

FILED  
COURT OF APPEALS  
DIVISION II

2014 JUN 13 PM 12:57

STATE OF WASHINGTON

BY 

NO. 43762-7-II

WASHINGTON STATE COURT OF APPEALS  
DIVISION II

State of Washington, )  
Respondent )  
v. )  
LAJUANTA L. CONNER )  
Appellant. )

No. 11-1-00435-8

REPLY TO BRIEF OF  
RESPONDENT

A. ISSUES PRESENTED FOR REVIEW

- 1.) Probable Cause
- 2.) Cumulative effect

B. STATEMENT OF CASE

Appellant incorporates here, the facts outlined in the States Response brief.

C. ARGUMENT

- 1.) The State cited no authority to bag up their claim that a finding for probable cause is not required.

The Prosecutor is obligated under RPC 3.8(a)

"The Prosecutor in a criminal case shall:

- (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause; (emphasis added)

"Shall"; is a word of command, reads in pertinent part:

The word "shall" is used when referring to an act that is to be done by an entity other than the appellate court, a party, or counsel for a party.

State v. Korum, 157 Wn.2d 614, 141 P.3d 13 (2006); says,

" A charge cannot be filed unless it is supported by probable cause. Korum also says, "whether probable cause supports the additional charges is relevant in the sense only that the state cannot charge an offense unless it is supported by probable cause."

Therefore the States claim should be rejected.

2.) State v. Kalebaugh, 318 P.3d 288, P3d (2014) (citing State v. Greiff, 141 Wash.2d 910, P.3d 390 (2000))


"We reverse a conviction under the cumulative error doctrine when there have been several trial errors that standing alone may not be sufficient to justify reversal, but when combined may deny a defendant a fair trial."

The cumulative effect of errors deprived Mr. Conner a fair trial.

D. CONCLUSION

For all the reasons outlined herein, Mr. Conner's Petition should be granted.

I swear under the penalty of perjury that the foregoing is true; Dated this 10 day of June, 2014.

  
Lajuanta L. Conner, pro-se