NO. 47238-4-II

THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION TWO

STATE OF WASHINGTON,

Respondent,

v.

LIA TRICOMO,

Appellant.

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

BRIEF OF APPELLANT

GREGORY C. LINK
Attorney for Appellant

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 701
Seattle, WA 98101
(206) 587-2711

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Washington Constitution

United States Constitution

Washington Supreme Court

Washington Court of Appeals

United States Supreme Court

Statutes

A. ASSIGNMENTS OF ERROR

1. Lia Tricomo's multiple assault convictions violate Double Jeopardy.

2. Because Ms. Tricomo was misadvised of the consequences of her guilty plea his plea violates the Due Process Clause of the Fourteenth Amendment.

3. The trial court erroneously limited its consideration of relevant mitigation at sentencing.

B. ISSUES PERTAINING TO ASSIGNMENT OF ERROR

1. The double jeopardy provisions of the State and federal constitutions bar multiple convictions for the same offense. Where the unit of prosecution of a crime consists of course of conduct a person may not be separately convicted for acts within that course of conduct. Because assault is a course of conduct offense do Ms. Tricomo's multiple assault convictions violate double jeopardy?

2. If the defendant is misadvised about the direct sentencing consequences, including the applicable maximum sentence for the offense and term of community custody, the resulting plea is not entered knowingly, voluntarily and intelligently. Where Ms. Tricomo

was misadvised about the maximum sentence that could be imposed was her guilty plea invalid?

3. At sentencing court's task is to impose a sentence which is proportionate to a person's culpability. The court should consider evidence which bears upon or mitigates the person's culpability. Did the sentencing court err where it artificially and substantially limited its consideration of such evidence?

C. STATEMENT OF THE CASE.

Coming from a childhood marked by poverty, abuse and array of familial dysfunction, such as being introduced to the regular use of alcohol by her father beginning at age 12. CP 53-54. Ms. Tricomo sought refuge in music, becoming an accomplished violinist. CP 54. As early as middle-school, she began performing in community orchestras comprised mainly of adult musicians. CP 54-55

Beginning in adolescence and continuing into adulthood, Ms. Tricomo began to suffer from mental illness. CP 63-64. Ms. Tricomo's diagnoses include on Axis I: Major Depressive Disorder, Bipolar Disorder, Posttraumatic Stress Disorder and Alcohol Dependence, and on Axis I Borderline Personality Disorder and Antisocial Personality Disorder. CP 76-77. Her history is marked by numerous suicide

attempts and commitments to Western State Hospital and other regional mental health facilities on several occasions. CP 56, 63-64.

For a period of time and despite these hurdles, she succeeded in obtaining a bachelor's degree in music, and continued to play with larger and more prestigious regional orchestras. CP 66

In 2010, Ms. Tricomo began receiving treatment at Behavioral Health Resources (BHR) in Olympia. CP 56. In 2011, she began working with therapist John Alkins. *Id.*

BHR records indicate Mr. Alkins sessions with Ms. Tricomo were twice or more in duration than with other counselors. CP 56. During their sessions, Mr. Alkins often talked about music rather than her mental health or other topics common to therapy. *Id.* On occasion he would visit Ms. Tricomo at home to record music. *Id.*

Mr. Alkins was subsequently placed on leave and then fired by BHR, apparently for an inappropriate relationship with another client. Even after this, Mr. Alkins continued communicating with Ms. Tricomo. CP 56.

In April 2013, Ms. Tricomo was faced with losing her residence. CP 56. During that same period she was using Paxil as prescribed for her depressive disorder. *Id.*

Mr. Alkins offered to Ms. Tricomo a room in his home, which she accepted. After picking up her things from her apartment, Mr. Alkins stopped to buy Ms. Tricomo a bottle of vodka on the drive home. This despite the fact that as her therapist for a period of months he must have known of her history of alcohol dependence.

At his home, and after Ms. Tricomo had consumed a large portion of the vodka, Mr. Alkins initiated sex. CP 5. Ms. Tricomo later described the sexual activity as unwanted, although she did not tell him that. *Id.* After the two went to Mr. Alkins's bedroom, Ms. Tricomo briefly tied Mr. Alkins's hands to his bed, untying them when he stated he did not like that. *Id.* When she did so, Ms. Tricomo slit his neck several times with a knife she had brought into the bedroom. *Id.* She stated she did so with the intent to kill him. *Id.*

Mr. Atkins walked about the house for a period of time trying to stop the bleeding, but refused to call for help due to concerns about the consequences of having a sex with a former client. *Id.* Near the front door, the two struggled over the knife and Ms. Tricomo cut his wrists several times. *Id.* Mr. Alkins returned upstairs where he lay on the floor bleeding. Ms. Tricomo strangled him with an electrical cord. *Id.*

The following morning Ms. Tricomo called a crisis line and reported she had stabbed a man. CP 6. Ms. Tricomo then used Mr. Alkins's car to drive to an Alcoholics Anonymous meeting where she asked for help. *Id.* Another meeting participant drove her to the mental health unit at St. Peters Hospital in Olympia. *Id.*

The State charged Ms. Tricomo with one count of first degree murder and one count of attempted first degree murder. CP 7. The State subsequently amended the information to charge one count of second degree murder, three counts of second degree assault, and one count of taking a motor vehicle. CP 25-26. Ms. Tricomo pleaded guilty as charged. CP 27-35.

Prior to sentencing, Ms. Tricomo submitted a mitigation report prepared by Dhyana Fernandez as well as psychological evaluation prepared by Dr. David Dixon. CP 42-120. Ms. Fernandez detailed Ms. Tricomo's family history of deprivation and abuse, her struggles with mental illness and alcohol, and highlighted her successes despite that history. Ms. Fernandez also provided information regarding reported violent side effects for the use of Paxil. CP 52-57. Dr. Dixon described Ms. Tricomo's history of "aberrant" violent behavior when she perceives violations by others. Dr. Dixon explained these are redirected

at the childhood violations she suffered at the hands of others including her father. CP 77. Dr. Dixon explained her withdrawal from Paxil "exacerbated her mood disorder into a manic state with psychosis." CP 98. Ms. Tricomo requested a sentence of 257 months.

The trial court substantially limited its consideration of this material and imposed a sentence of 357. CP 217.

D. ARGUMENT.

1. Double Jeopardy protections do not permit Ms. Tricomo's multiple convictions.

a. *The federal and state constitutions prohibit multiple punishments for the same offense.*

The Double Jeopardy Clause of the federal constitution provides that no individual shall "be twice put in jeopardy of life or limb" for the same offense, and the Washington Constitution provides that no individual shall "be twice put in jeopardy for the same offense." U.S. Const. amend. V; Const. art. I, § 9. The Fifth Amendment's double jeopardy protection is applicable to the States through the Fourteenth Amendment. *Benton v. Maryland*, 395 U.S. 784, 787, 89 S. Ct. 2056, 23 L. Ed. 2d 707 (1969).

The double jeopardy provisions of the state and federal constitutions protect against (1) a second prosecution for the same

offense after an acquittal, (2) a second prosecution for the same offense after conviction, and (3) 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*, *Alabama v. Smith*, 490 U.S. 794, 109 S. Ct. 2201, 104 L. Ed. 2d 865 (1989); *State v. Gocken*, 127 Wn.2d 95, 107, 896 P.2d 1267 (1995).

Focusing on the third of these, the prohibition on multiple punishments, the Supreme Court has said

> When the Legislature defines the scope of a criminal act (the unit of prosecution), double jeopardy protects a defendant from being convicted twice under the same statute for committing just one unit of the crime.

State v. Bobic, 140 Wn.2d 250, 261, 996 P.2d 610 (2000) (citing *State v. Adel*, 136 Wn.2d 629, 634, 965 P.2d 1072 (1998)). A person may not be convicted more than once under the same criminal statute if only one "unit" of the crime has been committed. *State v. Leyda*, 157 Wn.2d 335, 342, 138 P.3d 610 (2006); *State v. Tvedt*, 153 Wn.2d 705, 710, 107 P.3d 728 (2005) (citing *State v. Westling*, 145 Wn.2d 607, 610, 40 P.3d 669 (2002)).

The unit of prosecution is designed to protect the accused from overzealous prosecution. *State v. Turner*, 102 Wn. App. 202, 210, 6 P.3d 1226 (2000).

> The United States Supreme Court has been especially vigilant of overzealous prosecutors seeking multiple convictions based upon spurious distinctions between the charges. *Brown v. Ohio*, 432 U.S. 161, 169, 97 S. Ct. 2221, 53 L. Ed. 2d 187 (1977) ("The Double Jeopardy Clause is not such a fragile guarantee that prosecutors can avoid its limitations by the simple expedient of dividing a single crime into a series of temporal or spatial units."); [*Ex parte Snow*, 120 U.S. 274, 282, 7 S. Ct. 556, 30 L. Ed. 658 (1887)] (if prosecutors were allowed arbitrarily to divide up ongoing criminal conduct into separate time periods to support separate charges, such division could be done ad infinitum, resulting in hundreds of charges).

Adel, 136 Wn.2d at 635. The unit of prosecution, the punishable conduct under the statute, may be an act or a course of conduct. *Tvedt*, 153 Wn.2d at 710. The Supreme Court has determined assault is a course of conduct crime. *State v. Villanueva-Gonzalez*, 180 Wn.2d 975, 984, 329 P.3d 78, 82 (2014). Moreover, the State may not "divide a defendant's conduct into segments in order to obtain multiple convictions." *State v. Jackman*, 156 Wn.2d 736, 749, 132 P.3d 136 (2007).

b. The charges in this case are the same in law and fact.

"Where a double jeopardy violation is clear from the record, a conviction violates double jeopardy even where the conviction is entered pursuant to a guilty plea. *State v. Knight*, 162 Wn.2d 806, 812, 174 P.3d 1167 (2008). In her guilty plea Ms. Tricomo agreed to permit the trial court to review the affidavit of probable cause to determine the factual basis for her plea. That affidavit describes the incident and permits this Court to conclude the multiple convictions violate Double Jeopardy.

It is clear from the facts, Ms. Tricomo's acts constituted a single criminal episode driven by the singular intent to kill Mr. Alkins. She first attempted to kill him by repeatedly slitting his neck. She prevented him from leaving and in the process repeatedly cut him again. Ultimately she strangled him with and electrical cord. While some time did pass, the acts were a part of an unbroken chain of events driven by that singular intent. Because her acts were a single course of conduct Ms. Tricomo could only be convicted of a single count of assault. *Villanueva-Gonzalez*, 180 Wn.2d at 984. Even if the brief separation in time suggested two separate assaultive acts, that could not support three

assault convictions. As such, Ms. Tricomo's multiple assault convictions violate double jeopardy prohibitions.

Further, the assaults and the murder constitute the same offense for double jeoapardy puposes. Where they are based on same conduct murder and assault are the same offense for double jeopardy purposes. *See State v. Womac*, 160 Wn.2d 650, 654-55, 160 P.3d 40 (2007) (entry of convictions for homicide by abuse, second degree felony murder, and first degree assault for death of his son violated double jeopardy principles). Again the facts establish a single intent to kill Mr. Alkins. While an autopsy detemined strangulation caused his death, it specifially found the bleeding caused by the knife wounds to be a contributing factor in that death and concluded the bleeding would have ultimately proved fatal. CP 124. The assault and murder counts therefore arose from a single course of conduto and cosntitute the same offense.

c. Because they violate double jeopardy, the assault convictions must be vacated.

If two convictions violate double jeopardy prohibitions, the remedy is to vacate the conviction for the lesser offense. *E.g.*, *State v.*

Freeman, 153 Wn.2d 765, 777, 108 P.3d 753 (2005). As the lesser offense, Ms. Tricomo's assault convictions should be vacated.

2. Ms. Tricomo was misinformed of the consequences of her guilty plea.

a. *To satisfy the Due Process Clause of the Fourteenth Amendment, a guilty plea must be voluntary.*

The Fourteenth Amendment's Due Process Clause requires that a defendant's guilty plea be knowing, voluntary, and intelligent. *Boykin v. Alabama,* 395 U.S. 238, 242, 89 S. Ct. 1709, 23 L. Ed.2d 274 (1969); *In re Bradley*, 165 Wn.2d 934, 939, 205 P.3d 123 (2009). When a person pleads guilty:

> He . . . stands witness against himself and he is shielded by the Fifth Amendment from being compelled to do so – hence the minimum requirement that his plea be the voluntary expression of his own choice. But the plea is more than an admission of past conduct; it is the defendant's consent that judgment of conviction may be entered without a trial – a waiver of his constitutional right to trial before a jury or a judge. Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences.

Brady v. United States, 397 U.S. 742, 748, 90 S.Ct. 1463, 25 L.Ed.2d 747 (1970).

Because of the constitutional rights waived by a guilty plea, the State bears the burden of ensuring the record of a guilty plea demonstrates the plea was knowingly and voluntarily entered. *Boykin*, 395 U.S. at 242. "The record of a plea hearing or clear and convincing extrinsic evidence must affirmatively disclose a guilty plea was made intelligently and voluntarily, with an understanding of the full consequences of such a plea." *Wood v. Morris*, 87 Wn.2d 501, 502-03, 554 P.2d 1032 (1976).

A guilty plea is involuntary if the defendant is not properly advised of a direct consequence of his plea. *State v. Turley*, 149 Wn.2d 395, 398-99, 69 P.3d 338 (2003); *State v. Ross*, 129 Wn.2d 279, 284, 916 P.2d 405 (1996); *see also*, *In re the Personal Restraint of Isadore*, 151 Wn.2d 294, 298, 88 P.3d 390 (2004) ("A guilty plea is not knowingly made when it is based on misinformation of sentencing consequences.") "A direct consequence is one that has a 'definite, immediate and largely automatic effect on the range of the defendant's punishment.'" *Bradley*, 165 Wn.2d at 939 (quoting *Ross*, 129 Wash.2d at 284).

The length of a sentence is a direct consequence of a guilty plea. *State v. Mendoza*, 157 Wn.2d 582, 590, 141 P.3d 49 (2006); Thus, a

plea is involuntary if a defendant is misinformed of the length of sentence even if the resulting sentence is less onerous than represented in the plea. *Id.* at 591.

Moreover, a defendant is not required to show the misinformation was material to his decision to plead guilty:

> We have . . . declined to adopt an analysis that focuses on the materiality of the sentencing consequence to the defendant's subjective decision to plead guilty. . . . . Accordingly, we adhere to our precedent establishing that a guilty plea may be deemed involuntary when based on misinformation regarding a direct consequence on the plea, regardless of whether the actual sentencing range is lower or higher than anticipated. Absent a showing that the defendant was correctly informed of all of the direct consequences of his guilty plea, the defendant may move to withdraw the plea.

Mendoza, 157 Wn.2d at 590-91 (Internal citations omitted); *Bradley*, 165 Wn.2d at 939.

b. Ms. Tricomo was misinformed in her guilty plea of the maximum sentence.

The relevant maximum sentence is a direct consequence of a guilty plea. *State v. Walsh*, 143 Wn.2d 1, 8-9, 17 P.3d 591 (2001); *State v. Morley*, 134 Wn.2d 588, 621, 952 P.2d 167 (1998). A "defendant must be advised of the maximum sentence which could be imposed

prior to entry of the guilty plea." *State v. Barton,* 93 Wn.2d 301, 305, 609 P.2d 1353 (1980).

Mr. Tricomo's guilty plea states:

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a ***Standard Sentence Range*** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	8	257-357 months	N/A	36 months	$50,000, Life
2	8	53-70 months	N/A	12 months	$20,000, 10 yrs
3	8	53-70 months		12 months	$20,000, 10 yrs
4	8	53-70 months	N/A	12 months	$20,000, 10 yrs
5	5	4-12 months		N/A	$10,000, 5 yrs

CP 28.

RCW 9A.20.021(a) provides the maximum terms for various degrees of felony convictions. Class A felonies such as second degree murder may be punished with up to life imprisonment. Class B felony offenses, such as second degree assault, may be punished up to ten years in prison. Class C felony offenses have five year maximum terms.

However, as the Supreme Court ruled in *Blakely v. Washington*, 542 U.S. 296, 301-02, 124 S.Ct. 2531, 159 L.Ed. 2d 403 (2004), while a certain term imprisonment may be permitted under RCW 9A.20.021, it is not the statutory maximum sentence for the charged offense. Instead, the Court noted the maximum sentence was "the maximum

sentence a judge may impose *solely on the basis of the facts reflected in the jury verdict or admitted by the defendant."* (Emphasis in the original.) *Id.*

The maximum sentence is the maximum permissible sentence the court could impose as a consequence of the guilty plea. *Id.* Here, the standard range is the maximum possible sentence the court could impose for the offenses of which Ms. Tricomo was convicted. The court has authority to impose a sentence above the standard range only under the strict parameters of RCW 9.94A.535 and RCW 9.94A.537, in addition to the requirements of the state and federal constitutional guarantees of trial by jury and due process of law.

Under RCW 9.94A.537(1), the State is required to give notice it will seek a possible exceptional sentence before the entry of a guilty plea. When not sought by the prosecution, the court is only permitted to impose an exceptional sentence if the increased sentence is based on the enumerated factors in RCW 9.94A.535(2). These factors essentially require egregious criminal history that enables an offender commit "free crimes" that go unpunished and renders the standard range to be unduly trivial. RCW 9.94A.535(2). Mr. Tricomo's standard range fully accounted for her criminal history of this nature and an exceptional

sentence based on unscored criminal convictions would be unreasonable and unauthorized.

There were no circumstances in Ms. Tricomo's case which would have permitted the imposition of any sentence above the standard range. Thus, the "maximum term" was not "life," "10 yrs" or "5 yrs" as the plea stated. Rather, the maximum was the top-end of the respective standard ranges. Ms. Tricomo was misadvised of the maximum punishment he faced as a consequence of her guilty plea. *State v. Knotek*, 136 Wn. App. 412, 149 P.3d 676 (2006), *review denied*, 161 W.2d 1013(2007).

Knotek is directly on point. There the Court acknowledged that before pleading guilty, a defendant needs to understand the "direct consequences of her guilty plea, not the maximum potential sentence if she went to trial. . . ." *Id.* at 424 n.8. The *Knotek* Court further agreed that *Blakely* "reduced the maximum terms of confinement to which the court could sentence Knotek post-*Blakely* as a result of her pre-*Blakely* plea—[to] the top end of the standard ranges . . . ." *Id.* at 425. Thus, where a defendant is told the maximum sentence is life when in fact it

is the top of the standard range the defendant is misadvised of the consequences of the plea.[1]

Ms. Tricomo was not properly informed of the consequences of her plea he must be permitted to withdraw it.

c. Because the court misinformed him of the consequences of his plea, Mr. Williams is entitled to withdraw his plea.

"Where a plea agreement is based on misinformation generally the defendant may choose . . . withdrawal of the guilty plea." *Walsh*, 143 Wn.2d at 8 (citing *State v. Miller*, 110 Wn.2d 528, 532, 756 P.2d 122 (1988)). The premise of this holding is that a guilty plea is not voluntary and thus cannot be valid where it is made without an accurate understanding of the consequences. *Walsh*, 143 Wn.2d at 8. As *Mendoza* made clear, it does not matter whether the misadvisement was material to Ms. Tricomo's decision to plead guilty or whether his sentence was more lenient than previously indicated. 157 Wn.2d at 590-91.

---

[1] *Knotek*, concluded the appellant waived the right to challenge her guilty plea because the defendant was subsequently advised that no exceptional sentence was available and at the time of sentencing she "clearly understood that *Blakely* had eliminated the possibility of exceptional life sentences and, thus, had substantially lowered the maximum sentences that the trial court could impose." *Id.* at 426. In the case at bar, no discussion of *Blakely* ever occurred.

3. The trial court erred in refusing to consider relevant evidence at sentencing.

A person "may always challenge the procedure by which a sentence was imposed." *State v. Grayson*, 154 Wn.2d 333, 338, 111 P.3d 1183, 1185 (2005). While no defendant has a right to any particular sentence, she does have the right to propose a sentence and have the court actually consider it. *Id.* at 342.

Here the court strictly limited its consideration of Mr. Tricomo's mitigation report. The court stated it would only consider it as background, and would not consider any discussion of the potential effects of prescribed use of Paxil in the weeks preceding the incident. 1/28/15 RP 39. Moreover, the court refused to consider any opinion as to the appropriate sentence. *Id.* at 39-40. The court based these self-imposed limitations on its belief that since Ms. Tricomo was not requesting an exceptional sentence below the standard range the court could not consider mitigation evidence. *Id.*

Later in the hearing the court voiced a similar view concluding RCW 9.94A.530 prevented the court from considering any facts other than those contained in the statement of probable cause, as those were the facts Ms. Tricomo's acknowledged in her plea. *Id.* at 43.

In his argument in support of the defense recommendation, defense counsel highlighted forensic evaluations, by both the State and defense experts, which found Ms. Tricomo was suffering from mental impairment. *Id* at 78. Dr. Dixon went further to describe the impact of Ms. Tricomo's withdrawal from Paxil as exacerbating her disorder into a manic state with psychosis. CP 98. The defense expert concluded it amounted to diminished capacity. CP 98-99. While disagreeing as to its legal effect, the state's expert, Dr. Delton Young, agreed that at a minimum Ms. Tricomo was suffering psychotic symptoms. 1/28/15 RP at 78; CP 201. Counsel urged the court to consider two statutory mitigating factors in support of Ms. Tricomo's recommended sentence: (1) that while insufficient to constitute a complete defense her mental health significantly affected her conduct, and (2) that her capacity to appreciate the wrongfulness of her conduct was significantly impaired. 1/28/15 RP 84.

In announcing its decision the court discounted the import of the expert opinion, commenting that Mr. Tricomo's ability to form the intent was no longer at issue as a result of her guilty plea. 1/28/15 RP 92. But that misses the point. The mitigating factors cannot be limited to circumstances where a defendant has not pleaded guilty or has not

been found to have a certain intent by a jury. Instead, by their very language they apply only after conviction and despite such a guilty plea or verdict. Contrary to the court's conclusion, the mitigating factors and evidence had continued and substantial relevance in Ms. Tricomo's case.

Mitigating factors do not absolve a person of liability for the crime; rather they focus the court's analysis on the person's relative culpability for what is admittedly a criminal act. The Supreme Court explained "sentencing courts are concerned with the proportionality of a defendant's punishment in relation to his or her culpability." *State v. Williams*, 181 Wn.2d 795, 800, 336 P.3d 1152 (2014); *see also State v. Chadderton*, 119 Wn.2d 390, 398, 832 P.2d 481 (1992) ("[w]hat is important is whether the conduct was proportionately more culpable than that inherent in the crime."). Relative culpability for a given act is the essence of criminal law.

"[T]rial judges have considerable discretion under the SRA, [but] they are still required to act within its strictures and principles of due process of law." *Grayson*, 154 Wn.2d at 338.The notion that that Ms. Tricomo's guilty plea finally prevented consideration of this

mitigating evidence would preclude courts from engaging in their obligation of ensuring sentences is proportionate to culpability.

This court should remand for a new hearing at which the sentencing court gives full consideration to the evidence before it.

D. CONCLUSION.

For the foregoing reasons, Ms. Tricomo's assault conviction should be vacated and dismissed. In addition, she is entitled to withdraw her plea. Finally, Ms. Tricomo should receive a new sentencing hearing at which the court considers evidence bearing on her relative culpability. Williams must be permitted to withdraw his plea.

Respectfully submitted this 14th day of August, 2015.

s/*Gregory C. Link*
GREGORY C. LINK – 25228
Washington Appellate Project
Attorneys for Appellant

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

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	NO. 47238-4-II
v.	)	
	)	
LIA TRICOMO,	)	
	)	
Appellant.	)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ANA ARRANZA RILEY, STATE THAT ON THE 14TH DAY OF AUGUST, 2015, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION TWO** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X]	CAROL LA VERNE, DPA	( )	U.S. MAIL
	[Lavernc@co.thurston.wa.us]	( )	HAND DELIVERY
	THURSTON COUNTY PROSECUTOR'S OFFICE	(X)	E-SERVICE
	2000 LAKERIDGE DR SW BLDG 2		VIA COA PORTAL
	OLYMPIA WA 98502-6045		
[X]	LIA TRICOMO	(X)	U.S. MAIL
	348594	( )	HAND DELIVERY
	WCC FOR WOMEN	( )	_____
	9601 BUJACICH RD NW		
	GIG HARBOR, WA 98332		

SIGNED IN SEATTLE, WASHINGTON THIS 14TH DAY OF AUGUST, 2015.

X_____

Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, Washington 98101
(206) 587-2711

WASHINGTON APPELLATE PROJECT

August 14, 2015 - 3:56 PM

Transmittal Letter

Document Uploaded: 3-472384-Appellant's Brief.pdf

Case Name: STATE V. LIA TRICOMO

Court of Appeals Case Number: 47238-4

Is this a Personal Restraint Petition? Yes ■ No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

■ Brief: __Appellant's__

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____
Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

Sender Name: Maria A Riley - Email: maria@washapp.org

A copy of this document has been emailed to the following addresses:

Lavernc@co.thurston.wa.us