Supreme Court No. 100323-4
Court of Appeals No. 81528-8-I

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

EDMOND CLAY OVERTON,

Petitioner.

PETITION FOR REVIEW

SUZANNE LEE ELLIOTT
Washington Appellate Project
Suite 610, 1511 Third Ave.
Seattle WA 98101
206-587-2711

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Rules

I. IDENTITY OF PETITIONER AND COURT OF APPEALS DECISION

Edmond C. Overton seeks review of the unpublished opinion in *State v. Overton*, #81528-8-I filed September 27, 2021. See Appendix I.

II. ISSUE PRESENTED FOR REVIEW

1. Should this Court overrule the holding in *State v. Kosewicz*, 117 Wn. 93, 812 P.2nd 86 (1991), which says that under state law an information charging felony murder need not set forth all of the elements of the predicate felony, because it is incorrect and harmful?
2. Even if this Court does not overrule *Kosewicz*, should this Court hold that the Sixth and Fourteenth Amendments require the information to include the essential elements of the predicate felony?

III. STATEMENT OF THE CASE

In October 2017, Nick Lehman was selling methamphetamine and heroin to many people from an apartment at 22nd and Colby in Everett. RP 427. But many people cycled in and out of the apartment. RP 600. Most were heavy drug users. RP 603, 686. Edmond Overton, then age 25, and his partner Vanessa Grimmert were serious drug addicts who knew Mr. Lehman and others in the apartment and bought drugs there. RP 608, 669. In the fall of 2017, Mr. Overton was "strung out on meth and heroin." RP 634. Mr. Overton desperately needed money and drugs to support Ms. Grimmert's and his addictions. RP 674-75.

Just before October 17, 2017, Mr. Overton had obtained a gun from another drug user. RP 522-23. On the 17th, he and Ms. Grimmert were getting "dope sick" because they had no money to buy drugs. RP 531, 676. They enlisted Laura Johnson, another serious drug user, to drive them to Mr. Lehman's apartment. RP 514-15. When Mr. Overton got out of Ms. Johnson's car at the apartment, he had a gun and wore a mask. RP 535, 606.

Mr. Overton entered the apartment and went to Mr. Lehman's room. RP 580. A struggle ensued between Mr. Lehman and Mr. Overton. RP 582. Mr. Lehman testified he was hit three times in his head with the gun. RP 354. Mr. Lehman told his assailant to "take it" meaning methamphetamine and heroin in the room. RP 355. Mr. Lehman tased Mr. Overton during the struggle. RP 583. As a result, Mr. Overton shot the gun over his shoulder, apparently without looking. RP 584, 611-12, 946. Mr. Lehman was shot through his ear. RP 441-41.

As Mr. Overton was leaving, Mr. Darren Larson, another occupant of the apartment, was in his way. Mr. Overton fired a second shot which hit Mr. Larson and killed him. RP 613-615, 922.

The State charged Mr. Overton, Johnson with first degree felony murder and first degree assault with a weapon.

The jury convicted Mr. Overton as charged. CP 144-147. He was sentenced to 43 years (517 months) in prison. RP 14. This timely appeal followed. CP 8.

IV. ARGUMENT WHY REVIEW SHOULD BE GRANTED

A. THIS COURT SHOULD OVERRULE *STATE V. KOSEWICZ*.

This Court should overrule *Kosewicz* because it is incorrect and harmful. *State v. Lucky*, 128 Wash.2d 727, 735, 912 P.2d 483 (1996) (citing *In re Stranger Creek*, 77 Wash.2d 649, 653, 466 P.2d 508 (1970)). A decision may be considered incorrect if it is inconsistent with this Court's other precedent. *State v. Barber*, 170 Wash. 2d 854, 864, 248 P.3d 494, 499 (2011). A decision may be "harmful" for a variety of reasons. *Id*. at 865.

RCW 9A.32.030(1)(c) states a person is guilty of first degree murder if he commits a robbery in the first or second degree and during that robbery a person (who is not a participant in the robbery) dies. Although the information here referenced "First Degree Robbery," it did not refer to the statutes defining first degree robbery RCW 9A56.190 or RCW 9A.56.200 or set out the essential elements of that crime. The information at issue here stated:

> That the defendant, on or about the 17th day of October, 2017, committed or attempted to commit the crime of First Degree Robbery, and in the course of or in furtherance of such crime or in immediate flight therefrom the defendant did cause the death of another

> person, to-wit: Darren Dean Larson, not a participant in such crime, said death occurring on or about the 17th day of October, 2017; proscribed by RCW 9A.32.030(1)(c), a felony; and that at the time of the commission of the crime, the defendant or an accomplice was armed with a firearm, as provided and defined in RCW 9.94A.533(3), RCW 9.41.010, and RCW 9.94A.825.

CP 217.

On appeal, Mr. Overton argued that the information failed to include all of the essential elements of the crime the State needed to prove because it did not contain a citation to the robbery statute or include the elements of that crime in the charging paragraph. The Court of Appeals agreed the Sixth Amendment and Const. Art. 1, §22 require the State to include all the essential elements of the crime in the information. But, relying on *Kosewicz*, the Court of Appeals held that the elements of the predicate crime need not be included in the information because Mr. Overton was not "actually charged" with robbery. *State v. Overton*, Slip Opinion at 3 (quoting *Kosewicz*).

1. Kosewicz is incorrect.

Kosewicz is incorrect because it is inconsistent with a long line of *modern* cases holding that all of the essential elements of the crime charged must be included the information. *State v. Kjorsvik*, 117 Wn.2d 93, 812 P.2d 86, 88 (1991); *State v. Leach*, 113 Wash. 2d 679, 782 P.2d 552, 556 (1989). An "essential element is one whose specification is necessary to establish the very illegality of the behavior" charged. *State v. Johnson*, 119 Wn.2d 143, 147, 829 P.2d 1078 (1992). The primary purpose of the essential element rule is "to apprise the accused of the charges against him or her and to allow the defendant to prepare a defense." *State v. Vangerpen*, 125 Wn.2d 782, 787, 888 P.2d 1177 (1995).

Like this case, *Kjorsvik* concerned the charge of robbery. This Court held that although the robbery statute, RCW 9A.56.190, does not include an intent element, settled case law made it clear that "intent to steal" is an essential element of the crime of robbery. That element was not included in the information charging Kjorsvik with robbery. This Court held this non-statutory element should have been included in the information. This Court said:

> It is neither reasonable nor logical to hold that a statutory element of a crime is constitutionally required in a charging document, but that an essential court-imposed element of the crime is not required, in light of the fact that the primary purpose of such a document is to supply the accused with notice of the charge that he or she must be prepared to meet. Statutory elements are, of course, easier to ascertain since the statutes are usually cited in the charging document, whereas court-imposed elements must be discovered through at least cursory legal research. This court has stated that defendants should not have to search for the rules or regulations they are accused of violating. We therefore conclude that the correct rule is that all essential elements of an alleged crime must be included in the charging document in order to afford the accused notice of the nature of the allegations so that a defense can be properly prepared.

Id. at 90.

The decision in *Kosewicz* directly conflicts with *Kjorsvik*. Relying on cases from 100 years prior, this Court held that there is a felony murder exception to the rule and that defendants charged with felony murder are not entitled to an information that sets forth all of the elements of the predicate felony.

This Court should overrule this exception because the rationale for essential elements rule applies with equal or greater force to a charge of felony murder. Where a felony is charged as a

stand-alone crime, one defense is that State cannot prove all of the elements of the charge beyond a reasonable doubt. To mount such a defense the accused must have notice of the elements of the charged felony. Similarly, the State's inability to prove the predicate felony is a defense to the charge of felony murder. As a result, notice of elements of the predicate felony are as important to the accused in a felony murder prosecution as they are for any other charge.

And notice of the elements of the charged predicate are essential to properly instructing the jury. *Kosewicz* itself illustrates this point. The predicate felony in that case was kidnapping. Kidnapping is an alternative means crime. A person commits kidnapping by abducting another person with the intent to inflict bodily injury or the intent to inflict extreme mental distress. RCW 9A.40.020. The State may charge a defendant with one or all of the alternative means outlined in the statute, so long as the alternatives are not repugnant to one another. *State v. Bray*, 52 Wn.App. 30, 34, 756 P.2d 1332 (1988). However, if the information contains only one alternative, it is error to instruct the jury that it may consider any

of the other alternative means of committing the crime. *Id*. Allowing the jury to consider uncharged alternative means violates the defendant's right to notice and is reversible error. *State v. Doogan*, 82 Wn. App. 185, 188, 917 P.2d 155 (1996).

Relying on that line of cases, the Court of Appeals, reversed Mr. Kosewicz's conviction for kidnapping with intent "to inflict extreme mental distress" because the State did not charge that alternative. This holding was undisturbed by this Court when it reviewed the Court of Appeals opinion.

It is difficult to reconcile the holding that, when the State does include the essential elements of the predicate felony in the information, the jury must be instructed only on those elements with a holding in the same case, that the State was not required to include those elements in the information in the first place.

The decision in *Kosewicz* is also incorrect because, as the dissenting justices pointed out, "[t]he majority relied on antiquated authority for the proposition that the defendant is presumed to know the elements of predicate crimes." *Kosewicz* at 706. The majority

relied on cases stemming from the decision in *State v. Fillpot*, 51 Wash. 223, 228, 98 P. 659 (1908). In *Fillpot*, the Court concluded that the specific elements of the predicate felony need not be laid out in a felony murder charge because "[t]he [predicate] crimes of robbery and burglary... are elsewhere defined in the criminal code" and they therefore have "a well-defined and legal meaning." *Id*. It was sufficient, according to the court, to merely state in the information the terms "robbery" or "burglary" as used in the felony murder statute because it met the statutory requirement that a person of ordinary understanding could know what was intended by going and looking up their elements elsewhere in the code. *Id*.

But, as the dissenting justices pointed out: "In 1908, criminal law was far less complex than today." *Kosewicz* at 701. For example, the second degree felony murder statute allows the State to charge "any felony" as a predicate offense, including any assault. There are currently seven different means of committing second degree assault. RCW 9A.36.021. There are eleven different ways of committing third degree assault. RCW 9A. 36.031. As a result

simply using the word assault in a felony murder charging document would not give the accused adequate information to mount a defense to the precise type of assault the State believes was committed. Nonetheless the State has argued that, under the reasoning of *Kosewicz*, in a felony murder predicated on assault, the State need not charge the essential elements of assault and the State can prove the named felony by alternative means at trial. See Brief of Respondent, *State v. Barrera*, available at 2013 WL 4046442.

Kosewicz is also harmful because it allows the prosecutor to file an information that states the defendant committed the crime of third degree assault, and in the course of the assault, the defendant killed another person, without specifying which one of the eleven ways of committing third degree assault the prosecutor will be relying on at trial. Under this rule, at the close of the evidence, the State can argue for an instruction on all eleven alternative means or can pick the means that either best fits the evidence the State has presented or that is not undermined by the defense presented.

Further, the 1908 felony murder exception to the general rule that the essential elements be included in the charging document has been undermined by subsequent decisions like *Kjorsvik* and *Leach*. These cases recognize the complexity of the law and the expansion of criminal statues to include crimes, such as a third degree assault predicated on using a projectile stun gun on a peace officer, never conceived of by the legislature and this Court in 1908, require precise charging documents. Those cases make this Court's adherence to outdated reasoning establishing the felony murder exception unreasonable. The number and scope of felony crimes contained in the modern criminal code support holding that the essential elements of the predicate felony must be included in the information.

2. Kosewicz is harmful.

As noted above, the decision is harmful because it leads to inaccurate jury instructions and deprives the accused of notice sufficient for him to mount a defense.

It is also harmful because, despite the fact the exception is limited to felony murder, its reasoning is creeping into decisions and briefing about other crimes that rely on the proof of a predicate offense. See *State v. Crowder*, 196 Wn. App. 861, 874, n. 2, 385 P.3d 275, 282 (2016) (Korsmo, J, dissenting) ("In many respects, this situation is similar to charging felony murder. While the predicate felony needs to be alleged, the elements of that felony are not themselves elements of the murder charge. E.g., *State v. Kosewicz*, 174 Wash.2d 683, 692, 278 P.3d 184 (2012).") See also Brief of Respondent, *State v. Lister*, available at 2015 WL 2214502 (Lister contended the information charging her with felony stalking is inadequate for failure to identify the particular protective order that she violated. The State cited *Kosewicz* as persuasive authority it did not have to charge the alternative means of the predicate felony that State would ultimately rely.)

This Court should reduce the harm by holding that there is no felony murder exception to the essential elements rule.

B. Even if this Court does not overrule *Kosewicz*, federal due process principles require an information to set forth all of the essential elements of the predicate felony.

The Fourteenth Amendment's due process clause and the Sixth Amendment require that an accused be informed of the specific charge against him. *Cole v. Arkansas*, 333 U.S. 196, 201, 68 S. Ct. 514 (1948); *In re Oliver*, 333 U.S. 257, 273, 68 S. Ct. 499 (1948). The Supreme Court has held an indictment is sufficient only if it contains all the elements of the offense (that is, "fairly informs" the defendant); and enables him to plead double jeopardy in the future. *Hamling v. United States*, 418 U.S. 87, 117, 94 S. Ct. 2887, 41 L. Ed. 2d 590 (1974); *see also Ball v. United States*, 140 U.S. 118, 136, 11 S. Ct. 761 (1891) ("All the essential ingredients of the offense charged must be stated in the indictment.").

In *United States v. Carll*, 105 U.S. 611, 613, 26 L. Ed. 1135 (1881), the Court held an indictment that omitted a required allegation of knowledge failed to charge the defendant with a crime, since knowledge was an element of the statute. In *Ball*, the Court held "[a]ll the essential ingredients of the offense charged must be

stated in the indictment," so that the accused could prepare his defense and protect himself against double jeopardy. 140 U.S. at 136. The Court reversed a murder conviction where the indictment lacked the victim's place of death, which was necessary to show jurisdiction. *Id.* at 133, 136. In *Cole*, 333 U.S. at 200-01, the Court held an appellate court violated due process by affirming a conviction by finding the defendant violated section 1 of a statute, even though the defendant was only tried and found guilty of violating section 2 of the statute.

These Supreme Court cases are controlling. "When the United States Supreme Court decides an issue under the United States Constitution, all other courts must follow that Court's rulings." *State v. Radcliffe*, 164 Wn.2d 900, 906, 194 P.3d 250 (2008). The information here was defective in the same way as the charging documents in *Carll*, *Ball*, *Cole*, and *Hamblin*.

These federal constitutional protections were applied to Washington's crime of felony murder in *Kreck v. Spalding*, 721 F.2d 1229 (9th Cir. 1981). Kreck was convicted of felony murder statute

with second degree assault as the predicate crime. At the time the second degree assault statute set forth seven situations in which conduct by a defendant constituted second degree assault. He contended the information filed by the State failed to specifically set forth which subsection of the second degree assault statute he violated. *Id*. at 1231.

This Court rejected his argument. See *State v. Kreck*, 86 Wn.2d 112, 542 P.2d 782 (1975). But the Ninth Circuit granted the writ. That court held principles "of fundamental fairness, essential to the concept of due process of law dictates that the defendant in a criminal action should not be relegated to a position from which he must speculate as to what crime he will have to meet in defense." Thus, Kreck was convicted on the basis of a "constitutionally repugnant charging instrument." *Kreck*, 721 at F.2d 1233. In short, the Ninth Circuit did not find any support for Washington's "felony murder exception" in light of the controlling federal constitutional principles.

This case is on all fours with *Kreck.* As in *Kreck*, Mr. Overton was charged with felony murder, but he was not provided with adequate notice of the essential elements of the predicate felony. The essential elements of felony murder based on robbery are a death occurring during a robbery. Robbery has its own set of essential elements and definition. RCW 9A.56.190; RCW 9A.56.200. But the information did not set out those essential elements of first degree robbery. It failed to even reference the first degree robbery statute and definition.

C. Kosewicz does not control the federal constitutional issues.

The Court of Appeals rejected Overton's federal constitutional argument by citing to its own decision in *State v. Hartz*, 65 Wn. App. 351, 354, 828 P.2d 618 (1992). In *Hartz*, the Court of Appeals rejected the holding in *Kreck* as "unpersuasive" and suggested that this Court had considered and rejected a federal

constitutional claim in *Kosewicz*.[1] *Id*. at 355. The decision in *Kosewicz* makes one brief citation to the Sixth Amendment, but the decision was otherwise based exclusively on Washington State case law, made no effort to distinguish *Kreck* and did not cite to the Fourteenth Amendment.

But because *Kosewicz* did not specifically address the federal constitutional issue, it is not the final answer and it does not control the outcome in this case. Thus, even if this Court is unwilling to overrule the decision in *Kosewicz,* it should hold the federal constitution requires that all of the elements of the predicate felony must be included in the information.

V. CONCLUSION

This Court should accept review of this significant issue of state and federal constitutional law. RAP 13.4(b)(3).

---

[1] In rejecting *Kreck,* the Court of Appeals relied on the then recent decision in *State v. Noltie*, 116 Wn.2d 831, 833, 809 P.2d 190, 193 (1991). But *Noltie* was not a felony murder prosecution.

I certify that this Petition includes 3,346 words as computed by Microsoft Word.

RESPECTFULLY SUBMITTED this 22nd day of October 2021.

/s/Suzanne Lee Elliott
Suzanne Lee Elliott, WSBA #12634
Washington Appellate Defender
1511 Third Ave. Suite 600
Seattle WA 98101

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

STATE OF WASHINGTON, Respondent, v. OVERTON, EDMOND CLAY, DOB: 09/16/1993, Appellant.	)	No. 81528-8-I UNPUBLISHED OPINION

BOWMAN, J. — Edmond Clay Overton appeals his conviction for first degree felony murder. He asserts the State's information fails to set forth the essential elements of felony murder because it does not list the elements of the predicate offense, first degree robbery. Because elements of a predicate offense are not essential elements of felony murder and need not be included in the information, we affirm.

FACTS

On October 17, 2017, Overton robbed his drug dealer at gunpoint. During the robbery, Overton shot and killed one of the drug dealer's roommates. The State charged Overton with first degree felony murder. The information lists the essential elements of felony murder, and identifies first degree robbery as the predicate offense. Specifically, it provides:

> That the defendant, on or about the 17th day of October, 2017, committed or attempted to commit the crime of First Degree Robbery, and in the course of or in furtherance of such crime or in

> immediate flight therefrom the defendant did cause the death of another person, to-wit: Darren Dean Larson, not a participant in such crime, said death occurring on or about the 17th day of October, 2017; proscribed by RCW 9A.32.030(1)(c), a felony; and that at the time of the commission of the crime, the defendant or an accomplice was armed with a firearm, as provided and defined in RCW 9.94A.533(3), RCW 9.41.010, and RCW 9.94A.825.

A jury convicted Overton as charged. The judge imposed a standard-range sentence of 364 months.[1] Overton appeals, challenging the sufficiency of the information charging him with felony murder.

ANALYSIS

Overton argues that we must reverse his felony murder conviction because the information charging him failed to inform him adequately of the specific charge against him, denying him of his constitutional rights to notice and a fair trial. We review a challenge to the sufficiency of an information de novo. State v. Williams, 162 Wn.2d 177, 182, 170 P.3d 30 (2007).

A criminal defendant has a constitutional right to notice of the alleged crime the State intends to prove. U.S. CONST. amend. VI; WASH. CONST. art. I, § 22. The State provides notice through the information. State v. Kosewicz, 174 Wn.2d 683, 691, 278 P.3d 184 (2012). The State must include all essential elements of an alleged crime in the information to apprise the defendant sufficiently of the charges against him so that he may prepare a defense. Kosewicz, 174 Wn.2d at 691 (citing State v. Kjorsvik, 117 Wn.2d 93, 101-02, 812 P.2d 86 (1991)).

[1] The State also charged Overton with first degree assault of a different victim, and the jury found him guilty as charged. The trial court imposed a consecutive standard-range sentence for that count, bringing Overton's total confinement to 517 months. Overton does not appeal his first degree assault conviction.

When, as here, a defendant challenges the sufficiency of an information for the first time on appeal, we apply the liberal construction rule. State v. Brown, 169 Wn.2d 195, 197, 234 P.3d 212 (2010) (citing Kjorsvik, 117 Wn.2d at 102). Under that rule, we determine (1) whether the essential elements of the crime appear in any form or can be found by any fair construction in the information, and if so, (2) whether the defendant was actually prejudiced by language in the document. Brown, 169 Wn.2d at 197-98. In applying the liberal construction rule, we construe the charging document liberally in favor of validity. Brown, 169 Wn.2d at 197.

Overton contends the State's felony murder information is insufficient because it fails to list the elements of first degree robbery, the alleged predicate offense. Washington courts have long held that while a predicate offense is an element of a felony murder charge, an information need not include the elements of the predicate offense itself. Kosewicz, 174 Wn.2d at 691-92 (citing State v. Hartz, 65 Wn. App. 351, 354, 828 P.2d 618 (1992)); see also State v. Anderson, 10 Wn.2d 167, 180, 116 P.2d 346 (1941). This is because the defendant is not "actually charged" with the predicate crime. Kosewicz, 174 Wn.2d at 691-92. Instead, the predicate offense substitutes for the mens rea the State is otherwise required to prove. Kosewicz, 174 Wn.2d at 692 (citing State v. Craig, 82 Wn.2d 777, 781, 514 P.2d 151 (1973)).

Overton acknowledges that Washington law does not support his argument, but asserts that federal law compels a different result. Citing Kreck v.

Spalding, 721 F.2d 1229 (9th Cir. 1983),[2] he contends, "The Sixth and Fourteenth Amendments [to the United States Constitution] require that an information charging felony murder include the elements of the predicate felony."

In Kreck, the State charged the defendant with second degree felony murder based on the predicate offense of second degree assault. Kreck, 721 F.2d at 1231. But the State did not specify in the information which of the seven subsections of second degree assault Kreck violated. While the State argued the information "necessarily limited the violation" to subsection two of the second degree assault statute, even that subsection turned on the commission of "any crime" assisted by the second degree assault, creating a predicate crime to the predicate crime that the information did not identify. Kreck, 721 F.2d 1231-32. The Ninth Circuit concluded that the information was insufficient because "it failed to serve the function that the law intended it to, namely, providing Kreck with adequate notice of the charges against him so as to enable him to prepare his defense." Kreck, 721 F.2d at 1232.

But in Hartz, we rejected an argument identical to Overton's as unpersuasive. In that case, the State charged the defendant with felony murder based on the predicate offense of first degree robbery. Hartz, 65 Wn. App. at 352. As here, the State identified the predicate offense in the information, but did not list its elements. Citing Kreck, the defendant argued the information was constitutionally insufficient because it failed to allege "the essential statutory and

[2] Overton also cites three United States Supreme Court cases for the proposition that federal law requires an information to list the elements of predicate crimes. See United States v. Carll, 105 U.S. 611, 613, 26 L. Ed. 1135 (1881); Ball v. United States, 140 U.S. 118, 136, 11 S. Ct. 761, 35 L. Ed. 377 (1891); Cole v. Arkansas, 333 U.S. 196, 201-02, 68 S. Ct. 514, 92 L. Ed. 644 (1948). These cases are not persuasive as none involves charges with a predicate crime.

common law elements of robbery" and "the specific means of committing robbery[,] which the State was asserting applied" to him. Hartz, 65 Wn. App. at 353. We concluded that neither article I, section 22 of the Washington Constitution nor the Sixth Amendment nor principles of federal due process compel the State to list the elements of a predicate crime in a felony murder information. Hartz, 65 Wn. App. at 353-55. Our Supreme Court reached the same conclusion. See Kosewicz, 174 Wn.2d at 692 (underlying elements of a predicate felony are not essential elements of felony murder, and neither State nor federal constitutions compel their inclusion in the information) (citing Hartz, 65 Wn. App. at 354).

As in Hartz and Kosewicz, we conclude that Overton's information adequately informed him of the essential elements of felony murder.[3] We affirm his conviction.

Brunson, J.

WE CONCUR:

Andrus, A.C.J.

Appelwick, J.

[3] Because Overton does not allege actual prejudice from the language of the information, we do not reach the second prong of the liberal construction rule. See Brown, 169 Wn.2d at 197-98.

DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document **Petition for Review to the Supreme Court** to which this declaration is affixed/attached, was filed in the **Court of Appeals** under **Case No. 81528-8-I**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

☒ respondent Matthew Pittman
[matthew.pittman@co.snohomish.wa.us]
Snohomish County Prosecuting Attorney
[Diane.Kremenich@co.snohomish.wa.us]

☒ petitioner

☐ Attorney for other party

MARIA ANA ARRANZA RILEY, Legal Assistant Date: October 22, 2021
Washington Appellate Project

WASHINGTON APPELLATE PROJECT

October 22, 2021 - 4:39 PM

Transmittal Information

Filed with Court:	Court of Appeals Division I
Appellate Court Case Number:	81528-8
Appellate Court Case Title:	State of Washington, Respondent Cross App v. Edmond Overton, App Cross Respondent
Superior Court Case Number:	17-1-03007-9

The following documents have been uploaded:

- 815288_Petition_for_Review_20211022163849D1232274_7760.pdf
  This File Contains:
  Petition for Review
  The Original File Name was washapp.102221-09.pdf

A copy of the uploaded files will be sent to:

- Diane.Kremenich@co.snohomish.wa.us
- karim@suzanneelliottlaw.com
- matthew.pittman@co.snohomish.wa.us

Comments:

Sender Name: MARIA RILEY - Email: maria@washapp.org
Filing on Behalf of: Suzanne Lee Elliott - Email: suzanne@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 20211022163849D1232274