NO. 47339-9-II

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

STATE OF WASHINGTON, Respondent

v.

DEREK MARK LOUGHREY, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
CLARK COUNTY SUPERIOR COURT CAUSE NO.13-1-00504-2

BRIEF OF RESPONDENT

Attorneys for Respondent:

ANTHONY F. GOLIK
Prosecuting Attorney
Clark County, Washington

RACHAEL R. PROBSTFELD, WSBA #37878
Senior Deputy Prosecuting Attorney
OID No. 91127

Clark County Prosecuting Attorney
1013 Franklin Street
PO Box 5000
Vancouver WA 98666-5000
Telephone (360) 397-2261

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Rules

RESPONSE TO ASSIGNMENTS OF ERROR

I. The Trial Court Did Not Err in Admitting Evidence Of Loughrey's Prior Acts Against His Sister.

II. The Trial Court's Failure to Enter Written Findings Pursuant to CrR 3.5(c) was Harmless.

STATEMENT OF THE CASE

Derek Loughrey (hereafter 'Loughrey') was charged by information with three counts of rape of a child in the first degree and two counts of child molestation in the first degree for raping and molesting his young daughter. CP 1-4. The information also alleged Loughrey violated his position of trust and that the offense was an ongoing pattern of abuse. The jury found Loughrey guilty of all counts and found all aggravating factors were present. CP 5-14. Loughrey was sentenced to a standard range sentence. CP 43. This appeal timely follows. CP 58-59.

Prior to trial the court held a hearing under CrR 3.5 to determine the admissibility of one statement Loughrey made to police. RP 304-17. Detective Sandra Aldridge of the Vancouver Police Department testified that on November 9, 2011 she responded to Loughrey's residence because Loughrey and his wife had called in their daughter, N.L., as a runaway. RP 306. Det. Aldridge initially met with Mrs. Loughrey outside of the apartment. RP 307. As the two were standing outside, Loughrey opened

the front door and everyone stepped inside the apartment. RP 308. Once inside, Det. Aldridge explained to Loughrey and his wife that their daughter was safe and was at the police department. RP 309. Loughrey then hung his head and said, "Well, as long as she's safe, it doesn't matter why she's at the police department." RP 310-11. At no time during Det. Aldridge's contact with Loughrey did he ask to speak to an attorney or to cease speaking with the detective. RP 312. Det. Aldridge did not order Loughrey to do anything, restrict his movements, tell him he was under arrest or that he had to speak with her. RP 312. The State asked the trial court to allow admission of the one statement Loughrey made to Det. Aldridge. RP 315. Defense made no argument regarding the admission of this statement at the CrR 3.5 hearing. RP 315. The trial court ruled the statement was admissible and held, "Okay. Then the statement will be admissible. It was non-custodial, didn't require *Miranda* rights, nothing to indicate that it was involuntary." RP 316-17.

At trial the evidence showed that N.L. was born on February 8, 1995. RP 375. Loughrey is her father. RP 376. She has two brothers, A., a younger brother, and I., an older brother. RP 376. From the time N.L. was two years old until she disclosed abuse at the hands of her father, she lived with her mom, dad, and brothers at an apartment in Vancouver, Washington. RP 377. The three children shared a room, her dad has his

own room, and her mother slept on the couch in the living room. RP 377. N.L. was home-schooled from kindergarten until fifth grade. RP 378. The first incident she remembers with her father touching her was once when N.L. was seven or eight years old when she was in her father's room watching TV with him, and he grabbed, squeezed and rubbed her on her butt with his hand. RP 379, 383-84. This occurred while they were on his bed, the defendant "spooning" N.L. RP 382-83.

Another incident N.L. recalled was when she and her father would wrestle and Loughrey would force himself on her and "hump" her. RP 387. Loughrey had an erection that N.L. could feel against her, up against her vagina. RP 387. This type of sexual wrestling occurred on more than one occasion. RP 388.

All the sexual incidents with Loughrey occurred while N.L. was home-schooled, before fifth grade. RP 391. On several of these incidents, Loughrey would get physically ill and throw up in the bathroom afterwards. RP 404.

N.L. described an incident where she was home alone with Loughrey and riding on his shoulders and he had an erection. RP 394. Loughrey told her, "I need to put you down right now because if Mommy comes home and sees my thing like this, she's going to get angry." RP 394. N.L. also described a time when Loughrey showed her a

pornographic movie that included men ejaculating and asking her if she wanted to see the white stuff come out of him. RP 397-98.

N.L. described an incident when Loughrey licked her on her vagina. RP 399. During this incident, N.L. wore pink pajamas. RP 400. She remembered the way it felt to have Loughrey's tongue touch her and go inside her vagina and lick her anus. RP 401. Loughrey then licked N.L.'s fingers and told her to put them inside her anus; she did and then he instructed her to lick her fingers, which she also did. RP 403. Loughrey told her that this was their little secret. RP 403. N.L. trusted her father and whatever he told her was right in her mind. RP 403. Once N.L. told Loughrey she felt like telling her mom what he did and he told her that he would go away for a really long time if she did. RP 413.

N.L. described an incident when she, Loughrey, and her brother, I., were in the bedroom with I. sitting at the computer desk and Loughrey and N.L. on the bed. RP 405. Loughrey had a blanket over himself and N.L. and touched her on her vagina underneath the covers. RP 405.

One time, when N.L. and her mother were about to leave the apartment to go to the store to buy N.L. new underwear, Loughrey told her to get something silky because that is what her mother wore and she believed he wanted her to get the same kind. RP 410.

On other occasions, Loughrey would have N.L. sit on his face and he put fingers in her anus; he wanted N.L. to fart in his mouth. RP 411.

On one occasion, Loughrey offered N.L. a dollar if she would "kiss his dick." RP 415-16. N.L. did as he asked. RP 416. N.L.'s lips touched Loughrey's hard penis. RP 417.

The abuse stopped only after N.L. took a life-size Barbie doll to Loughrey, laid the doll next to him, and told him that he could do things with the Barbie instead of her. RP 418-19. Loughrey got really mad when N.L. did that. RP 419. N.L. does not remember Loughrey trying to touch her or do anything else sexual to her after that. RP 419.

N.L. did not tell anyone about the abuse for years. She told one friend in seventh grade, and then told her boyfriend during her junior year of high school. RP 428-29, 437. N.L. then told her school counselor, Kit Kanekoa, about the abuse. RP 441. Mr. Kanekoa called a social worker, and then at the end of the school day N.L. went to a police station to make a report. RP 442. After reporting the abuse, N.L. went to a youth shelter because her mother did not want anything to do with her. RP 446.

The day after she reported to police, N.L. was at work when she saw her mother's car drive by and her brother, I., came and gave her a note. RP 448. The note encouraged N.L. to change her story and say nothing had happened. RP 448. N.L.'s mother wrote the note. RP 610. The

note said, "until you take back the allegations, you will be put in foster care." RP 611. N.L. made an effort a few months later to talk to her mom, but her mom refused to talk to her. RP 449. N.L. also tried to reach out to her brother, I., but he told her not to talk to him. RP 450.

Mr. Kanekoa testified that he was a guidance counselor and that N.L. was in his caseload. RP 514-15. N.L.'s boyfriend, Alyn Cheney, showed up at his office during lunch and told him something was going on with N.L. RP 517. Mr. Kanekoa called N.L. down to his office and she disclosed to him. RP 518. N.L. was in an emotional state, crying. RP 518. After hearing N.L.'s disclosure, Mr. Kanekoa called CPS. RP 519. N.L.'s friends, J.H. and S.H., were called down to the counselor's office because N.L. wanted support. RP 566, 574. N.L. was very emotional, sad and crying. RP 566, 574.

Detective Sandra Aldridge testified that she responded to N.L.'s parents' call that N.L. had run away from home. RP 587-88. Det. Aldridge knew that N.L. was at the police department reporting the abuse. RP 588. While speaking to Loughrey and his wife, Det. Aldridge told them that N.L. was safe and was with police. RP 588. Loughrey lowered his head and stated, "It doesn't matter why she's at the police department as long as she's safe." RP 588.

Loughrey testified in his defense. Loughrey's defense was that N.L. was constantly getting in trouble, getting grounded, and did not like living at home with his strict rules or having to share a bedroom, and that she made up the allegations to be able to go into foster care and run her own life. RP 733-50; 753-56; 761; 764. During Loughrey's direct examination, his attorney asked him if he engaged in anilingus with his daughter, if he watched pornography, or showed his daughter pornography. RP 763-64. Loughrey denied engaging in those things. RP 763-64. The following exchange then took place during Loughrey's testimony, on questioning by his lawyer:

> Q: Did you ever engage in cunnilingus with your daughter?
> A: (Defendant raises his voice) I am not a child molester. I did not do this. She lied. She wanted out and that was her way out. I am telling you, I am not a child molester.
> JUDGE CLARK: You need—
> MR. DUNKERLY: Derek, please—
> JUDGE CLARK: --to answer the question.

RP 764.

After a few more questions along the same lines, Loughrey's attorney asked him, "[d]id you ever ask her to do anything sexual with you?" RP 765. Loughrey responded, "Not once. Not ever. It is not who I am. There's nothing more important than to be a good father and a good husband." RP 765. Later, the judge characterized Loughrey's statements above as "emphatic" and even further noted that Loughrey was "very

emphatic" and "very emotionally denying" that he was a child molester. RP 788.

The State moved to admit evidence that Loughrey had previously molested his sister, after Loughrey testified he was not a child molester and that it was not who he was. RP 769-70. After hearing argument from the State and defense, and consulting case law, the trial court found Loughrey "opened the door" to evidence of his character due to his responses on direct examination. RP 788-89.

On rebuttal, the State offered the testimony of Loughrey's sister. RP 951. She testified that Loughrey had performed oral sex on her and had penis to vagina intercourse with her starting from the time she was in fourth or fifth grade and continuing until ninth grade. RP 956-58. She testified this was not consensual. RP 956.

At Loughrey's request, the trial court gave the following instruction regarding his sister's testimony:

> Certain evidence has been admitted in this case for limited purposes. This evidence consists of testimony about the alleged sexual acts between the Defendant and Amanda Smith. This evidence may be considered only to rebut the Defendant's assertion that he lacks the character trait of someone who would commit the type of crimes alleged in this case. You may not consider it for any other purposes.

CP 86.

ARGUMENT

I. The Trial Court Did Not Err in Admitting Evidence Of Loughrey's Prior Acts Against His Sister.

Loughrey claims the trial court erred in admitting evidence of his prior sexual misconduct involving his sister under the "open door" doctrine. The trial court properly found that Loughrey's loud, emphatic exclamation that he is not a child molester and that he would not do that was evidence of Loughrey's character that he admitted. The trial court further properly found that the State should be allowed to rebut the evidence Loughrey presented of his good character. The trial court did not abuse its discretion in admitting evidence of Loughrey's prior sexual molestation of his sister after Loughrey admitted evidence of his character. Loughrey's claim fails.

ER 404(a) prohibits evidence of a person's character to prove action in conformity therewith. However, if an accused offers evidence of his own character, the prosecution may be allowed to present evidence to rebut it. *State v. Avendano-Lopez,* 79 Wn.App. 706, 715, 904 P.2d 324 (1995); ER 404(a). "The long-standing rule in this state is that a criminal defendant who places his character in issue by testifying as to his own past good behavior, may be cross-examined as to specific acts of misconduct unrelated to the crime charged." *State v. Brush*, 32 Wn.App. 445, 448, 648

P.2d 897 (1982). This rule gives the trial court discretion to admit evidence that may otherwise be inadmissible if the defendant "opens the door to the evidence." *State v. Warren*, 134 Wn.App. 44, 65, 138 P.3d 1081 (2006). The determination that the defendant has opened the door to such evidence is reviewed for an abuse of discretion. *Id.* (citing *State v. Bennett*, 42 Wn.App. 125, 127, 708 P.2d 1232 (1985)). An abuse of discretion occurs only when no reasonable person would take the view adopted by the trial court. *State v. Atsbeha*, 142 Wn.2d 904, 913-14, 16 P.3d 626 (2001). Therefore, "[t]he trial court has considerable discretion in administering this open-door rule." *Ang v. Martin*, 118 Wn.App. 553, 562, 76 P.3d 787 (2003).

A party may "open the door" during the questioning of a witness to evidence that may otherwise be inadmissible. *State v. Korum*, 157 Wn.2d 614, 646, 141 P.3d 13 (2006). In *State v. Gefeller*, 76 Wn.2d 449, 458 P.2d 17 (1969), the Supreme Court explained:

> It would be a curious rule of evidence which allowed one party to bring up a subject, drop it at a point where it might appear advantageous to him, and then bar the other party from all further inquiries about it. Rules of evidence are designed to aid in establishing the truth. To close the door after receiving only a part of the evidence not only leaves the matter suspended in air at a point markedly advantageous to the party who opened the door, but might well limit the proof to half-truths. Thus, it is a sound general rule that, when a party opens up a subject of inquiry on direct or cross-examination, he contemplates that the

> rules will permit cross-examination or redirect examination, as the case may be, within the scope of the examination in which the subject matter was first introduced.

Gefeller, 76 Wn.2d at 455. Under this doctrine, the trial court has the discretion to admit evidence that otherwise would have been inadmissible when a party raises a material issue and the evidence in question bears on that issue. *State v. Berg*, 147 Wn.App. 923, 939, 198 P.3d 529 (2008). "[O]nce a party has raised a material issue, the opposing party is permitted to explain, clarify, or contradict" the evidence regarding that issue. *Id.* at 939.

Further, the open door rule allows a party "to introduce evidence on the same issue to rebut any *false* impression" created by the other party. *U.S. v. Sine*, 493 f.3d 1021, 1037 (9th Cir. 2007) (emphasis original); *see also State v. Fisher*, 165 Wn.2d 727, 750, 202 P.3d 937 (2009) (stating "[w]here the defendant 'opened the door' to a particular subject, the State may pursue the subject to clarify a false impression."). Loughrey introduced evidence of his own good character, thus creating a false impression, when he emotionally testified that he was not a child molester or a person who would do such a thing. Loughrey clearly opened the door to evidence of his prior acts of molestation.

In *State v. Warren, supra*, the defendant was charged with three counts of raping his fourteen-year-old stepdaughter. *Warren*, 134 Wn.App. at 49. The defendant had previously been convicted of child molestation against his other stepdaughter. *Id.* The defendant testified in his defense that the victim had a skin condition that required applying lotion to her body and at times he helped her apply the lotion. *Id.* at 64. Specifically, the defendant testified:

> Now, there is areas I wouldn't do because of, you know, being like she is a girl. But arms and back, those were areas that she couldn't reach that that was all right between me and my wife for her to have those—for me to help her there."

Id. The trial court ruled that during this testimony the defendant said he was not the type of person who would touch the sexual parts of a girl. *Id.* The trial court therefore found the defendant could be impeached with the fact he had been convicted of child molestation. *Id.* On appeal, the Court of Appeals found that "the only reasonable interpretation of [the defendant]'s testimony was that he was not the type of person who would touch [the victim] sexually." *Id.* at 65. The appellate court affirmed the trial court's admission of the defendant's prior conviction and found this decision was not an abuse of discretion. *Id.*

Here, Loughrey went quite a bit further than the defendant in *Warren, supra* did. He did not simply give the jury the impression he

would never touch a child in the way the victim alleged he did, he raised his voice and emphatically and emotionally stated that he is not a child molester and is not the type of person who would do that kind of thing. This left nothing for interpretation or inference. Loughrey directly and without question admitted evidence of his good character of being a non-child molester and the type of good person who would do no such thing. This created a false impression with the jury. During his lengthy testimony in which Loughrey repeatedly maligned the victim, and attempted to create the impression she was a bad person, he juxtaposed that with loudly and emotionally proclaiming that he is not a bad person (unlike the victim), but is a good person who would never touch a child in a sexual way. This evidence clearly opened the door to rebuttal of his prior acts of doing exactly this sort of thing. Loughrey's testimony created the false impression of his character trait for good sexual morality and the State was properly allowed to introduce evidence to rebut this false impression. The trial court was clearly acting within its vast discretion to admit this type of evidence.

Loughrey further argues that even if he opened the door to the evidence of his prior sexual abuse against his sister, the evidence was too prejudicial to be admitted under ER 403. Loughrey argues the trial court erred by not considering the evidence's potential for prejudice. ER 403

states, "[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice...." ER 403. This rule equally applies to rebuttal evidence which, though relevant, may be inadmissible if its prejudicial effect outweighs its probative value. *State v. Putzell*, 40 Wn.2d 174, 184, 242 P.2d 180 (1952). In considering admissibility of evidence under ER 403, the trial court is not required to conduct its balancing process on the record. *State v. Baldwin*, 109 Wn.App. 516, 528, 37 P.3d 1220, *rev. denied*, 147 Wn.2d 1020, 60 P.3d 92 (2001). Furthermore, the trial court is vested with broad discretion to determine relevance and admission under ER 403. *See State v. Grimes*, 92 Wn.App. 973, 981, 966 P.2d 394 (1998).

In *State v. Scherner*, 153 Wn.App. 621, 225 P.3d 248 (2009), the Court on appeal found the trial court did not abuse its discretion in finding that the probative value of a defendant's prior victims' testimony outweighed the danger of unfair prejudice in his child molestation trial. This finding was based on the fact that the testimony of the complaining victim was the only direct evidence of the crime and the trial court gave a limiting instruction to the jury on this evidence. *Scherner*, 153 Wn.App. at 658-59.

In arguing this issue to the trial court, defense counsel specifically referred to the prejudicial nature of this evidence and argued it should not

be admitted under ER 403. The trial court also specifically referred to ER 402 and ER 403 in its discussion of the legal authority it was applying to deciding this issue. RP 788. It is clear from the record the trial court properly considered all legal issues in deciding the admissibility of this evidence. The court's decision was not based on a misunderstanding or misapplication of the law. The evidence of Loughrey's prior sexual abuse of his sister was more probative than prejudicial. Though this evidence is sensitive, its probative value outweighed its potential prejudicial effect.

As in *Scherner*, *supra*, the evidence of Loughrey's prior abuse of his sister was highly probative, the victim's testimony was the only direct evidence of the crime, and the court gave a limiting instruction to the jury. The danger of unfair prejudice did not "substantially outweigh" the probative value in this case. The trial court did not abuse its discretion and Loughrey's conviction should be affirmed.

II. The Trial Court's Failure to Enter Written Findings Pursuant to CrR 3.5(c) was Harmless.

Loughrey argues the trial court erred in failing to enter written findings pursuant to CrR 3.5 after it held a hearing on the admissibility of Loughrey's statement to police. Loughrey further argues this Court should remand the matter to the trial court for entry of findings and conclusions pursuant to CrR 3.5. Although the trial court did err in failing to enter

written findings and conclusions pursuant to CrR 3.5, its oral findings and conclusions are clear enough to allow review and thus Loughrey has not been prejudiced. Remand is not required to correct this issue.

CrR 3.5 is the procedure by which a trial court determines whether statements of a defendant, offered by the State at trial, are admissible into evidence. CrR 3.5(a). This rule requires that the trial court, "set forth in writing: (1) the undisputed facts; (2) the disputed facts; (3) conclusions as to the disputed facts; and (4) conclusion as to whether the statement is admissible and the reasons therefor." CrR 3.5(c). The trial court did hold a hearing pursuant to CrR 3.5 prior to Loughrey's trial, however the trial court did not enter any written findings pursuant to CrR 3.5(c). The trial court instead, gave an oral ruling finding the statement Loughrey made to law enforcement officers admissible. RP 316-17.

The trial court made the following findings and conclusions, orally, regarding the CrR 3.5 hearing:

> Okay. Then the statement will be admissible. It was non-custodial, didn't require *Miranda* rights, nothing to indicate that it was involuntary.

RP 316-17.

Although a trial court's failure to enter written findings and conclusions pursuant to CrR 3.5(c) is error, it is harmless error as long as the oral findings are sufficient to allow appellate review. *State v.*

Thompson, 73 Wn.App. 122, 130, 867 P.2d 691 (1994) (citing to *State v. Riley*, 69 Wn.App. 349, 352-53, 848 P.2d 1288 (1993) and *State v. Clark*, 46 Wn.App. 856, 859, 732 P.2d 1029, *rev. denied*, 108 Wn.2d 1014 (1987)). In *State v. Haynes*, 16 Wn.App. 778, 559 P.2d 583, *rev. denied*, 88 Wn.2d 1017 (1977) this Court found that the trial court's failure to enter written findings and conclusions on the CrR 3.5 hearing was not reversible absent prejudice to the defendant. *Haynes*, 16 Wn.App. at 788. This Court reasoned that the trial court gave "adequate oral reasoning in ruling that the statements, if indeed made, were voluntary" and the absence of written findings "did not hinder [its] review...." *Id.* Many courts have since upheld this reasoning. *See e.g. State v. Grogan*, 147 Wn.App. 511, 195 P.3d 1017, *rev. granted, cause remanded*, 168 Wn.2d 1039, 234 P.3d 169, *on remand*, 158 Wn.App. 272, 246 P.3d 196 (2008) (holding a trial court's failure to enter findings required is harmless error if the court's oral findings are sufficient to permit appellate review); *State v. Miller*, 92 Wn.App. 693, 703, 964 P.2d 1196 (1998) (holding a trial court's failure to comply with CrR 3.5(c) is harmless error if the court's oral findings are sufficient to allow appellate review); *State v. Phillip Arthur Smith*, 67 Wn.App. 81, 834 P.2d 26, *reviewed and affirmed on other grounds*, 123 Wn.2d 51, 864 P.2d 1371 (1992) (holding a trial court's failure to enter written findings following the denial of a motion to

suppress was harmless error where the court's oral findings were sufficient to permit appellate review).

Loughrey cites to *State v. Head*, 136 Wn.2d 619, 964 P.2d 1187 (1998) to support his argument. In *Head*, the Court did not address the trial court's failure to enter written findings after a CrR 3.5 hearing, but rather addressed the failure of the trial court to enter written findings after a bench trial pursuant to CrR 6.1(d). *Head*, 136 Wn.2d at 621. This case is not instructive on the issue of whether a trial court's failure to enter written findings after a CrR 3.5 hearing requires reversal or remand. Loughrey also cites to *State v. Kevin C. Smith*, 68 Wn.App. 201, 842 P.2d 494 (1992) to support his contention that any failure to enter findings after a CrR 3.5 hearing requires automatic remand. However, the *Kevin C. Smith* case discussed the entry of findings after a CrR 3.6 motion to suppress evidence hearing, not a CrR 3.5 hearing. *Kevin C. Smith*, 68 Wn.App. at 205. Even though this case discusses a different type of hearing, it affirms the precedent that written findings may not be necessary if the court's oral findings allow for appellate review. The Court in *Kevin C. Smith*, found the trial court's oral ruling on the CrR 3.6 hearing was not "clear and comprehensive...so that the appellate court [was] left with no doubt as to the court's findings," and later referred to the trial court's "lack of clarity" in its ruling. *Id.* at 206-07. The Court there found review of the

trial court's CrR 3.6 findings to be impossible because it was unable to determine what the trial court's theory was or even what facts the trial court deemed to be established by the testimony. *Id.* at 207. The Court concluded that a lack of written findings is not harmless "unless the oral opinion is so clear and comprehensive that written findings would be a mere formality." *Id.* at 208. This case is distinguishable from the situation below, and does not advance Loughrey's argument. The CrR 3.5 hearing below was short, offered no disputed testimony, and no legal argument from defense. The trial court's findings were "clear and comprehensive," given the factual situation involved and that the State intended only to offer one statement Loughrey made that was not in response to any questions from police, but rather was a spontaneous statement made after police told him his daughter was with police. The findings clearly allow for appellate review, and Loughrey does not suggest otherwise.

Loughrey cites to no case that supports his contention that the failure of a trial court to enter written findings after a CrR 3.5 hearing requires automatic remand for entry of written findings. In fact, the case law in existence on this subject clearly holds that such error is harmless if the trial court's oral findings are sufficient to allow appellate review. Loughrey never suggests the trial court's findings are insufficient or unclear. A simple reading of the transcript shows this issue was simple

and clear and the court's findings appropriate. If Loughrey wanted appellate review of the admissibility of his statement to police, the record is sufficiently clear to allow such review. The trial court's erroneous failure to enter written findings is harmless; Loughrey has not been prejudiced. This Court should deny Loughrey's claim that remand is necessary.

CONCLUSION

For the foregoing reasons, the trial court should be affirmed in all respects.

DATED this 18th day of April 2016.

Respectfully submitted:

ANTHONY F. GOLIK
Prosecuting Attorney
Clark County, Washington

By: _____
RACHAEL R. PROBSTFELD, WSBA #37878
Senior Deputy Prosecuting Attorney
OID No. 91127

CLARK COUNTY PROSECUTOR

April 18, 2016 - 2:13 PM

Transmittal Letter

Document Uploaded: 5-473399-Respondent's Brief.pdf

Case Name: State v. Derk Mark Loughrey
Court of Appeals Case Number: 47339-9

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: __Respondent'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: Pamela M Bradshaw - Email: Pamela.Bradshaw@clark.wa.gov

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

ltabbutlaw@gmail.com