ms. Currin's written statements, when the statements were inadmissible hearsay and contained damaging evidence not elicited during the trial testimony.

Defense counsel's failure to object to the admission of Mr. Evans' and Ms. Currin's written statements fell below professional norms when both statements were inadmissible hearsay and would have been excluded had defense counsel objected. Since both statements made Mr. Rickman more culpable in the assault than witness's trial testimony, the result of the trial likely would have been different had they not been admitted.

The applicable test for ineffective assistance of counsel is outlined in Issue 1 above.

Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered into evidence to prove the truth of the matter asserted. ER 801(c). A statement is not hearsay if the declarant testifies at trial and is subject to cross-examination concerning the statement and the statement is, (i) inconsistent with the declarant's testimony, was given under oath subject to penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (ii) consistent with the

declarant's testimony and offered to rebut an express or implied charge of recent fabrication or improper influence or motive. ER 801(d)(1).

Mr. Evans' written statement was hearsay; it was given outside of court and was offered to prove that Mr. Rickman assaulted and robbed him. *See* ER 801(c). His statement was not admissible as a prior inconsistent or consistent statement. *See* ER 801(d)(1). Mr. Evans' written statement gave a similar description of events to his trial testimony, but his written statement was more damaging to Mr. Rickman than his trial testimony. Since it wasn't his *trial testimony* that was more damaging to Mr. Rickman, Mr. Evans' written statement wasn't admissible as a prior consistent statement under ER 801(d)(1)(ii).

Mr. Evans testified during trial that Mr. Rickman hit him in the head with a club before Mr. Lewis pulled him out of the truck. (RP 189, 192). During his trial testimony, he described *both* Mr. Lewis and Mr. Rickman as beating him, grabbing him, picking him up, throwing him. (RP 193). His written statement, however, described Mr. Rickman as being the only person hitting him repeatedly with a weapon. (Defense Ex. 51). Defense counsel could not have had a legitimate tactical reason for wanting the jury to see a statement where the complaining witness placed the deadly weapon solely in his client's hands.

Similarly, Ms. Currin's statement was hearsay. While her written statement contained some inconsistencies with her trial testimony, she was cross-examined on those instances. The remainder of the statement was either consistent with or added more details than her trial testimony, so was inadmissible hearsay. See ER 801(c). Those details were damaging to Mr. Rickman, including statements that Mr. Rickman had been bragging about beating someone up. Defense counsel's failure to object to admission of her written statements allowed the jury to read, and re-read, information that was less favorable to Mr. Rickman than the trial testimony. A hearsay objection certainly would have been sustained. Without Ms. Currin's written statements delineating how Mr. Rickman was bragging about beating someone up, the result of the trial likely would have been different.

Mr. Rickman has established that he received ineffective assistance of counsel when his attorney did not object to the admission of the written statements of Mr. Evans and Ms. Currin as inadmissible hearsay. Since the objections would have been sustained and the writings contained information more damaging to Mr. Rickman than the trial testimony, the result of the trial would have been different without their admission. Mr. Rickman's convictions should be reversed and remanded for a new trial.

Issue 4: The cumulative error doctrine requires reversal and remand for a new trial.

Even if this Court could determine that one or more of the errors are not prejudicial enough to warrant reversal, the cumulative effect of the prejudicial errors warrants reversal. *State v. Greiff*, 141 Wn.2d 910, 929, 10 P.3d 390 (2000). “It is well accepted that reversal may be required due to the cumulative effects of trial court errors, even if each error examined on its own would otherwise be harmless.” *State v. Lopez*, 95 Wn. App. 842, 857, 980 P.2d 224 (1999). Constitutional error requires reversal unless the court is certain beyond a reasonable doubt a jury would have reached the same conclusion in absence of the error. *Id.* at 857.

“Nonconstitutional error requires reversal only if, within reasonable probabilities, it materially affected the outcome of the trial.” *Id.*

The combined effect of admitting Mr. Lewis’ statements, evidence of Mr. Rickman’s assaultive propensity, Mr. Lewis’ booking photo, possession of drugs and paraphernalia, and Mr. Evans’ and Ms. Currin’s written statements deprived Mr. Rickman of a fair trial. The jury was presented with a plethora of extremely prejudicial evidence that did not pertain to facts on the day of the charged incident. The jury’s verdict was not based on facts, but rather on Mr. Rickman’s character and

associations. Mr. Rickman is entitled to a new trial based on cumulative error.

Issue 5: This court should deny appellate costs against Mr. Rickman in the event the State is the substantially prevailing party on appeal.

Mr. Rickman preemptively objects to any appellate costs being imposed against him, should the State be the prevailing party on appeal, pursuant to the recommended practice in *State v. Sinclair*, 192 Wn. App. 380, 385-94, 367 P.3d 612(2016), this Court’s General Court Order issued on June 10, 2016, and RAP 14.2 (amended effective January 31, 2017).

An order finding Mr. Rickman indigent was entered by the trial court, and there has been no known improvement to this indigent status. (CP 191-92). Mr. Rickman’s report as to continued indigency, filed in this Court on the same day as this opening brief, shows that Mr. Rickman remains indigent.

The imposition of costs under the circumstances of this case would be inconsistent with those principles enumerated in *Blazina*. See *State v. Blazina*, 182 Wn.2d 827, 835, 344 P.3d 680 (2015). In *Blazina*, our Supreme Court recognized the “problematic consequences” LFOs inflict on indigent criminal defendants. *Id.* at 835-37. To confront these serious problems, the Court emphasized the importance of judicial discretion: “The trial court must decide to impose LFOs and must consider the defendant’s current or future ability to pay

those LFOs based on the particular facts of the defendant’s case.” *Blazina*, 182 Wn.2d at 834. Only by conducting such a “case-by-case analysis” may courts “arrive at an LFO order appropriate to the individual defendant’s circumstances.” *Id.*

The *Blazina* Court addressed LFOs imposed by trial courts, but the “problematic consequences” are every bit as serious with appellate costs. The appellate cost bill imposes a debt for losing an appeal, which then “become[s] part of the trial court judgment and sentence.” RCW 10.73.160(3). Imposing thousands of dollars on an indigent appellant after an unsuccessful appeal results in the same compounded interest and retention of court jurisdiction. Appellate costs negatively impact indigent appellants’ ability to successfully rehabilitate in precisely the same ways the *Blazina* court identified for trial costs.

Although *Blazina* applied the trial court LFO statute, RCW 10.01.160, it would contradict and contravene our High Court’s reasoning not to require the same particularized inquiry before imposing costs on appeal. Under RCW 10.73.160(3), appellate costs automatically become part of the judgment and sentence. To award such costs without determining ability to pay would circumvent the individualized judicial discretion *Blazina* held was essential before imposing monetary obligations. This is particularly true where, as here, Mr. Rickman’s indigency has been determined for purposes of this appeal. (CP 191-192).

Furthermore, the *Blazina* court instructed *all* courts to “look to the comment in GR 34 for guidance.” *Blazina*, 182 Wn.2d at 838. That comment provides, “[t]he adoption of this rule is rooted in the constitutional premise that *every level of court* has the inherent authority to waive payment of filing fees and surcharges on a case by case basis.” GR 34 cmt. (emphasis added). The *Blazina* court said, “if someone does meet the GR 34[(a)(3)] standard for indigency, courts should seriously question that person’s ability to pay LFOs.” *Blazina*, 182 Wn.2d at 839. Mr. Rickman met this standard for indigency. (CP 191-192).

This Court receives orders of indigency “as a part of the record on review.” RAP 15.2(e); *see also* CP 191-192. “The appellate court will give a party the benefits of an order of indigency throughout the review unless the trial court finds the party’s financial condition has improved to the extent that the party is no longer indigent.” RAP 15.2(f). This presumption of continued indigency, coupled with the GR 34(a)(3) indigency standard, requires this Court to “seriously question” this indigent appellant’s ability to pay costs assessed in an appellate cost bill. *Blazina*, 182 Wn.2d at 839.

It does not appear to be the burden of Mr. Rickman to demonstrate his continued indigency given the newly amended RAP 15.2, since his indigency is presumed to continue during this appeal.

This Court is asked to deny appellate costs at this time. Pursuant to RAP 14.2, effective January 31, 2017, this Court, a commissioner of this court, or the

court clerk are now specifically guided to deny appellate costs if it is determined that the offender does not have the current or likely future ability to pay such costs. RAP 14.2. Importantly, when a trial court has entered an order that the offender is indigent for purposes of the appeal, that finding of indigency remains in effect pursuant to RAP 15.2(f), unless the commissioner or court clerk determines by a preponderance of the evidence that the offender's financial circumstances have significantly improved since the last determination of indigency. *Id.*

There is no evidence Mr. Rickman's current indigency or likely future ability to pay has significantly improved since the trial court entered its order of indigency in this case. To the contrary, Mr. Rickman's report as to continued indigency, filed in this Court on the same day as this opening brief, shows that he remains indigent. Appellate costs should not be imposed in this case.

F. CONCLUSION

Defense counsel failed to provide Mr. Rickman with effective assistance of counsel by failing to object to hearsay statements made by Mr. Lewis. Because the State used Mr. Lewis' lack of credibility in closing arguments to impugn Mr. Rickman's credibility, the trial result would have been different absent admission of Mr. Lewis' statements.

Defense counsel was also ineffective in failing to object to admission of improper 404(b) evidence pertaining to both Mr. Rickman

and Mr. Lewis, which allowed the jury to convict Mr. Rickman based on his propensity for violence and guilt by association.

Defense counsel was further ineffective in failing to object to admission of prior written statements of Mr. Evans and Ms. Currin as inadmissible hearsay. The admission of those statements provided more damaging evidence against Mr. Rickman than was contained in their testimony.

Because he was deprived of ineffective assistance of counsel, Mr. Rickman's convictions for first degree assault and obstructing a law enforcement officer should be reversed and remanded for a new trial.

In the alternative, Mr. Rickman's convictions should be reversed under the cumulative error doctrine.

Mr. Rickman also asks this Court to deny the imposition of any costs against him on appeal.

Respectfully submitted this 18th day of December 2018.

/s/ Jill S. Reuter
Jill S. Reuter, WSBA #38374
Eastern Washington Appellate Law
PO Box 8302
Spokane, WA 99203
Phone: (509) 242-3910
admin@ewalaw.com

/s/ Brooke D. Hagara
Brooke D. Hagara, WSBA #35566
Hagara Law, PLLC
1408 W. Broadway Avenue
Spokane, WA 99201-1902
Phone: (509) 323-9000
brooke@hagaralaw.com

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)
Plaintiff/Respondent) COA No. 36142-0-III
vs.)
DAVID L. RICKMAN) PROOF OF SERVICE
Defendant/Appellant)
_____)

I, Jill S. Reuter, assigned counsel for the Appellant herein, do hereby certify under penalty of perjury that on December 18, 2018, I deposited for first-class mailing with the U.S. Postal Service, postage prepaid, a true and correct copy of the Appellant's opening brief to:

David L. Rickman DOC #371181
Washington State Penitentiary
1313 North 13th Avenue
Walla Walla, WA 99362

Having obtained prior permission from the Respondent and co-counsel Brooke Hagara, I also served the same at on the Respondent at bnichols@co.asotin.wa.us and lwebber@co.asotin.wa.us and on Ms. Hagara at brooke@hagaralaw.com using the Washington State Appellate Courts' Portal.

Dated this 18th day of December, 2018.

/s/ Jill S. Reuter
Jill S. Reuter, WSBA #38374
Eastern Washington Appellate Law
PO Box 8302
Spokane, WA 99203
Phone: (509) 242-3910
admin@ewalaw.com

NICHOLS AND REUTER, PLLC / EASTERN WASHINGTON APPELLATE LAW

December 18, 2018 - 9:54 AM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 36142-0
Appellate Court Case Title: State of Washington v. David L. Rickman
Superior Court Case Number: 17-1-00054-1

The following documents have been uploaded:

- 361420_Briefs_20181218095323D3286158_0808.pdf
This File Contains:
Briefs - Appellants
The Original File Name was Opening Brief filed 12.18.18.pdf
- 361420_Financial_20181218095323D3286158_1114.pdf
This File Contains:
Financial - Other
The Original File Name was Report as to Continued Indigency filed 12.18.18.pdf

A copy of the uploaded files will be sent to:

- bnichols@co.asotin.wa.us
- brooke@hagaralaw.com
- brookehagara@yahoo.com
- lwebber@co.asotin.wa.us

Comments:

Sender Name: Jill Reuter - Email: jill@ewalaw.com
Address:
PO BOX 8302
SPOKANE, WA, 99203-0302
Phone: 509-242-3910

Note: The Filing Id is 20181218095323D3286158