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Court of Appeals
Division III
State of Washington
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NO. 36633-2-III

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

STATE OF WASHINGTON,

Respondent,

v.

JAIME ALEJANDRE,
Appellant.

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

The Honorable Gayle M. Harthcock, Judge

BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. The state committed prosecutorial misconduct by directing a witness to comment on Mr. Alejandro's exercise of his right to remain silent for the sole purpose of eliciting testimony showing that Mr. Alejandro refused to speak with police after his arrest.

2. The trial court abused its discretion when it denied Mr. Alejandro's motion to strike the aggravated domestic violence special verdict because the state limited its definition of "family or household member" to "spouses" and then failed to present evidence of a legal marriage between Mr. Alejandro and Ms. Gonzalez-Castillo.

Issues Presented on Appeal

1. Did the state commit prosecutorial misconduct by inviting a witness to comment on Mr. Alejandro's exercise of his constitutional rights when it directed a witness to inform the jury that Mr. Alejandro refused to talk to the police after his arrest?

2. Did the trial court abuse its discretion when it denied Mr. Alejandro's motion to strike the aggravated domestic

violence special verdict where the state limited its definition of “family or household member” to “spouses” and then failed to present evidence of a legal marriage between Mr. Alejandro and Ms. Gonzalez-Castillo?

B. STATEMENT OF THE CASE

1. Substantive Facts

Jaime Alejandro lived in a mobile home in Granger, Washington with Maria Gonzalez-Castillo and their eight children. RP 86. On June 1, 2017, Mr. Alejandro’s oldest daughter, M.A., took one of the family cars to an auto shop. RP 91-92. When M.A. returned home, her mother warned her that Mr. Alejandro was intoxicated. RP 93. M.A. worked on her homework in the living room while her parents entered their bedroom and started to argue about finances. RP 95.

While M.A. was doing homework, she heard a loud “thud” in her parents’ bedroom. RP 97. When M.A. knocked on the bedroom door to see what happened, her father said that he was taking a shower and did not open the door. RP 97- 98. M.A. heard a noise she suspected was her father setting his rifle on the wooden floor, but thought nothing of it and returned to the living room and worked

on her homework until she went to bed. RP 98-100.

M.A. and her older brother, Manuel Alejandro, woke up the next morning for work but could not locate either of their parents. RP 101-02, 145-46. Ms. Gonzalez-Castillo's car was in the driveway and her purse was still in the house. RP 106, 146-47. M.A. called Mr. Alejandro and told him that they could not find Ms. Gonzalez-Castillo. RP 105. Mr. Alejandro told M.A. that he could not find her either and that he suspected she ran away with another man. RP 105. Manuel¹ grew suspicious so he entered his parents' bedroom, lifted up the mattress, and found pools of blood on its underside. RP 107, 148. Manuel called the police and M.A. took the younger children to a babysitter's house. RP 109, 149.

As M.A. was driving back from the babysitter's house, she noticed smoke coming from a fire pit on her family's land. RP 109. She and Manuel walked over to the pit and observed what they believed to be human bones in the fire. RP 110-11, 150. The Sheriff's Department arrived on scene and contacted Manuel and M.A. RP 195. They showed Deputy Wolfe the fire pit and he identified some of the bones in the smoldering fire as human

¹ We refer to Manuel Alejandro by his first name only to avoid confusion caused by common names amongst family members. We do not intend any disrespect.

femurs. RP 196. Manuel took the police into the master bedroom and showed them the bloodstained mattress. RP 200. Deputy Wolfe called detectives to the scene for a homicide investigation. RP 205.

Officers attempted to contact Mr. Alejandre at the ranch where he worked, but he had already left. RP 205. M.A. called Mr. Alejandre and lied to him by saying that her little sister was sick, and Mr. Alejandre needed to come home to check on her. RP 114-15. Mr. Alejandre agreed to come home. RP 115. M.A. provided officers with the route Mr. Alejandre would likely drive back to the mobile home and a description of his truck. RP 115. Officers located Mr. Alejandre driving back towards the mobile home, stopped him, and took him into custody without incident. RP 207-08. Officers seized the clothing Mr. Alejandre was wearing as potential evidence. RP 344.

Evidence technicians arrived on scene and examined the bones in the fire pit. RP 248-49. They identified a human skull in the fire but could not remove any of the bones without them shattering due to heat exposure. RP 253-54. The technicians cooled the fire pit with a hose and retrieved a human skull,

fragments of several other bones, and some burnt human tissue from inside. RP 252-54, 284, 580.

Detectives secured a search warrant for the mobile home. RP 689. While searching the master bedroom, the detectives observed wet blood under the mattress, blood spatter on the window and curtains, and found a rifle in the closet. RP 453-56, 508. The blood found on the interior of the bedroom window and under the mattress matched the DNA profile of Ms. Gonzalez-Castillo. RP 562, 567-68. Evidence technicians swabbed the rifle's barrel and discovered blood that also matched the DNA profile of Ms. Gonzalez-Castillo. RP 509, 569.

Detectives also searched the yard and exterior of the mobile home. RP 690-91. As the detectives walked around the exterior of the mobile home, they observed blood smears underneath the master bedroom window. RP 691. They also noticed that the flowers beneath the window had been pushed down and had blood smeared on them. RP 691. Finally, the detectives noticed a trail of blood leading from the window to the fire pit where the human remains were discovered. RP 691-92. A telephone box between the window and fire pit had blood smeared on it. RP 692. The blood

found below the bedroom window and on the telephone box matched the DNA profile of Ms. Gonzalez-Castillo. RP 561-64.

Dr. Jeffrey Reynolds performed an autopsy on the remains recovered from the fire pit. RP 389. By comparing dental records to x-rays of the skull recovered from the pit, Dr. Reynold's identified the body in the fire pit as Ms. Gonzalez-Castillo. RP 404. Dr. Reynolds concluded that Ms. Gonzalez-Castillo died as the result of a depressed skull fracture caused by blunt force trauma. RP 404-05. Dr. Reynolds opined that someone struck Ms. Gonzalez-Castillo with a hard, flat object that is curved in the shape of the fracture. RP 395-96. Dr. Reynolds compared the shape of the fracture to the butt of the rifle found in the bedroom closet and concluded that it was possible the rifle caused the fracture to Ms. Gonzalez-Castillo's skull. RP 396.

The Washington State Patrol crime lab tested the shirt Mr. Alejandro was wearing when he was arrested and discovered blood matching the DNA profile of Ms. Gonzalez-Castillo. RP 550-51. A swab of the rifle butt showed DNA from two separate individuals, but the crime lab was unable to match the DNA profile to any specific person. RP 519, 543. The only DNA matching Mr.

Alejandre was located on the steering wheel and gearshift of his truck. RP 586-87.

2. Procedural Facts

The state charged Mr. Alejandre with second degree felony murder under RCW 9A.32.050(1)(b) and one count of unlawful disposal of human remains. CP 17-18. The state alleged that the murder was an aggravated domestic violence offense under RCW 9.94A.535(3)(h)(ii) and also alleged that it had a destructive and foreseeable impact on persons other than the victim under RCW 9.94A.535(3)(r). CP 17-18. The state also charged Mr. Alejandre with being an alien in possession of a firearm, but that charge was bifurcated from the trial and ultimately dismissed. CP 18, 31, 126. Mr. Alejandre elected to proceed to a jury trial on the other two counts. RP 3.

Mr. Alejandre made a motion in limine to preclude the state from offering any custodial statements into evidence without laying the proper foundation establishing that he was advised of his Miranda warnings and made a valid waiver of his rights. RP 13; CP 28. The trial court granted Mr. Alejandre's motion, and the state claimed that it was not going to offer any custodial statements. RP

13.

During the state's case-in-chief, the prosecutor questioned Sergeant Mike Russell of the Yakima County Sheriff's Department about Mr. Alejandro's arrest. RP 287-88. As part of the questioning, the state asked Sergeant Russell if Mr. Alejandro made a statement at the scene:

[SGT. RUSSELL]: When the defendant was taken into custody, he was put into a police car. I saw he was taken into custody without apparently resisting arrest or any violence. He was brought in front of the house where I was situated. I saw Detective Reyna advise him of his Miranda warnings to see if he wanted to speak with us about what was going on.

[PROSECUTOR]: Okay. Did the defendant want to speak with you?

[DEFENSE COUNSEL]: Objection.

[TRIAL COURT]: Sustained.

RP 288. Mr. Alejandro moved for a mistrial after the next recess and argued that the state's question regarding whether Mr. Alejandro made a statement at the scene constituted an improper comment on Mr. Alejandro's exercise of his right to remain silent. RP 296-99; CP 78-82. The trial court denied Mr. Alejandro's motion:

[TRIAL COURT]: As far as the court is concerned, it did not

elicit the testimony because of the objection and the ruling. Had it gone further and had there been any testimony elicited, we would be in a different position than we are now. I don't believe it's technically a comment on the right to remain silent. It is an unfortunate question that was asked that certainly could have elicited unconstitutional testimony . . . I just don't find it's of the magnitude that it's prejudicial under the circumstances. It's just an unfortunate colloquy that took place. For these reasons, at this time I'm going to deny the request for a mistrial.

RP 305-06. The jury found Mr. Alejandro guilty as charged and answered "yes" on all of the special verdict forms. RP 783-84; CP 121-25.

Mr. Alejandro renewed his motion for a mistrial at sentencing, but the trial court denied the motion for a second time. RP 808, 811. Mr. Alejandro also moved to strike the aggravated domestic violence sentencing enhancement on the basis that the state failed to prove that he and Ms. Gonzalez-Castillo were "family or household members" as that term was defined in the trial court's instructions to the jury. RP 811-12. The trial court's instructions to the jury limited the definition of "family or household member" to "spouses." RP 825; CP 117. The trial court denied Mr. Alejandro's motion to strike:

[TRIAL COURT]: I'm looking at the Special Verdict Form 1A. Were Jaime Alejandro Munguia and Maria Gonzalez Castillo members of the same family or household? This is Verdict

Form 1A. The answer was "yes". So there was a finding that there was a domestic relationship based upon that . . . I'm denying the motion and request to strike the domestic violence aggravator.

RP 816-17. However, at the conclusion of sentencing, the trial court acknowledged that its jury instructions limited the definition of "family or household member" to "spouses" and the record demonstrates that the trial court had not considered this point when denying the motion:

[TRIAL COURT]: Okay. Just for the record, I do see that Instruction No. 20 says for purposes of this case family or household members means spouse. I do see where the argument is coming from. The actual special verdict form did talk about family or household member. We'll let the Court of Appeals work this out.

RP 825.

The trial court sentenced Mr. Alejandre to an exceptional sentence of 330 months. RP 821-22; CP 132. Mr. Alejandre filed a timely notice of appeal. CP 138.

C. ARGUMENT

1. THE STATE COMMITTED PROSECUTORIAL MISCONDUCT WHEN IT INVITED SERGEANT. RUSSELL TO COMMENT ON MR. ALEJANDRE'S RIGHT TO REMAIN SILENT

- a. The state's questioning of Sergeant. Russell was improper because it invited him to comment on Mr. Alejandre exercising his right to remain silent

To prevail on a claim of prosecutorial misconduct, a defendant must show that in the context of the record and all of the circumstances of the trial, the prosecutor's conduct was improper and prejudicial. *In re Glasmann*, 175 Wn.2d 696, 704, 286 P.3d 673 (2012) (citing *State v. Thorgerson*, 172 Wn.2d 438, 442, 258 P.3d 43 (2011)). If a defendant demonstrates that the prosecutor's conduct was improper and the defendant made a timely objection at trial, the appellate court must determine whether the misconduct resulted in prejudice that had a substantial likelihood of affecting the verdict. *State v. Sakellis*, 164 Wn. App. 170, 184, 269 P.3d 1029 (2011) (citing *State v. Anderson*, 153 Wn. App. 417, 427, 220 P.3d 1273 (2009)). If such prejudice exists, the misconduct deprives the defendant of his or her constitutional right to a fair trial and constitutes reversible error. *Glasmann*, 175 Wn.2d at 703-04 (citing *State v. Davenport*, 100 Wn.2d 757, 762, 675 P.2d 1213 (1984)).

The state may not draw adverse inferences from a defendant's exercise of a constitutional right. *State v. Moreno*, 132

Wn. App. 663, 672-73, 132 P.3d 1137 (2006) (citing *State v. Rupe*, 101 Wn.2d 664, 705, 683 P.2d 571 (1984)). “Once the suspect is arrested and Miranda rights are read, the State violates a defendant's Fifth and Fourteenth Amendment rights by introducing evidence of his exercise of Miranda rights as substantive evidence of guilt.” *State v. Lewis*, 130 Wn.2d 700, 706, 927 P.2d 235 (1996).

Mr. Alejandre actively sought to preserve his right to remain silent before his trial began. His pretrial motions in limine included a request that the state not discuss any custodial statements without laying the proper foundation that he was advised of his Miranda rights in Spanish and waived them. CP 28. The state pointed out that Mr. Alejandre never gave a statement while in custody, therefore the trial court granted Mr. Alejandre’s motion. RP 13. Even though the trial court granted Mr. Alejandre’s motion and the state represented that it would not explore custodial statements, it asked Sergeant Mike Russell whether Mr. Alejandre made a statement while in custody during its case-in-chief:

[PROSECUTOR]: After the defendant was taken into custody, what was your role at that time?

[SGT. RUSSELL]: When the defendant was taken into custody, he was put into a police car. I saw he was taken into custody without apparently resisting arrest or any

violence. He was brought in front of the house where I was situated. I saw Detective Reyna advise him of his Miranda warnings to see if he wanted to speak with us about what was going on.

[PROSECUTOR]: Okay. Did the defendant want to speak to you?

[DEFENSE COUNSEL]: Objection.

[TRIAL COURT]: Sustained.

RP 288. Mr. Alejandro's trial counsel immediately objected to the question to prevent Sergeant Russell from testifying that Mr. Alejandro did not speak with detectives at the scene. RP 297.

The state's question regarding whether Mr. Alejandro made a statement to police was improper because it invited Sergeant Russell to comment on Mr. Alejandro's exercise of his right to remain silent, when the state knew that Mr. Alejandro did not make any statement at all. RP 13. The only possible purpose of asking the question was to elicit the fact that Mr. Alejandro exercised his right to remain silent after being arrested so that the jury could infer guilt from Mr. Alejandro's refusal to speak to police.

The fact that Mr. Alejandro's trial counsel immediately objected to the question and the trial court sustained the objection does not remedy the State's invitation to comment on Mr.

Alejandre's exercise of his right to remain silent. "An indirect comment on the right to remain silent occurs when a witness or state agent references a comment or action by the defendant which could be inferred as an attempt to exercise the right to remain silent." *State v. Pottorff*, 138 Wn. App. 343, 346, 156 P.3d 955 (2007) (citing *Lewis*, 130 Wn.2d at 706). The prosecutor in Mr. Alejandre's trial, a state agent, referred to Mr. Alejandre's exercise of his right to remain silent by asking Sergeant Russell about custodial statements. The fact that defense counsel was forced to object to the question to prevent Sergeant Russell from answering only drew further attention to the issue.

Mr. Alejandre's case is factually analogous to the circumstances analyzed in *State v. Curtis*, 110 Wn. App. 6, 37 P.3d 1274 (2002). In that case, the state prosecuted the defendant for multiple counts of assault. *Curtis*, 110 Wn. App. at 8. The following exchange occurred when the state was questioning a police officer about arresting the defendant:

[PROSECUTOR]: Go ahead. And you had him – once he got out then you-

[POLICE OFFICER]: I read him his Miranda, his constitutional rights.

[PROSECUTOR]: Was anything said at that time?

[POLICE OFFICER]: He refused to speak to me at the time and wanted an attorney present.

Curtis, 110 Wn. App. at 9. The Court of Appeals reversed the defendant's conviction based on this exchange. *Curtis*, 110 Wn. App. at 16.

In reversing the defendant's conviction, the court emphasized the fact that that it was not "a case where the witness just blurted out a reference to Mr. Curtis's silence in response to a question intended to elicit something else. Rather, the prosecutor asked Officer Turley directly whether Mr. Curtis said anything in response to receiving his Miranda rights." *Curtis*, 110 Wn. App. at 13. Furthermore, the court pointed out that "[t]he prosecutor knew, however, that the question would elicit only the facts that Mr. Curtis chose to remain silent and that he asked to talk to a lawyer . . . the question and answer were injected into the trial for no discernible purpose other than to inform the jury that the defendant refused to talk to the police without a lawyer." *Curtis*, 110 Wn. App. at 14.

The facts that led the Court of Appeals to reverse the defendant's conviction in *Curtis* are virtually identical to those present in Mr. Alejandro's case. Sergeant Russell did not blurt out a

reference to Mr. Alejandre's silence in response to an unrelated question. Instead, the prosecutor asked Sergeant Russell whether Mr. Alejandre made a statement immediately after eliciting testimony about reading Miranda warnings. RP 288. The state did not have any custodial statements to offer as evidence and had been prohibited from doing so in a pretrial ruling, yet the prosecutor questioned Sergeant Russell about Mr. Alejandre making a statement anyways. The prosecutor's question to Sergeant Russell was improper because it constituted an invitation to comment on Mr. Alejandre's silence, for no reason other than to inform the jury that Mr. Alejandre refused to speak to police.

b. The error was not harmless

The standard of review for determining whether the state's misconduct constitutes reversible error depends on whether the prosecutor's statement qualifies as a "mere "reference" to the defendant's silence or a comment on the right to remain silent. *State v. Burke*, 163 Wn.2d 204, 216, 181 P.3d 1 (2008). The determining factor in this analysis is whether the prosecutor intended for the question to be a comment on the right to remain silent. *Burke*, 163 Wn.2d at 216. The Washington Supreme Court

has held that when a prosecutor asks about a defendant's custodial statements while knowing that the defendant did not make any, the question constitutes a comment on the right to remain silent. *Burke*, 163 Wn.2d at 216 n. 7 (citing the prosecutor's question in *Curtis* as an example of a comment on the right to remain silent).

When a prosecutor comments on the defendant's right to remain silent, the error is constitutional in magnitude and the state bears the burden of proving that it was harmless beyond a reasonable doubt. *State v. Romero*, 113 Wn. App. 779, 794, 54 P.3d 1255 (2002) (citing *State v. Easter*, 130 Wn.2d 228, 242, 922 P.2d 1285 (1996)). "An appellate court will find a constitutional error harmless if it is convinced beyond a reasonable doubt that any reasonable jury would have reached the same result absent the error, and where the untainted evidence is so overwhelming it necessarily leads to a finding of guilt." *Romero*, 113 Wn. App. 794-95 (citing *Easter*, 130 Wn.2d at 242). If the appellate court finds that the error was not harmless beyond a reasonable doubt, it must reverse the defendant's conviction and remand for a new trial. *Romero*, 113 Wn. App. at 795 (citing *Easter*, 130 Wn.2d at 242).

The state did not present any direct evidence of Mr.

Alejandre assaulting or killing Ms. Gonzalez-Castillo. Instead, it relied on circumstantial evidence tending to show that Ms. Gonzalez-Castillo was killed inside the master bedroom of the Alejandre family home and that Mr. Alejandre was the last person to be seen with her. The only DNA found at the scene that matched a reference sample of Mr. Alejandre was on the steering wheel and gearshift of his truck, and the state's witness admitted this DNA would be left in those locations during the course of normal driving. RP 586-87.

The state intended to bolster its case by asking whether Mr. Alejandre made a statement after his arrest, knowing that Sergeant Russell would respond that he did not, to infer guilt from Mr. Alejandre's exercise of his constitutional rights. Trial counsel's immediate objection shielded the jury from hearing further comment on the Mr. Alejandre's right to remain silent but drew attention to the issue and invited the jury to speculate that Mr. Alejandre was trying to prevent the jury from hearing a statement he gave to police, meaning he must be guilty. The state violated Mr. Alejandre's right to a fair trial by inviting Sergeant Russell to comment on his right to remain silent so that the jury could infer

guilt from his refusal to speak to police. Mr. Alejandro respectfully requests that this court reverse his conviction and remand the case for a new trial.

2. THE TRIAL COURT ABUSED ITS DISCRETION WHEN IT DENIED MR. ALEJANDRE'S MOTION TO STRIKE THE DOMESTIC VIOLENCE SPECIAL VERDICTS BECAUSE THE STATE FAILED TO PROVE THAT HE AND MS. GONZALEZ-CASTILLO WERE "FAMILY OR HOUSEHOLD MEMBERS" AS THAT TERM WAS DEFINED IN THE TRIAL COURT'S JURY INSTRUCTIONS

In a criminal case, the state must prove each element of a sentencing enhancement beyond a reasonable doubt. *State v. Pearson*, 180 Wn. App. 576, 580, 321 P.3d 1285 (2014) (citing *State v. Hennessey*, 80 Wn. App. 190, 194, 907 P.2d 331 (1995)). A trial court's decision to vacate a special verdict is reviewed for an abuse of discretion. *Pearson*, 180 Wn. App. at 580. A trial court abuses its discretion if its ruling is based on untenable grounds or made for untenable reasons. *Pearson*, 180 Wn. App. at 580 (citing *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971)).

Jury instructions that are not objected to become the law of

the case. *State v. Hickman*, 135 Wn.2d 97, 102, 954 P.2d 900 (1998) (citing *State v. Hames*, 74 Wn.2d 721, 725, 446 P.2d 344 (1968)). Challenges to the sufficiency of the evidence are evaluated according to the trial court's instructions to the jury. *Hickman*, 135 Wn.2d at 102-03. The law of the case doctrine is broad and applies to "to convict" and definitional instructions. *State v. Calvin*, 176 Wn. App. 1, 21, 316 P.3d 496 (2013).

The state proposed a definitional instruction for the term "family or household member" that the trial court later adopted in its instructions to the jury. CP 71, 117. The instruction limits the definition of "family or household member" to "spouses." CP 117. Because neither party objected to this instruction, it is the law of the case and the state bore the burden of proving beyond a reasonable doubt that Mr. Alejandro and Ms. Gonzalez-Castillo were spouses. The state did not however, present sufficient evidence of a legal marriage to prove beyond a reasonable doubt, a spousal relationship.

During the sentencing hearing, Mr. Alejandro pointed out that the state never presented any evidence that he and Ms. Gonzalez-Castillo were legally married. RP 811-13. Several

witnesses described Ms. Gonzalez-Castillo as Mr. Alejandro's wife, but the state did not present any evidence of a legal marriage. Furthermore, although the record makes it clear that Mr. Alejandro and Ms. Gonzalez-Castillo have eight children in common, the state elected to omit the provision of RCW 10.99.020(3) that makes parents of children in common "family or household members" from its proposed jury instruction. CP 71. Under the law of the case doctrine, the definition of "family or household member" included in the trial court's jury instruction controls. *Hickman*, 135 Wn.2d at 102.

The record demonstrates that the trial court did not take its own instructions to the jury into account when denying Mr. Alejandro's motion to strike. Once the trial court did discover that its instructions, and therefore the law of the case, limited the definition of "family or household member," it declined to meaningfully reconsider its earlier ruling and instead resigned to "let the Court of Appeals work [it] out." RP 825. The trial court decided Mr. Alejandro's motion based on incomplete information, and then failed to take that information into account and reconsider the motion when it was discovered. The trial court's decision was

based on untenable grounds and constitutes an abuse of discretion.

The state failed to present sufficient evidence of a sentencing enhancement, therefore the special verdict related to that enhancement must be vacated. *Pearson*, 180 Wn. App. at 580. Mr. Alejandro respectfully requests that this court vacate the domestic violence special verdicts and remand the case to the trial court for resentencing.

D. CONCLUSION

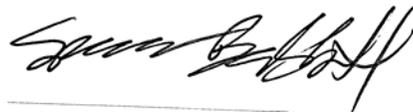
The state's questioning of Sergeant. Russell regarding Mr. Alejandro exercising his right to remain silent after arrest was improper and deprived Mr. Alejandro of his right to a fair trial. Mr. Alejandro respectfully requests that this court reverse his convictions and remand the case for a new trial. In the alternative, Mr. Alejandro respectfully requests that this court vacate the domestic violence special verdicts included in his judgment and sentence and remand to the trial court for resentencing based on the trial court's erroneous denial of his motion to strike.

DATED this 13th day of August 2019.

Respectfully submitted,



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I, Lise Ellner, a person over the age of 18 years of age, served the Yakima County Prosecutor's Office appeals@co.yakima.wa.us and Jamie Alejandro/DOC#414389, Washington State Penitentiary, 1313 North 13th Avenue, Walla Walla, WA 99362 a true copy of the document to which this certificate is affixed on August 13, 2019. Service was made by electronically to the prosecutor and Jamie Alejandro by depositing in the mails of the United States of America, properly stamped and addressed.



Signature

LAW OFFICES OF LISE ELLNER

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