

FILED
SUPREME COURT
STATE OF WASHINGTON
8/28/2020 4:14 PM
BY SUSAN L. CARLSON
CLERK

NO. 98326-7

THE SUPREME COURT OF THE STATE OF WASHINGTON

ANTHONY WALLER,

Respondent,

v.

STATE OF WASHINGTON,

Petitioner.

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

RESPONDENT'S SUPPLEMENTAL BRIEF

NANCY P. COLLINS
Attorney for Respondent

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 610
Seattle, WA 98101
(206) 587-2711

TABLE OF CONTENTS

A. INTRODUCTION 1

B. ISSUE FOR WHICH REVIEW HAS BEEN GRANTED 2

C. STATEMENT OF THE CASE..... 2

D. ARGUMENT..... 5

1. The Rules of Appellate Procedure do not authorize the prosecution to directly appeal from a court order that merely grants a new hearing but does not actually change any part of the judgment and sentence previously imposed..... 5

a. The Rules of Appellate Procedure strictly limit the prosecution’s right to appeal in a criminal case..... 5

b. RAP 2.2(b)(3) does not apply to an order that sets a future hearing and does not change any part of the judgment and sentence 7

c. The prosecution’s argument rests on the fictional claim that the court vacated Mr. Waller’s judgment, which the Court of Appeals properly rejected..... 9

d. Case law construing the finality of a judgment holds that considering a request for sentencing relief does not alter the finality of an existing judgment..... 12

2. The court acted within its authority in ordering the sentencing hearing that Mr. Waller deserves 16

E. CONCLUSION 20

TABLE OF AUTHORITIES

Washington Supreme Court

Alpine Indus., Inc. v. Gohl, 101 Wn.2d 252, 676 P.2d 488 (1984) 9

Denney v. City of Richland, 195 Wn.2d 649, 462 P.3d 842 (2020)
..... 9

Hurley v. Wilson, 129 Wash. 567, 225 P. 441 (1924) 9

In re Pers. Restraint of Light Roth, 191 Wn.2d 328, 422 P.3d 444
(2018)..... 5

In re Pers. Restraint of Skylstad, 160 Wn.2d 944, 162 P.3d 413
(2007)..... 13

In re Postsentence Review of Leach, 161 Wn.2d 180, 163 P.3d 782
(2007)..... 8

Nevers v. Fireside, Inc., 133 Wn.2d 804, 947 P.2d 721 (1997)..... 8

State v. Blilie, 132 Wn.2d 484, 939 P.2d 691 (1997)..... 7

State v. Granath, 200 Wn. App. 26, 401 P.3d 405 (2017), *aff'd*,
190 Wn.2d 548, 415 P.3d 1179 (2018)..... 15

State v. Hardesty, 129 Wn.2d 303, 915 P.3d 1080 (1996)..... 16

State v. Kilgore, 167 Wn.2d 28, 216 P.3d 393 (2009)..... 12, 13

State v. Miller, 185 Wn.2d 111, 371 P.3d 528 (2016)..... 14

State v. O'Dell, 183 Wn.2d 680, 358 P.3d 359 (2015)..... 3, 5

State v. Scott, 190 Wn.2d 586, 416 P.3d 1182 (2018)..... 14

State v. Smith, 117 Wn.2d 263, 814 P.2d 652 (1991)..... 6

State v. Whitney, 69 Wn.2d 256, 418 P.2d 143 (1966) 6

Washington Court of Appeals

In re Pers. Restraint of Light-Roth, 200 Wn. App. 149, 401 P.3d 459 (2017)..... 4, 16, 18

Minehart v. Morning State Boys Ranch, Inc., 156 Wn. App 457, 232 P.3d 591 (2010). 6

State v. Gaut, 111 Wn. App. 875, 46 P.3d 832 (2002) 9

State v. Larranga, 126 Wn. App. 505, 108 P.3d 833 (2005) 9

State v. Parker, 12 Wn. App. 2d 1071 (2020) 18, 19

State v. Reanier, 157 Wn. App. 194, 237 P.3d 299 (2010) ... 17, 18

United States Supreme Court

Blakely v. Washington, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004)..... 3, 13

Washington Constitution

Article I, § 22 6

Court Rules

CrR 7.4 8

CrR 7.8 3, 8, 10, 11, 12, 15, 16

RAP 2.1 6

RAP 2.3 6

RAP 7.2 5, 10

A. INTRODUCTION

Anthony Waller asked for a new sentencing hearing based on case law holding that recent scientific evidence about brain development allows courts to reconsider punishment imposed on young adults. In 2018, the trial court agreed to set a new sentencing hearing. Hoping this Court would reverse the Court of Appeals decision that entitled Mr. Waller to this hearing, the State filed a notice of appeal despite having no basis to do so under the Rules of Appellate Procedure. The prosecution's pursuit of a direct appeal thwarted Mr. Waller's opportunity to have the court consider mitigating evidence about his diminished culpability at the time of the offense.

While the case was on appeal, the trial court sua sponte changed its ruling and struck the hearing. Still, the prosecution insists the initial 2018 ruling granting a new sentencing hearing affirmatively vacated Mr. Waller's judgment, rendering the ruling appealable as of right by the State. The Court of Appeals disagreed, ruling the court had discretion to order the hearing and since it never altered Mr. Waller's sentence, the prosecution lacks the right to appeal at this stage.

B. ISSUE FOR WHICH REVIEW HAS BEEN GRANTED

Does the prosecution have the right to immediate, direct appeal of a trial court decision to set a hearing about the lawfulness of a prior sentence, when the court's decision in no way alters the sentence and does not meet any of the criteria for a State's appeal under RAP 2.2(b)?

C. STATEMENT OF THE CASE

1. *In 2000, Mr. Waller received a sentence that no judge could lawfully impose today.*

At Mr. Waller's sentencing hearing in 2000, the judge imposed an exceptional sentence above the standard range based on its own factual finding that the aggravating factor of deliberate cruelty applied. 4/7/22RP 22-23. Defense counsel was too busy to gather "any facts about Mr. Waller himself," but mentioned he had no prior convictions for violent offenses and was "very young." 4/7/00RP 7, 12. No one informed the court Mr. Waller was still struggling to complete high school special education classes at 21 years of age, suffered extensive childhood trauma, and severe untreated attention deficit disorder affected his cognitive abilities. CP 45, 80-81, 92, 155-58.

Mr. Waller's direct appeal was final shortly before the Supreme Court ruled it is unconstitutional for a judge to increase a sentence above the standard range based on facts that were not found by a jury beyond a reasonable doubt in *Blakely v. Washington*, 542 U.S. 296, 124 S. Ct. 2531, 159 L. Ed. 2d 403 (2004).

2. *Mr. Waller sought sentencing relief based on a change in the law.*

Mr. Waller filed a motion for relief from judgment, pro se, in 2018, citing *State v. O'Dell*, 183 Wn.2d 680, 691-92 & n.5, 358 P.3d 359 (2015), which held that recent advances in psychological and neurological studies of brain development show young adults lack the culpability of a mature adult, which may entitle them to mitigated sentences. CP 39. He argued *O'Dell* marks a significant change in the law that applies retroactively and justifies a new sentencing hearing. CP 39-40.

The prosecution asked the court to transfer the CrR 7.8 motion to the Court of Appeals as a personal restraint petition (PRP). CP 48. The prosecution conceded that *O'Dell* was a significant change in the law under *In re Pers. Restraint of*

Light-Roth, 200 Wn. App. 149, 401 P.3d 459 (2017), but argued the decision was on review. CP 51. The trial court initially granted the motion to transfer. CP 75-76. Mr. Waller filed a motion to reconsider this transfer and asked the court “to set a hearing where he can present evidence that his youthfulness at the time of the offense supports leniency.” CP 77-78. The court granted the motion to reconsider. CP 116. It directed the parties to provide briefing on what information the court could consider at the future hearing on Mr. Waller’s sentence. CP 117.

In preparation for the hearing, Mr. Waller submitted a neuropsychological evaluation. The evaluator found he “lacked the psychosocial maturity typical of even most young adults” and had significant cognitive and emotional impairments that decreased his ability to regulate his behavior more than the average adolescent at the time of the incident. CP 158-59.

3. The court never decided whether it would change Mr. Waller’s sentence.

The prosecution filed a notice of appeal from the court’s order granting the motion to reconsider and agreeing to hold a sentencing hearing. CP 140. Because the prosecution was

appealing its decision, the trial court postponed further consideration of the matter under RAP 7.2. CP 145.

While the State's appeal was pending, this Court reversed the Court of Appeals decision in *Light-Roth*, and ruled *O'Dell* was not a significant change in the law. *In re Pers. Restraint of Light Roth*, 191 Wn.2d 328, 422 P.3d 444 (2018). The trial court sua sponte reversed its decision to hold a sentencing hearing, based on this Court's decision in *Light-Roth*, having never conducted any hearing. CP 163-64, 166.

The Court of Appeals held the prosecution lacked the right to appeal from the 2018 ruling setting a hearing under RAP 2.2(b)(3), because the court did not alter any the sentence imposed. 12 Wn. App. 2d 523, 536-37, 458 P.3d 817 (2020).

D. ARGUMENT.

1. The Rules of Appellate Procedure do not authorize the prosecution to directly appeal an order that merely grants a new hearing without changing any part of the judgment imposed.

a. The Rules of Appellate Procedure strictly limit the prosecution's right to appeal in a criminal case.

The prosecution may not appeal a court order unless expressly authorized. *State v. Smith*, 117 Wn.2d 263, 270, 814

P.2d 652 (1991) (“As this court has stated many times, unless authorized by statute, the State may not appeal an order that does not abate or determine an action.”). The State has no common law right to appeal. *State v. Whitney*, 69 Wn.2d 256, 258, 418 P.2d 143 (1966). It also has no constitutional right to appeal, unlike a criminal defendant’s right to appeal “in all cases.” Const. art. I, § 22. The Rules of Appellate Procedure explicitly list the only instances in which the prosecution may directly appeal in a criminal case. RAP 2.2(b).

When a decision is not appealable as a matter of right, any party, including the prosecution, may seek discretionary review. RAP 2.1(a); RAP 2.3(b). To obtain discretionary review, the petitioner must show the court’s order is erroneous and it substantially alters the status quo, or meet other similar threshold requirements demonstrating the immediately harmful effect of a clear error. *Minehart v. Morning State Boys Ranch, Inc.*, 156 Wn. App 457, 462, 232 P.3d 591 (2010). Piecemeal and interlocutory appeals from court rulings are disfavored. *Id.*

In Mr. Waller’s case, the trial court reconsidered and vacated its ruling setting a resentencing hearing after the State

filed this appeal, demonstrating the tentative and preliminary nature of the order setting a hearing. CP 163-64, 166.

The prosecution does not claim it meets the threshold for discretionary review or this case justified interlocutory appeal. Instead, it insists it has the automatic right to a direct appeal from the trial court's 2018 order setting a hearing on the legality of Mr. Waller's sentence. Presumably, it would also assert the right to appeal if the court actually altered Mr. Waller's sentence, giving it several direct appeals of the same matter.

b. RAP 2.2(b)(3) does not apply to an order that sets a future hearing and does not change any part of the judgment and sentence.

The prosecution's right to appeal is limited to the exclusive list of circumstances set forth in RAP 2.2(b), which does not apply to the preliminary order issued here.

The Rules of Appellate Procedure are construed under long-standing principles of statutory construction. *State v. Blilie*, 132 Wn.2d 484, 492, 939 P.2d 691 (1997). To determine the intent of the drafters, the court considers the plain language of the rule and its plain meaning based on the context in which it is used. *Nevers v. Fireside, Inc.*, 133 Wn.2d 804, 809, 812-13, 947

P.2d 721 (1997). When a list is exclusive, the court may not read in the availability of other circumstances, even if they are “similar” or “like” those listed. *In re Postsentence Review of Leach*, 161 Wn.2d 180, 186, 163 P.3d 782 (2007).

Under RAP 2.2(a), parties other than the prosecution may appeal from an order “granting or denying a motion for a new trial or amendment of judgment,” as well as an order “granting or denying a motion to vacate a judgment.” RAP 2.2(a)(9), (10). But the prosecution’s right to appeal is more constrained. It may appeal only after the court enters an order “arresting or vacating a judgment.” RAP 2.2(b)(3).

When a court enters an order arresting judgment, it vacates a conviction on narrow grounds under CrR 7.4, such as lack of jurisdiction, legally insufficient charging document, or insufficient evidence of a crime.

CrR 7.8 authorizes a court to grant relief “from a final judgment” for various reasons, including mistake, newly discovered evidence, or a catchall “[a]ny other reasons justifying relief from the operation of the judgment.” CrR 7.8(b).

A request to vacate a judgment is made to the trial court, and the appellate court does not “interfere” unless the judge abused its discretion when deciding whether to alter or reverse the judgment. *Hurley v. Wilson*, 129 Wash. 567, 569, 225 P. 441 (1924). This is “the general rule” for review of motions to vacate. *Id.* The scope of review for an appeal of an order on relief from judgment is “limited” to the court’s decision on the issues raised in the motion for relief from judgment. *State v. Gaut*, 111 Wn. App. 875, 881, 46 P.3d 832 (2002); *see also Denney v. City of Richland*, 195 Wn.2d 649, 659, 462 P.3d 842 (2020) (holding order “disposing of all substantive legal issues” constitutes the “appealable judgment”).

c. The prosecution’s argument rests on the fictional claim that the court vacated Mr. Waller’s judgment, which the Court of Appeals properly rejected.

The title of a motion or order does not determine its appealability. *State v. Larranga*, 126 Wn. App. 505, 509, 108 P.3d 833 (2005). Questions of appealability rest on the substance of the decision and the actions the court took. *Id.*, citing *Alpine Indus., Inc. v. Gohl*, 101 Wn.2d 252, 255, 676 P.2d 488 (1984).

The court did not substantively alter Mr. Waller's sentence when it granted his request to hold a future sentencing hearing. CP 116-17, 1234, Mr. Waller remained in custody, as before, under the original judgment. He did not have bail set or obtain review of his release conditions. The court agreed to hear Mr. Waller's request for a new sentencing hearing, but it also deferred ruling on what information it would consider at this future hearing. CP 116-17. It asked the parties to file briefing about what type of evidence could be presented at the later hearing. CP 117.

Before any further substantive hearings or rulings occurred, the prosecution filed this appeal and the court postponed its consideration of the issues pending the appeal under RAP 7.2. CP 145.

The prosecution's claim that the court "vacated" Mr. Waller's judgment is incorrect. The court initially granted the prosecution's request to treat the CrR 7.8 motion as a personal restraint petition and transfer it to the Court of Appeals. CP 75, 116. Mr. Waller filed a motion to reconsider this transfer, asking the court "to set a hearing where he can present evidence that

his youthfulness at the time of the offense supports leniency.” CP 78. The court granted the motion to reconsider. CP 116. It clarified its intent in granting the motion to reconsider was “to order a new sentencing hearing.” CP 124.

The court took no other steps. It did not change Mr. Waller’s sentence. It did not decide the scope of the future hearing. It simply agreed to hear Mr. Waller’s arguments about whether he was entitled to a reduced sentence. Later, the court reviewed the case file and vacated its order for a new sentencing hearing, without ever holding it, based on the change in the law that occurred after it originally ordered the new hearing. CP 163-64, 166. As the Court of Appeals explained, it is “uncontroverted” that “the court did not amend the judgment and sentence.” 12 Wn. App. 2d at 536, Slip op. at 13.

The court’s actions are consistent with CrR 7.8(c)(3) which provides that if a court finds a potentially viable basis exists to grant relief, it shall set a hearing and direct the parties to show cause why relief should be granted. CrR 7.8(b) also provides that a motion for relief from judgment “does not affect the finality of the judgment or suspend its operation.”

The court's order setting a hearing on a request for relief does not vacate the judgment, affect its operation, or dispose of the issues presented. Ordering a hearing is precisely what a court is supposed to do when it agrees to rule on whether to grant relief from judgment. CrR 7.8(c)(3). The order setting a hearing is not akin to granting or denying the relief requested and is not appealable of right under RAP 2.2(b)(3).

d. Case law construing the finality of a judgment holds that considering a request for sentencing relief does not alter the finality of an existing judgment.

When an appellate court reverses a conviction and remands a case for further proceedings, the prior judgment remains in effect unless the court actually changes the terms of the sentence. *State v. Kilgore*, 167 Wn.2d 28, 39, 216 P.3d 393 (2009). In *Kilgore*, the appellate court reversed two of the defendant's convictions and remanded the case for further proceedings. *Id.* at 34. On remand, the court did not hold another trial or change the length of the sentence. Instead, it struck the reversed convictions, corrected the offender score, and kept the same sentence in place for the remaining convictions. *Id.* This Court held that because the judge did not affirmatively

alter the defendant's actual sentence, this resentencing did not disturb the finality of the previous judgment. *Id.*

The court's action in the case at bar is more far removed from an actual resentencing than in *Kilgore*. The court here did not amend the judgment and sentence, or even hold a hearing to decide whether to alter the terms of Mr. Waller's sentence. His sentence remains intact.

If the order setting a resentencing hearing renders the judgment vacated, Mr. Waller's sentence would no longer be final. *Id.*; see *In re Pers. Restraint of Skylstad*, 160 Wn.2d 944, 949, 162 P.3d 413 (2007) (holding that when appellate court reverses sentence and court imposes new sentence, judgment not final for purposes of collateral attack until conclusion of appeal from new sentence).

Like *Kilgore*, Mr. Waller received an exceptional sentence without any jury findings or proof beyond a reasonable doubt, under the law in effect before *Blakely*. 167 Wn.2d at 34. Mr. Kilgore contended he was entitled to the benefit of *Blakely* after the appellate court reversed some of his convictions and remanded the case for further proceedings, because the

judgment against him was no longer final. This Court disagreed and ruled that reversal of several convictions does not change the finality of the judgment unless terms of the sentence are actually altered. *Id.* at 39.

If the prosecution is correct and the court's ruling altered the finality of the judgment against Mr. Waller, the court's ruling setting the sentencing hearing undid the finality of his case and allows him to seek further relief without concern of a time bar, contrary to *Kilgore*.

The prosecution has pointed to two cases where the State appealed orders setting new sentencing hearings as evidence it has the right to appeal in Mr. Waller's case. *See* Petition for Review at 8, citing *State v. Miller*, 185 Wn.2d 111, 371 P.3d 528 (2016) and *State v. Scott*, 190 Wn.2d 586, 416 P.3d 1182 (2018). In *Miller* and *Scott*, it appears the prosecution appealed after judges ruled they had authority to impose mitigated sentences, but before they imposed new sentences, although the cases do not state this explicitly. *Miller*, 185 Wn.2d at 114; *Scott*, 190 Wn.2d at 590. Neither case addressed or even mentioned the State's right to appeal under RAP 2.2(b)(3). No one objected to

the appeal, either because no one noticed this procedural flaw or the parties wanted appellate review and waived their objections.

Because these cases do not discuss the prosecution's right to appeal, they do not dictate the prosecution's right to appeal in this context. *See State v. Granath*, 200 Wn. App. 26, 35, 401 P.3d 405 (2017) (internal quotation omitted), *aff'd*, 190 Wn.2d 548, 415 P.3d 1179 (2018) ("An appellate court opinion that does not discuss a legal theory does not control a future case in which counsel properly raises that legal theory.").

RAP 2.2(b) strictly limits the prosecution's right to appeal, while CrR 7.8 authorizes a court to consider and rule upon requests to grant relief from judgment under CrR 7.8. These rules allow the prosecution's direct appeal only when the finality of a judgment is affirmatively altered or its operation actually suspended. The prosecution does not have the right to appeal anytime a court agrees to set a hearing on whether it will grant relief from judgment, as the Court of Appeals ruled.

2. The court acted within its authority in ordering the sentencing hearing that Mr. Waller deserves.

Due to the prosecution's premature appeal, Mr. Waller was denied the hearing he was entitled to at the time the court ordered it. Indeed, the purpose of the State's appeal was likely to delay the hearing the court ordered, hoping the case law authorizing the hearing would change. The prosecution had initially asked the court to transfer or stay the CrR 7.8 motion based on its hope that the Court of Appeals decision in *Light-Roth* would be overturned in the future. CP 51, 125. The trial court appropriately ruled it would consider the request for relief because then-binding case law permitted the court to conduct the sentencing hearing. *See Light-Roth*, 200 Wn. App. at 154, 160-63; CP 79-82.

At the time Mr. Waller moved for relief from judgment, the court was authorized to reconsider the sentence. CrR 7.8 gives a court authority to grant relief from judgment and there is nothing underhanded or improper about a person seeking this relief. *See State v. Hardesty*, 129 Wn.2d 303, 315, 915 P.3d 1080 (1996). Errors can occur, or new information may be discovered,

that justify relief under CrR 7.8(b). *State v. Reanier*, 157 Wn. App. 194, 203, 237 P.3d 299 (2010) (rejecting State’s argument that sentencing challenge had to be brought as PRP instead of CrR 7.8 motion).

The prosecution’s petition for review also asserted the need to appeal before a new sentencing hearing occurred because the hearing could be traumatic for the people who participate in it. Petition at 12-13. It does not explain how this concern governs Mr. Waller’s case. No one appeared at the sentencing hearing after trial in 2000, other than Mr. Waller and his own mother. 4/7/00RP 1. The prosecution does not claim it expects a different turnout at a subsequent hearing occurring years after the incident. The emotional stakes of the hearing the court set do not justify a premature appeal as of right in all cases.

The prosecution’s petition for review also complained that its direct appeal is important for uniformity of sentencing. This assertion is illogical, since appellate review is available after a court imposes an erroneous or unlawful sentence. RAP 2.2(b)(5). It accuses Mr. Waller of “forum shopping,” yet only the trial

court can make the factual decisions necessary to alter a sentence, and if the judge is authorized to reconsider a sentence, the trial court is the forum where this reconsideration would necessarily occur. *See, e.g., Reanier*, 157 Wn. App. at 203.

While the prosecution claims it desires uniformity, it has treated cases differently involving this same issue. It cited two other cases where people similarly sought resentencing under the Court of Appeals decision in *Light-Roth*. Petition at 13; *see also* Statement of Grounds for Direct Review at 5.¹ However, the prosecution did not pursue the same opposition to resentencing in those cases as it has for Mr. Waller, and those defendants have received the benefits of new sentencing hearings.

Had Mr. Waller been given the opportunity to explain the mental deficits that led to his behavior in 1999, it is reasonably

¹ The State has cited two other cases, *Parker* and *Garrison*, claiming they raise the same issue. But the same prosecutor's office did not seek review in this Court after the Court of Appeals affirmed *Parker*'s resentencing, *State v. Parker*, 12 Wn. App. 2d 1071, 2020 WL 1640228 (2020) (unpublished, cited pursuant to GR 14.1). It dropped its request for review of the Court of Appeals ruling denying its appeal and agreed to a resentencing in *Garrison*. *See* Petition for Review at 13 n.1 (citing *Garrison*, COA 77333-0-I). The Court of Appeals rulings denying the prosecution the right to appeal in *Parker* and *Garrison* are attached to the Answer to the State's Request for Direct Review, App. 2-9.

likely the court would have reduced the exceptional sentence above the standard range that he received, as explained in more detail in Mr. Waller's Response Brief. He legitimately requested reconsideration of his sentence under then-controlling Court of Appeals authority. *See, e.g., Parker*, 2020 WL 1640228 at *3 (unpublished decision holding trial court's reliance on then-binding authority to resentence defendant based on attributes of youth was not error). The prosecution labeled Mr. Waller as remorseless at his first sentencing hearing, yet his immaturity and impulsiveness, and his severe cognitive issues, explain his deflection of blame as well as his difficulty controlling his behavior during the incident itself.

The court acted within its authority in setting a hearing on Mr. Waller's motion for relief from judgment. The prosecution lacks the right to appeal that decision under RAP 2.2(b). The State's unauthorized appeal denied Mr. Waller the opportunity to demonstrate the mitigating circumstances that reduce his culpability and would have justified the reduction of the sentence imposed.

E. CONCLUSION.

Mr. Waller respectfully requests this Court hold that the court had authority to order the sentencing hearing but because it never affirmatively changed any part of Mr. Waller's sentence, it did not vacate the judgment and the prosecution does not have the right to appeal.

DATED this 28th day of August 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy P. Collins', written in a cursive style.

NANCY P. COLLINS (28806)
Washington Appellate Project (91052)
Attorneys for Respondent
nancy@washapp.org
wapofficemail@washapp.org

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	
Appellant,)	
)	NO. 98326-7
v.)	
)	
ANTHONY WALLER,)	
)	
Respondent.)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 28TH DAY OF AUGUST, 2020, I CAUSED THE ORIGINAL **SUPPLEMENTAL BRIEF OF RESPONDENT** TO BE FILED IN THE WASHINGTON STATE SUPREME COURT AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

<input checked="" type="checkbox"/> JAMES WHISMAN, DPA [Jim.Whisman@kingcounty.gov] KING COUNTY PROSECUTOR'S OFFICE [paoappellateunitmail@kingcounty.gov] APPELLATE UNIT KING COUNTY COURTHOUSE 516 THIRD AVENUE, W-554 SEATTLE, WA 98104	() () (X)	U.S. MAIL HAND DELIVERY E-SERVICE VIA PORTAL
<input checked="" type="checkbox"/> ANTHONY WALLER 789122 STAFFORD CREEK CORRECTIONS CENTER 191 CONSTANTINE WY ABERDEEN, WA 98520-9504	(X) () ()	U.S. MAIL HAND DELIVERY _____

SIGNED IN SEATTLE, WASHINGTON THIS 28TH DAY OF AUGUST, 2020.



X _____

Washington Appellate Project
1511 Third Avenue, Suite 610
Seattle, WA 98101
Phone (206) 587-2711
Fax (206) 587-2710

WASHINGTON APPELLATE PROJECT

August 28, 2020 - 4:14 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98326-7
Appellate Court Case Title: State of Washington v. Anthony Thomas Waller

The following documents have been uploaded:

- 983267_Briefs_20200828161355SC531958_6908.pdf
This File Contains:
Briefs - Respondents Supplemental
The Original File Name was washapp.082820-03.pdf

A copy of the uploaded files will be sent to:

- Jim.Whisman@kingcounty.gov
- greg@washapp.org
- paoappellateunitmail@kingcounty.gov
- wapofficemail@washapp.org

Comments:

Sender Name: MARIA RILEY - Email: maria@washapp.org

Filing on Behalf of: Nancy P Collins - Email: nancy@washapp.org (Alternate Email: wapofficemail@washapp.org)

Address:
1511 3RD AVE STE 610
SEATTLE, WA, 98101
Phone: (206) 587-2711

Note: The Filing Id is 20200828161355SC531958