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Division III
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No. 37147-6-III

THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION THREE

STATE OF WASHINGTON,

Respondent,

v.

ZACHARY SKONE,

Appellant.

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

BRIEF OF APPELLANT

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A. INTRODUCTION.

At Zachary Skone's trial, the prosecution contended Mr. Skone's conduct was related to his desire to be part of a gang and pursued an aggravating factor based on this claim. Even though the evidence of gang-affiliation rested mostly on nicknames and vocabulary Mr. Skone used, jurors were concerned their safety was in jeopardy. While the trial was underway, jurors discussed fears they would face retaliation by "the gang" after trial, based on things they had observed outside the trial. In response, the court asked jurors if they would follow the law, without further ensuring they were impartial and unbiased. The court's inadequate inquiry into the jury's premature deliberation and consideration of extra-judicial evidence requires a new trial.

In addition, Mr. Skone's two convictions for unlawful possession of a firearm rest on a single course of conduct and violate double jeopardy.

B. ASSIGNMENTS OF ERROR.

1. The court failed to ensure the jurors remained impartial and unbiased as required under the Sixth Amendment and article I, sections 21 and 22 of the Washington Constitution.

2. The court improperly imposed multiple punishments for unlawful possession of a firearm contrary to the Double Jeopardy clauses of the state and federal constitutions.

3. The court imposed of a DNA collection fee that is not authorized by statute.

C. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR.

1. The court must ensure sitting jurors remain impartial and unbiased to protect the accused person's right to a fair trial. Here, the court learned the jurors had discussed evidence that Mr. Skone was part of a gang and expressed fears of gang retaliation even before they had deliberated on the question of Mr. Skone's involvement in a gang, charged as an aggravating factor. When confronted with evidence jurors had prematurely discussed issues they would have to decide in the case and considered extrinsic evidence, did the court fail to ensure the

jurors remained impartial and unbiased so that Mr. Skone would receive a fair trial?

2. Unlawful possession of a firearm is based on a single course of conduct and may only result in multiple punishments when the possession is interrupted by intervening circumstances. Mr. Skone was accused of two counts of possession of a firearm for having a gun during a three-day period, absent any jury finding that the convictions rested on distinct conduct. Do these two convictions for unlawful possession of a firearm violate double jeopardy?

3. By statute, the DNA collection fee is mandatory only when a person has not previously had their DNA collected by the state. Did the court improperly impose the DNA collection fee on Mr. Skone when his DNA has been collected in the past?

D. STATEMENT OF THE CASE.

Zach Skone went to a coffee shop's take out window on January 11, 2018 and ordered a drink. RP 427-28.¹ Barista Seth Wemp asked Mr. Skone how his day was going. RP 428. Mr.

Skone said he was “running from the pigs.” RP 428. Mr. Wemp peered into Mr. Skone’s truck and saw what looked like a revolver. RP 430. After his shift was over, Mr. Wemp reported this interaction to the police. RP 435.

A few days later, Dale Alexander arranged to sell prescription-grade cough medicine with codeine, known as “lean,” to a person named Gabe who messaged him on Facebook. RP 460, 576, 579, 581. Mr. Alexander created a fake bottle of lean by transferring cough medicine he bought at Walmart into a prescription bottle. RP 518, 683-84. He drove to a prearranged spot and handed the fake drugs to Gabe. RP 616.

Mr. Alexander carried a real-looking Airsoft gun in his pocket. RP 695, 820-21. Mr. Skone was with Gabe at this drug sale, but was standing behind a bush, intending to protect Gabe. RP 1292, 1294. He saw Mr. Alexander reach for his gun and jumped out of the bush and yelled for him to stop. RP 1298. Mr. Skone expected Mr. Alexander to have a gun because he knew him to carry one. RP 1287. When he saw Mr. Alexander point

¹ Most transcripts from the trial proceedings are contained in consecutively paginated volumes that combine multiple trial dates, and are cited as “RP.” Any transcripts that are not part of this

his gun at him, Mr. Skone fired several shots in Mr. Alexander's direction. RP 1299. Mr. Alexander fled, and later realized he had been shot. RP 620. After the incident he claimed he did not know he had his Airsoft gun in his pocket and denied pulling it out or threatening to use it. RP 633-34.

The prosecution charged Mr. Skone with assault in the first degree and robbery in the first degree with firearm enhancements. CP 44-45. It alleged Mr. Skone committed these offenses to obtain, maintain, or advance his position in a gang. *Id.* It also charged him with two counts of unlawful possession of a firearm in the first degree, and an added count of attempting to bribe a witness. CP 45-46.

The prosecution contended Mr. Skone was either a gang member or wanted to be in the Nortenos gang. RP 411, 415. It offered evidence Mr. Skone called himself Lil Wigga and recorded a video on his phone the day before the shooting in which he said he was doing a "whole lotta gang" stuff. RP 1072, 1076. This video showed a gun and a red bandana, which is a color associated with the Nortenos. RP 1100. Mr. Skone also

consecutive pagination are referred to by the date of the proceeding.

used terms associated with Nortenos members, like referring to a rival gang as Skraps. RP 1079-80. Mr. Skone denied being in a gang. RP 1431. Mr. Alexander was not a member of any gang and did not hear anyone say anything gang-related during the incident. RP 686, 696-98.

During the trial, a juror approached the bailiff to express concern about retaliation from “the gang” if Mr. Skone was convicted. RP 1473. The bailiff told the juror he had a “job to do” and needed to “focus.” RP 1474. This juror had already initiated a conversation involving all jurors about whether they should be concerned their verdict would have repercussions for their safety or they should fear retaliation from the gang. RP 1505. Several jurors voiced concerns and some spoke about noticing people they considered to be affiliated with a gang in the courtroom audience or outside the courtroom while the trial was on-going. RP 1505-54.

The jury found Mr. Skone not guilty of robbery. CP 226. It convicted him of assault in the first degree with a firearm but agreed he did not commit the crime to obtain or advance his position in a gang. CP 225. It also convicted him of both counts

of unlawful possession of a firearm as well as attempted bribery of a witness. CP 230-32. The court imposed a standard range sentence of 262.5 months. CP 364.

E. ARGUMENT.

1. After multiple jurors admitted engaging in premature deliberation and feeling pressure from external influences, the court did not ensure Mr. Skone received a fair trial by impartial jury.

a. The right to an impartial jury includes jurors who do not prematurely deliberate and who follow the court's instructions.

The right to be tried by an impartial jury is fundamental to the fairness of the trial and explicitly protected by the Sixth Amendment and Washington Constitution. U.S. Const. amend. VI; Const. art. I, §§ 21, 22. This right “means a trial by an unbiased and unprejudiced jury, free of disqualifying jury misconduct.” *State v. Tigano*, 63 Wn. App. 336, 341, 818 P.2d 1369 (1991), quoting *Robinson v. Safeway Stores, Inc.*, 113 Wn.2d 154, 159, 776 P.2d 676 (1989).

Misconduct occurs when a juror fails to accurately respond to a question pertinent to the juror's qualifications to serve impartially. *Robinson*, 113 Wn.2d at 159. Jurors commit

misconduct when they consider extrinsic evidence. *State v. Balisok*, 123 Wn.2d 114, 118, 866 P.2d 631 (1994) (quoting *Richards v. Overlake Hosp. Med. Ctr.*, 59 Wn. App. 266, 270, 796 P.2d 737 (1990)). That is especially true where the court's instructions expressly prohibit jurors from considering extra-judicial information. *Tigano*, 63 Wn. App. at 341.

Consideration of factors outside of the evidence presented in the courtroom is misconduct because “[t]he theory of our system is that the conclusions to be reached in a case will be induced only by evidence and argument in open court, and not by any outside influence, whether of private talk or public print.” *Patterson v. People of State of Colorado ex rel. Attorney Gen. of State of Colorado*, 205 U.S. 454, 462, 27 S. Ct. 556, 51 L. Ed. 879 (1907).

Premature deliberation by jurors is misconduct, even when it does not rest on considering extra-judicial information. *United States v. Resko*, 3 F.3d 684, 688 (3d. Cir. 1993). “Any discussion among jurors of a case prior to formal deliberations certainly endangers that jury’s impartiality.” *United States v. Yonn*, 702 F.2d 1341, 1345 n.1 (11th Cir. 1983). “[S]uch

conversations may lead jurors to form an opinion as to the defendant's guilt or innocence before they have heard all of the evidence, the arguments of counsel, and the court's instructions." *Id.*

Misconduct by jurors is presumed prejudicial. *State v. Boling*, 131 Wn. App. 329, 333, 127 P.3d 740 (2006). To overcome that presumption the State must prove beyond a reasonable doubt that the misconduct, objectively viewed, could not have affected the jury's verdict. *Id.* (citing *State v. Caliguri*, 99 Wn.2d 501, 509, 664 P.2d 466 (1983)). Any doubt about whether the misconduct could have affected the verdict must be resolved against the verdict. *Halverson v. Anderson*, 82 Wn.2d 746, 752, 513 P.2d 827 (1973).

Jurors' testimony that extrinsic evidence is not harmful is not controlling. *United States v. Bolinger*, 837 F.2d 436, 440 (11th Cir.), *cert. denied*, 486 U.S. 1009 (1988). The effect of extrinsic prejudicial evidence on a juror's deliberation may be substantial even though it is not perceived by the juror and "a juror's good faith cannot counter this effect." *United States v. Williams*, 568 F.2d 464, 471 (5th Cir.1978) (footnote omitted).

b. The jurors prematurely discussed the issues in the case and factors outside the evidence that could shape their verdicts.

From the start of the case and throughout the proceedings, the court instructed the jurors not to discuss any aspects of the trial with anyone else, including the fellow jurors, while the trial was underway. RP 388-89, 403-04, 756. The judge expressly directed the jurors at the outset:

you're not allowed to talk about the case at all, even amongst yourselves, until we actually have all of the evidence presented to you and you begin your deliberations.

RP 388-89.

The court further directed the jurors they must “keep your mind free of outside influences” throughout the trial. RP 394-96. It told them this rule applies at all times, “including when you go home,” until the case is concluded. RP 396. Further, the court instructed the jurors, “you must not discuss the case with each other or anyone else or remain within hearing of anyone discussing it.” RP 402. This prohibition on “discussing a case includes discussing anything that happens during the trial.” RP 402-03.

During the trial, jurors heard the prosecution's allegations that Mr. Skone took part in this crime to advance his position in a gang. CP 44-45. The State's claim this was a gang-related shooting rested on tenuous evidence that Mr. Skone knew gang members and used terms that gang members used. 7/16RP 136; RP 1434-35, 1442. The court came close to dismissing this aggravating factor at the close of the prosecution's case because the evidence was speculative. 7/16RP 136; RP 1254-55.

After hearing testimony about Mr. Skone's alleged involvement with a gang but while the trial was still underway, several jurors discussed this gang evidence and whether they should fear gang retaliation from their verdict. *See* RP 1505-56. This discussion included extra-judicial information about perceptions of gang members present in the courtroom audience or in the community. *Id.* The jurors had this discussion even though the court unambiguously instructed them that their conversations could not involve talking about any aspect of the case with other jurors before deliberations. RP 388-89, 403-04,

756. Although all jurors did not join in the conversation, it was overheard by every juror. *See* RP 1505-56.

Juror 5 admitted he started a conversation “in front of the entire group” of jurors during the trial, asking whether others feared “gang retaliation against the jurors.” RP 1505.

All jurors, except for the alternate juror, admitted they heard Juror 5’s remarks. RP 1505-56. After this conversation, Juror 5 consulted the bailiff and asked whether the jurors should be scared of being harmed by the gang, or repercussions, if they found Mr. Skone guilty. RP 1473. The bailiff told him to “focus” and do his job. RP 1474.

During the conversation in the jury room that Juror 5 instigated, several jurors agreed aloud with Juror 5 and spoke about their fears that their participation as jurors in this case put them at risk from gang members. RP 1511, 1516, 1523, 1527, 1531, 1534, 1537-38, 1541, 1544, 1547. Juror 9 said several people talked about gang members being in the audience at trial. RP 1541. Juror 10 heard jurors express concern they would be in danger based on their verdict. RP 1544. Jurors 11 and 12 similarly heard jurors talk about repercussions from

“these gang members.” RP 1547, 1552. These concerns made several jurors paranoid, nervous, or anxious. RP 1516, 1523-24, 1554. Only Juror 15, the alternate, did not hear this discussion. RP 1556.

Juror 2 worked at Safeway and she told the other jurors she was concerned for her safety since her job required her to have a public presence and she noticed Mr. Skone’s family on the street. RP 1515-16. When Juror 2 started to explain how she felt, the court stopped her and said, “don’t tell me about any feelings.” RP 1516.

Juror 3 said people discussed whether they were afraid due to the “gang-related” aspect of the case. RP 1521. She agreed she was nervous about this and had been trying to hide from people she saw at the courthouse who she believed are “inmates” but “are free” to walk around. RP 1521-22. She agreed she was “a little concerned” about being on this jury but said she could reach a decision based on the evidence and law. RP 1524.

The court generally questioned all jurors about whether they could decide the case based on the law as instructed and each agreed. RP 1512-54. But the court told jurors not to tell the

court their feelings and did not ask more specific questions about whether their fears would affect their perceptions of the evidence, whether they had made up their minds about any aspects of the case, or whether they could exclude all outside influences from their decision-making in the case. RP 1516, 1532.

The attorneys and court had some concern about whether the jurors remained qualified to serve but ultimately decided they had not gathered evidence jurors were manifestly unfit to remain. RP 1563. The court told the jurors that police deputies would escort them to their cars for the rest of the case. RP 1594.

c. The court did not ensure the jurors remained unbiased and impartial.

It is the court's role to ensure the impartiality of the jurors. *State v. Irby*, 187 Wn. App. 183, 192-93, 347 P.3d 1103 (2015).

In *Irby*, the defendant represented himself and refused to participate in or even attend jury selection. *Id.* at 189. Two potential jurors had personal connections to law enforcement and indicated they might tend to favor the State. *Id.* at 190-91.

These jurors were not excused for cause and instead served on the jury. *Id.* at 192.

This Court ruled that permitting “a biased juror” to serve violates the accused person’s constitutional right to a fair and impartial jury, even though the accused person voiced no objection whatsoever. *Id.* at 192-93. “A trial court has an independent obligation to protect” the right to a fair and impartial jury “regardless of inaction by counsel or the defendant.” *Id.* It is manifest constitutional error for a court to seat a biased juror. *Id.* at 193; *see also State v. Guevara Diaz*, 11 Wn. App. 2d 843, 845, 456 P.3d 869 (2020) (“The presence of a biased juror can never be harmless and requires a new trial without a showing of prejudice.”).

Juror 5 admitted he voiced concern about retaliation from the gang based on his role as a juror in this case several times. RP 1473, 1505. He spoke of his concern not only to the jurors, but also approached the bailiff to further express his concern with the jurors’ safety from the gang. *Id.* One of the contested issues in the case was whether Mr. Skone was a member of a gang and whether he committed the offense to further his

position in the gang. Several jurors also had concerns about the gang and their perceptions of gang-involvement among the people in the audience at trial. The court did not inquire into these perceptions or whether they were prejudging the issues in the case. RP 1505-56. Instead, it actively avoided gathering more specific information and compounded the jurors' preconception of dangerousness by offering police escorts to their cars.

These jurors had violated the court's clear instructions not to discuss any aspect of the case with anyone. Several spoke about "retaliation" and the "repercussions" they faced personally, based on their verdicts. RP 1505, 1526, 1531, 1537, 1552. The conversation rested on the presumption that Mr. Skone was part of a gang even though he denied this allegation.

The court failed to ensure a fair and impartial jury when confronted with evidence jurors were afraid based on their conclusions about contested issues, before deliberations started. This error is presumptively prejudicial and undermines the fairness of the trial. A new trial should be ordered.

2. The two convictions for unlawful possession of a firearm based on a course of conduct, without a finding of separate and distinct intervening circumstances, violate double jeopardy.

a. Two convictions for the same offense violate double jeopardy when they rest on the same course of conduct.

The constitutional protection against double jeopardy prohibits multiple punishments for the same offense. *North Carolina v. Pearce*, 395 U.S. 711, 717, 726, 89 S. Ct. 2072, 23 L. Ed. 2d 656 (1969), *overruled on other grounds by Alabama v. Smith*, 490 U.S. 794, 109 S. Ct. 2201, 104 L. Ed. 2d 865 (1989); *State v. Mutch*, 171 Wn.2d 646, 661, 254 P.3d 803 (2011); U.S. Const. amend. V; Const. art I, § 9.

When multiple charges involve the same legal criteria and factual circumstances, jurors must unanimously agree the prosecution proved a separate act constituting a particular charged count in order to impose separate punishments. *State v. Noltie*, 116 Wn.2d 831, 842-43, 809 P.2d 1990 (1991); *State v. Borsheim*, 140 Wn. App. 357, 365, 165 P.3d 417 (2007). Without this agreement of separate and distinct conduct, convictions based on the same legal and factual questions will violate double

jeopardy. *State v. Robinson*, 8 Wn. App.2d 628, 638, 439 P.3d 710 (2019).

The prosecution charged Mr. Skone with two counts of unlawful possession of a firearm in the first degree. CP 45. It alleged he owned or possessed a firearm on or about January 11 (count 4) and January 14, 2018 (count 3). *Id.* It did not allege these were different firearms. *Id.* To prove this offense, the prosecution had to establish that Mr. Skone was previously convicted of a serious offense and “knowingly did own, have in his possession, or have in his control a firearm as defined in RCW 9.41.010.” CP 45; RCW 9.41.040(1)(a).

“Unlawful possession of a firearm is a ‘course of conduct’ rather than a discrete act because that behavior takes place over a period of time rather than at one distinct moment.” *State v. Kenyon*, 150 Wn. App. 826, 834, 208 P.3d 1291 (2009). To prove separate offenses occurred, the prosecution must prove different, interrupted “possessions” of the firearm. *State v. Mata*, 180 Wn. App. 108, 120, 321 P.3d 291 (2014).

In *Mata*, two counties charged the defendant with unlawful possession of a firearm based on his acts in both

counties during a single day. 180 Wn. App. at 112-13, 117. In Yakima County, the State alleged he used a firearm in several robberies, and in Pierce County, the police found a gun under the driver's seat of a car they saw him driving. *Id.* at 110-12.

Mr. Mata was acquitted of unlawful possession of a firearm in Pierce County. *Id.* at 113. He argued this acquittal barred Yakima County from pursuing the same charge of unlawful possession of a firearm. *Id.* at 115. The trial court rejected this argument, finding a temporal and geographical gap made the charges distinct. *Id.* But this Court disagreed and held the State could not separately prosecute charges for unlawful possession of a firearm based on the same course of conduct.

In *Mata*, this Court explained that separate convictions for unlawful possession of a firearm require the prosecution to prove an “interruption in possession” establishing distinct, separately chargeable unlawful “possessions” of a firearm. *Id.* at 120. Because the prosecution did not show the defendant's possession of the firearm in the two counties was interrupted by distinct intervening acts, it ruled the possessions were part of a single unit of prosecution. *Id.*

Mata relied in part on *Kenyon*, which also held that unlawful possession of a firearm is a course of conduct offense. *Id.* at 119, citing *Kenyon*, 150 Wn. App. at 834. *Kenyon* addressed whether two charges for unlawful possession of a firearm are subject to the mandatory joinder rule in CrR 4.3.1. The defendant in *Kenyon* was arrested after he threw a firearm out of a car window in 2004, but he was not charged with unlawful possession until after he had already been prosecuted for a different charge of unlawful possession of this same firearm, which occurred in 2005. 150 Wn. App. at 829-31.

Kenyon explained that the “act upon which these two charges rest—ownership, possession, or control of a single firearm—is a ‘course of conduct’ rather than a discrete act because that behavior takes place over a period of time rather than at one distinct moment.” 150 Wn. App. at 834. Even though these two acts of possession allegedly occurred eight months apart, with clear intervening conduct separating them, they should have been charged as part of a single prosecution under rules of joinder. *Id.*

Kenyon relied on the principle that a “continuous offense” under the double jeopardy doctrine occurs when a statute defines a crime as conduct occurring over a period of time. *Id.* at 834, citing *State v. McReynolds*, 117 Wn. App. 309, 339, 71 P.3d 663 (2003) (holding that possession and retention of stolen property is a course of conduct). Because unlawful possession of a firearm is a course of conduct offense, the prosecution may not “artificially separate” charges for this offense by dates. *Id.*

b. The jury’s verdict for the two counts of unlawful possession of a firearm rests on a single course of conduct.

The prosecution alleged Mr. Skone possessed a firearm during a three-day period in January 2018 and charged him with two counts of unlawful possession of a firearm for this conduct. CP 45. But it did not claim his possession of the firearm was interrupted by intervening circumstances. It did not ask the jury to find separate and distinct acts of possession or that the offenses involved different firearms. CP 199-200 (to-convict instructions).

The prosecution did not recover any firearms. It relied on a video from Mr. Skone’s cell phone taken January 13, 2018, and

argued this was the same gun he had on other occasions. RP 1033, 1039, 1626. The January 11th allegation rested on a claim from a barista at a coffee drive-thru who said he saw a revolver in Mr. Skone's car. RP 430, 1631. A surveillance camera from the coffee shop did not clearly portray any gun. RP 434, 437-38, 444. The January 14th allegation rested on the fact that shots were fired and Mr. Skone's own admissions he shot a firearm when confronted by Mr. Alexander. RP 615, 1300. Mr. Skone testified that he bought a firearm on January 6, 2018, although he also testified that he did not have a gun in his car on January 11, and believed the barista Mr. Wemp saw a flare gun rather than an actual firearm. RP 1288-90, 1300, 1332.

There was no evidence of intervening events interrupting Mr. Skone's possession of a firearm between his visit to the coffee shop on January 11 and the shooting on January 14, as required. *Mata*, 180 Wn. App. at 120. The jury's general verdict did not find proof of separate and distinct conduct. CP 230-31. Its verdict rests on a course of conduct offense and does not establish more than one unit of prosecution.

c. The two convictions for unlawful possession of a firearm violate double jeopardy.

When two convictions violate double jeopardy, the remedy is to vacate one offense and remand for resentencing. *State v. League*, 167 Wn.2d 671, 672, 223 P.3d 493 (2009). Because Mr. Skone's convictions for unlawful possession of a firearm are based on the same course of conduct, they violate double jeopardy. *Mata*, 180 Wn. App. at 120. One conviction must be vacated and the case remanded for resentencing under a reduced offender score. *League*, 167 Wn.2d at 672.

3. The DNA fee must be stricken since Mr. Skone's DNA has already been collected.

A court may not impose a DNA collection fee if DNA has already been collected. RCW 43.43.7541; *State v. Ramirez*, 191 Wn.2d 732, 745-47, 426 P.3d 714 (2018).

Mr. Skone's DNA has been previously collected by operation of law due to his prior felony convictions from 2016. CP 338; RCW 43.43.754. The court found Mr. Skone indigent and did not impose other non-mandatory legal financial obligations. CP 340, 344. This Court should strike the \$100 DNA collection fee from Mr. Skone's judgment and sentence in

accordance with RCW 43.43.7541. *Ramirez*, 191 Wn.2d at 747, 750.

F. CONCLUSION.

This Court should order a new trial due to the evidence of premature jury deliberations involving speculation about Mr. Skone's dangerousness. Due to the prohibition on double jeopardy, one count of unlawful possession of a firearm in the first degree should be stricken, as well as the DNA collection fee, and resentencing ordered.

DATED this __ day of June 2020.

Respectfully submitted,



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

STATE OF WASHINGTON,)	
)	
RESPONDENT,)	
)	
v.)	NO. 37147-6-III
)	
ZACHARY SKONE,)	
)	
APPELLANT.)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ANA ARRANZA RILEY, STATE THAT ON THE 4TH DAY OF JUNE, 2020, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS - DIVISION THREE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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| EPHRATA, WA 98823-0037 | | |
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| <input checked="" type="checkbox"/> ZACHARY SKONE | (X) | U.S. MAIL |
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SIGNED IN SEATTLE, WASHINGTON THIS 4TH DAY OF JUNE, 2020.



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WASHINGTON APPELLATE PROJECT

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