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61998-5

TWg

COA No. 61998-5-1

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

STATE OF WASHINGTON,
Respondent,
v.
JAMES THOMPSON,
Appellant.

2009 JUL 10 PM 4: 54
COURT OF APPEALS
STATE OF WASHINGTON
FILED
7/10/09

ON APPEAL FROM THE SUPERIOR COURT
OF KING COUNTY

The Honorable Susan Craighead

APPELLANT'S REPLY BRIEF

OLIVER R. DAVIS
Attorney for Appellant

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

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A. REPLY ARGUMENT

1. THERE WAS INSUFFICIENT EVIDENCE THAT MR. THOMPSON COMMITTED FIRST DEGREE THEFT AS CHARGED.

Mr. Thompson believes the arguments advanced in his Appellant's Opening Brief answer the Respondent's contentions.

2. THERE WAS INSUFFICIENT EVIDENCE THAT MR. THOMPSON COMMITTED THE TAMPERING OFFENSE CHARGED IN THE JURY INSTRUCTIONS.

Pursuant to RAP 10.1(g), Mr. Thompson adopts by reference the argument of appellant Judith Thompson in Part A.1 of the Reply Brief of Appellant filed June 10, 2009.¹

3. THIS COURT SHOULD AFFIRM THE DNA COSTS ORDER OF THE TRIAL COURT.

Pursuant to RAP 10.1(g), Mr. Thompson adopts by reference the argument of appellant Judith Thompson in Part A.2 of the Reply Brief of Appellant filed June 10, 2009.

¹RAP 10.1(g), entitled "Briefs in Consolidated Cases and in Cases Involving Multiple Parties," provides:

In cases consolidated for the purpose of review and in a case with more than one party to a side, a party may (1) join with one or more other parties in a single brief, or (2) file a separate brief and adopt by reference any part of the brief of another.

B. CONCLUSION

Based on the foregoing and on his Appellant's Opening Brief, Mr. Thompson respectfully requests that this Court reverse his judgment and sentence, or in the alternative, affirm the DNA costs order of the trial court.

Respectfully submitted this 10th day of July, 2009.

 for WSBA 28806
Oliver R. Davis
Washington Appellate Project - 91052
Attorneys for Appellant

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DIVISION ONE**

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Respondent,)	
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v.)	NO. 61998-5-I
)	
JAMES THOMPSON,)	
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Appellant.)	

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I, MARIA ARRANZA RILEY, STATE THAT ON THE 10TH DAY OF JULY, 2009, I CAUSED THE ORIGINAL **REPLY BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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| JOHN CARVER | () | HAND DELIVERY |
| KING COUNTY PROSECUTOR'S OFFICE | () | _____ |
| ECONOMIC CRIMES UNIT | | |
| KING COUNTY COURTHOUSE | | |
| 516 THIRD AVENUE, W-554 | | |
| SEATTLE, WA 98104 | | |
|
 | | |
| [X] CHRISTOPHER GIBSON | (X) | U.S. MAIL |
| ATTORNEY AT LAW | () | HAND DELIVERY |
| NIELSEN BROMAN KOCH PLLC | () | _____ |
| 1908 E MADISON | | |
| SEATTLE, WA 98122 | | |
|
 | | |
| [X] ELLEN ARBETTER | (X) | U.S. MAIL |
| ATTORNEY AT LAW | () | HAND DELIVERY |
| PO BOX 15714 | () | _____ |
| SEATTLE, WA 98115-0714 | | |

SIGNED IN SEATTLE, WASHINGTON THIS 10TH DAY OF JULY, 2009.

X _____


Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, WA 98101
Phone (206) 587-2711
Fax (206) 587-2710