

62163-7

62163-7

No. 62163-7-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

CHRISTOPHER CHARLES PURDY,

Appellant.

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

The Honorable Kimberley Prochnau

BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. Mr. Purdy's rights to due process and a fair trial under the Fourteenth Amendment to the United States Constitution was violated when the trial court denied his motion for a mistrial based on a witness's violation of the court's witness exclusion order.

2. The trial court erred in admitting over defense objection the inadmissible hearsay statements of Justin Chase.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. The Due Process Clauses of the United States and Washington Constitutions require that a defendant be afforded a fair trial. Intentional misconduct by a witness is grounds for reversal of the defendant's conviction where the misconduct results in prejudice so substantial that a jury instruction admonishing the jury to disregard the testimony of the witness is insufficient to cleanse the taint. Here, a complaining witness's inability to identify the driver of the car that hit her was a critical issue in this case. This witness violated the court's order excluding her from the courtroom prior to her testimony and was able to identify Mr. Purdy after seeing him in the courtroom. The witness subsequently identified Mr. Purdy in court as the driver. Is Mr. Purdy entitled to reversal of his convictions where the witness violated the trial

court's order and the evidence the witness obtained as a result of the violation went to the primary issue before the jury: the identity of the driver of the car?

2. Out-of-court statements by a declarant are not admissible at trial absent an exception to the hearsay rule. A prior out-of-court identification by a witness is admissible at trial under an exception to the hearsay rule. Here, the witness's prior identification was admitted as well as an out-of-court statement regarding the certainty of the identification, which was not admissible under the prior identification exception nor any other hearsay exception. Is Mr. Purdy entitled to reversal of his convictions and remand for a new trial?

C. STATEMENT OF THE CASE

On November 29, 2007, at approximately 4 p.m., Renton Police Sergeant Craig Sjolín was riding his marked police motorcycle when he saw a car drive by with darkly tinted side windows and decided to stop it. 7/24/08(I)RP 76. He pulled in behind the car and turned on his emergency lights. 7/24/08(I)RP 77. The car accelerated and Sergeant Sjolín activated his siren. 7/24/08(I)RP 77-78. The pursuit reached high speed and, as the

car turned a corner, it struck a car driven by Paula Williams head-on. 7/24/08(I)RP 85, 7/24/08(II)RP 60-61.

The suspect car backed up and then sped off with Sergeant Sjolín still in pursuit. 7/24/08(I)RP 85, 7/24/08(II)RP 63. At this point, Sjolín described the driver as a male with a large afro. 7/24/08(I)RP 87. Ms. Williams identified the driver as white or light-skinned black man with curly hair or a hat. 7/24/08(II)RP 64. Susan Oak saw the car hit the car of Ms. Williams. 7/24/08(I)RP 61-63. She never saw the driver of the car. 7/24/08(I)RP 68.

The car again reached a high rate of speed, speeding through a Fred Meyer store parking lot, failing to stop at a stop sign, and striking a car, driven by Katherine Webster, turning into the parking lot. 7/23/08(II)RP 46-47, 7/24/08(I)RP 87-88. Ms. Webster described the car as a large black car with tinted windows but was unable to see the driver. 7/23/08(II)RP 49.

The car continued, failing to stop or yield to traffic signal lights. 7/24/08(I)RP 88, 7/24/08(II)RP 11. Additional police cars joined the pursuit. 7/24/08(II)RP 11. At one point, the car drove the wrong way down Third Avenue. 7/24/08(II)RP 12-13. The car hit another car, driven by Judith Krenzin, in the intersection of Langston and Hardie. 7/23/08(I)RP 80. Ms. Krenzin also

described the car as a larger black car but she did not see the driver. 7/23/08(I)RP 82-83.

The car accelerated rapidly and pulled away from the police on an uphill stretch of a street. 7/24/08(II)RP 13. The police lost sight of the car at the top of the hill and the pursuit was terminated. 7/24/08RP 14, 7/28/08(I)RP 17-18. Both Sjolín and Renton Police Officer Marty Leverton testified they picked up the odor overheated brakes, motor, and transmission. 7/24/08(II)RP 15, 7/28/08(I)RP 18. Leverton testified he saw light blue haze in the air. 7/28/08(I)RP 19. Leverton testified he followed the smell and haze to the parking lot of a nearby apartment complex. 7/28/08(I)RP 20. There, approximately five to 10 minutes after losing sight of the black Chevrolet Caprice, Leverton found one matching the description in the parking lot. 7/24/08(II)RP 20. The car was empty. 7/24/08(II)RP 18.

The officers called in a police dog to conduct a track of the area to determine where the suspected driver had gone. 7/23/08(II)RP 58. The dog started a track from the car and tracked the scent to the adjacent apartment complex. 7/23/08(II)RP 70-73, 7/24/08(II)RP 18-19. Sergeant Sjolín and Officer Leverton ended up at Unit 304 of the complex. 7/24/08(II)RP 20, 7/28/08(I)RP 25.

The officers heard sounds similar to someone running around inside the apartment. 7/24/08(II)RP 21, 7/28/08(I)RP 27. Just before knocking on the door of the apartment, officers downstairs from the apartment confronted Mr. Purdy. 7/24/08(I)RP 38. Mr. Purdy was described as having a short afro hairstyle at that time. 7/24/08(I)RP 40. The black Caprice was subsequently determined to have originally been owned by Heather Prindle, Mr. Purdy's sister, who stated she had sold the car to Mr. Purdy in October or November 2007. 7/24/08(I)RP 57.

Mr. Purdy was charged with attempting to elude, two counts of felony hit and run, two counts of misdemeanor hit and run one in the alternative to one of the felony counts, and driving while license suspended in the first degree. CP 64-67. Prior to the matter going to the jury, the court granted the defense motion to dismiss one of the felony hit and run counts and that count went to the jury solely as a misdemeanor count. 7/29/08RP 3-5. The jury subsequently found Mr. Purdy guilty as charged of all the remaining counts. CP 109-13.

D. ARGUMENT

1. THE TRIAL COURT VIOLATED MR. PURDY'S RIGHT TO DUE PROCESS AND A FAIR TRIAL IN FAILING TO DECLARE A MISTRIAL BASED UPON WITNESS MISCONDUCT

Paula Williams, whose car was struck by the black Caprice, testified at Mr. Purdy's trial immediately after Sergeant Sjolín. At the conclusion of Ms. William's testimony, Sergeant Sjolín told Mr. Purdy's counsel and the court he noticed Ms. Williams present in the courtroom for approximately five minutes while he testified. 7/24/08(II)RP 78-79. The court also noted seeing Ms. Williams in the courtroom. 7/24/08(II)RP 91-92. Ms. Williams left the court room with everyone else when a fire alarm went off in the courthouse. 7/24/08(II)RP 95. At the beginning of the trial, the court had entered an order excluding witnesses, and noted the outside door of the courtroom contained two signs telling witnesses to remain outside the courtroom. 7/22/08(I)RP 69, 7/24/08(II)RP 96-97, 7/29/08RP 27-28.

Mr. Purdy subsequently moved for a mistrial based upon Ms. Williams' misconduct in violating the court's witness exclusion order. 7/29/08RP 20. Mr. Purdy contended Ms. Williams was present when Sergeant Sjolín described the person driving the

black Caprice, and was able to observe Mr. Purdy as he sat at the defense table. 7/29/08RP 21-22. The court denied the motion, finding none of the testimony Ms. Williams heard was relevant to her testimony and Mr. Purdy suffered no prejudice from her misconduct. 7/29/08RP 28-29.

So, in any event, the Court does deny the motion for a mistrial, although she did hear a portion of Officer [sic] Sjolin's testimony. Most of the testimony was not relevant to her testimony. The only thing that was arguably relevant was his description of the driver and her testimony at trial was consistent with her statements to the defense and prosecutor prior to trial.

She did not offer any elaboration from what she had provided in her pretrial statements to the attorneys or to the police officers. She would have seen the defendant with short hair during this time. So, certainly, that would not have given her more information about what he looked like during the time of the incident, if, indeed, she saw him or thought she had seen him.

And, with respect to her identification of the defendant, I don't see that seeing him from the back and side gave her any advantage than what she had while she was sitting up here and watching him while he was testifying.

So, although she certainly violated the Court's rules, this was not precipitated by prosecutorial misconduct and it did not prejudice the defendant in any way. So the court does deny the motion for a mistrial.

7/29/08RP 28-29.

a. Principles of due process guaranteed Mr. Purdy a fair trial. A witness's misconduct which deprives an individual of a fair trial violates the individual's right to due process guaranteed by the Fourteenth Amendment to the United States Constitution. "The touchstone of due process analysis is the fairness of the trial, i.e., did the misconduct prejudice the jury thereby denying the defendant a fair trial guaranteed by the due process clause?" *Smith v. Phillips*, 455 U.S. 209, 102 S.Ct. 940, 71 L.Ed.2d 78 (1982). Therefore, the ultimate inquiry is not whether the error was harmless or not harmless, but rather whether the impropriety violated the defendant's due process rights to a fair trial. *State v. Davenport*, 100 Wn.2d 757, 762, 675 P.2d 1213 (1984).

b. Witness misconduct violates the defendant's right to a fair trial. It has been recognized that witness' misconduct can require a new trial. *State v. Taylor*, 60 Wn.2d 32, 371 P.2d 617 (1962); *State v. Devlin*, 145 Wash. 44, 258 P. 826 (1927). Witness misconduct generally entails a witness providing intentionally inadmissible and unsolicited testimony or engaging in extraordinary conduct likely to prejudice the trier of fact. See *Taylor*, 60 Wn.2d at 33-35 (witness intentionally injected impermissible testimony); *Storey v. Storey*, 21 Wn.App. 370, 585 P.2d 183 (1978), review

denied, 91 Wn.2d 1017 (1979) (witness purposely injected impermissible testimony to influence the jury); *State v. Harstad*, 17 Wn.App. 631, 564 P.2d 824 (1977), *review denied*, 89 Wn.2d 1013 (1978).

Prior to trial the trial court excluded witnesses. 7/22/08(I)RP 69. In addition, the courtroom entry doors had a placard on them directing witnesses to remain outside the courtroom. 724/08(II)RP 96. Thus, witnesses in Mr. Purdy's case were notified of their exclusion from the courtroom prior to their testimony.

Witness exclusion is governed by ER 615, which provides:

At the request of a party the court may order witnesses excluded so that they cannot hear the testimony of other witnesses, and it may make the order of its own motion. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) an officer or employee of a party which is not a natural person designated as its representative by its attorney, or (3) a person whose presence is shown by a party to be reasonably necessary to the presentation of the party's cause.

ER 615 is very similar to Federal Rule of Evidence (FRE) 615. The only significant difference is that ER 615 gives the trial court more discretion than FRE 615 because it provides that "the court *may* order witnesses excluded" when a party makes a request, ER 615 (emphasis added); whereas FRE 615 states that

“the court *shall* order witnesses excluded.” FRE 615 (emphasis added).

The purpose of sequestration is to prevent witnesses from tailoring their testimony to that of prior witnesses and to aid in detection of dishonesty. *United States v. Vallie*, 284 F.3d 917, 921 (8th Cir.2002), *citing Geders v. United States*, 425 U.S. 80, 87, 96 S.Ct. 1330, 47 L.Ed.2d 592 (1976). The rationale for excluding adverse witnesses is premised on the concern that once having heard the testimony of others, a witness may inappropriately tailor his or her own testimony to the prior evidence. *Geders*, 425 U.S. at 87; *United States v. Ell*, 718 F.2d 291, 293 (9th Cir.1983). This concern is justified, for instance, where “fact” or “occurrence” witnesses are called to testify. Under such circumstance, a fact finder's appreciation for and determination of relevant facts and occurrences must remain unsullied by the potential for subtle, yet significantly distorted modification of a witness testimony. *United States v. Bramlet*, 820 F.2d 851, 855 (7th Cir. 1987). *See also People v. Fecht*, 701 P.2d 161, 164 (Colo.App.1985) (“The purposes of a sequestration order are to prevent a witness from conforming his testimony to that of other witnesses and to discourage fabrication and collusion.”).

It was undisputed at trial that Ms. Williams violated the witness exclusion order and sat through a portion of Sergeant Sjolín's testimony before being told to leave the courtroom. Mr. Purdy contends the only appropriate remedy for the violation was a mistrial in light of the prejudice he suffered as a result of Ms. Williams' conduct. As a result, Mr. Purdy contends the trial court erred when it denied his motion for a mistrial.

c. Mr. Purdy was prejudiced by the witness's violation of the exclusion of order which necessitated a new trial. Where a defendant can show that he was harmed by the government's improper actions, it is necessary to order a new trial. *United States v. Miller*, 499 F.2d 736, 742 (10th Cir. 1974). "Questions concerning the exclusion of witnesses and the violation of that rule are within the broad discretion of the trial court and will not be disturbed, absent manifest abuse of discretion ." *State v. Schapiro*, 28 Wn.App. 860, 867, 626 P.2d 546 (1981). "[T]he court's decision will not be overturned unless the defendant can show that he has been prejudiced by an abuse of discretion." *State v. Adams*, 76 Wn.2d 650, 659, 458 P.2d 558 (1969), *reversed on other grounds*, *Adams v. Washington*, 403 U.S. 947, 91 S.Ct. 2273, 29 L.Ed.2d 855 (1971).

Mr. Purdy's prosecution revolved around the State's burden of proving Mr. Purdy was driving the car while fleeing from Sergeant Sjolín in light of the conflicting descriptions and the failure of the police to keep the car in their sight during the entire pursuit. Mr. Purdy established before the trial court the prejudice he suffered as a result of witness Williams' violation of the exclusion order in light of this conflicting evidence and the failure of witness Williams to identify Mr. Purdy when asked by the police shortly after the incident. 7/24/08(II)RP 75. While in the courtroom, witness Williams was able to observe Mr. Purdy as he sat at the defense table. In addition, witness Williams was able to hear and see the testimony of Sergeant Sjolín, wherein he testified that his description of the driver was a male with a large afro-style hair style. 7/24/08(I)RP 86-87. Ms. Williams was the very next witness after Sergeant Sjolín to testify and was adamant eight months after the incident that it was Mr. Purdy who struck her car despite the fact she was unable to identify the driver immediately following the accident but could identify him after watching during Sjolín's testimony and in violation of the court's witness exclusion order. 7/24/08(II)RP 70, 75-76.

Further, neither Sergeant Sjolin nor Ms. Webster, one of the driver's of a car struck by the black Caprice could identify the person driving. Additionally, independent witness Susan Oak also could not identify the driver of the black Caprice, either at trial or immediately after the incident. Only Ms. Williams and Lori Giometti were able to identify Mr. Purdy in court as the driver of the black Caprice who struck their cars.¹ Ms. Williams' identification came despite the fact she was unable to identify the driver immediately after the incident, and was only able to identify Mr. Purdy as the driver after viewing him while violating the court's exclusion order. Mr. Purdy established he was prejudiced by Ms. Williams' violation of the exclusion order and he was entitled to a mistrial. This Court should reverse his convictions and remand for a new trial.

¹ Mr. Purdy had moved to exclude Ms. Williams' and Ms. Giometti's in-court identifications of Mr. Purdy as unduly suggestive in light of their failure to identify the driver of the black Caprice immediately after the incident. 7/22/08(l) 60-62. The trial court denied the motion, ruling the jury would be able to see and understand the inherent suggestiveness of the identification *vis-à-vis* an out-of-court identification. 7/28/08(l)RP 63-67.

2. THE TRIAL COURT ERRED IN ADMITTING
OVER DEFENSE OBJECTION THE
INADMISSIBLE HEARSAY TESTIMONY OF
JUSTIN CHASE

Justin Chase worked in maintenance at the apartment complex where Mr. Purdy was alleged to have fled from after parking the black Caprice. 7/28/08(I)RP 67-68. Due to Mr. Chase's inability to remember specifics of November 29, 2007, his hearsay identification of Mr. Purdy as the driver of the black Caprice was admitted over defense objection. 7/28/08(II)RP 16.² The court allowed this prior identification and allowed Mr. Chase's statement that he saw Mr. Purdy walking across the apartment complex's parking lot:

The Court rules that the officer may testify that Mr. Chase identified the defendant as driving the vehicle and may identify the defendant as walking, not running, across the parking lot. But may not testify as to any additional descriptions, in what manner he was driving or walking, i.e., a hurried fashion or rushing or running.

The identification exception is a narrow one and doesn't go beyond mere identification. [*State v. Grover*, 55 Wn.App. 252, 777 P.2d 22 (1989)], was very similar to this case. We had a hostile witness who gave a statement to the police but remembered almost nothing at the time of trial, only vaguely remembered he had given a statement, but denied everything else.

² Mr. Chase testified at trial but was less than cooperative with the prosecutor.

...
So the Court will allow that limited testimony. . .

...
The officer is allowed to testify as to what question he asked Mr. Chase in order to provide context for Mr. Chase's answer, which is res gestae, I guess of the answer. So, that's okay. The photo montage is okay, too. It's not cumulative. That was my concern.

7/28/08(II)RP 10-14.

Officer Ralph Hyett was allowed to testify he interviewed Mr. Chase on November 29, 2007, that Mr. Chase selected Mr. Purdy from a photo montage as the driver of the black Caprice and that he had seen Mr. Purdy walking from the east part of the apartment complex. 7/28/08(II)RP 15-16. Officer Hyett was also allowed to testify over defense objection, that in response to Hyett's question about whether he was sure of the identification, Mr. Chase stated he had gone to school with Mr. Purdy. 7/28/08(II)RP 17.

a. Hearsay statements are generally inadmissible as substantive evidence. "Hearsay' is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." ER 801(c). "Hearsay is generally inadmissible because the statement is inherently untrustworthy: the declarant may not have been under oath at the time of the statement, his or her credibility cannot be

evaluated at trial, and he or she cannot be cross-examined.” ER 802; *United States v. Reilly*, 33 F.3d 1396, 1409 (3d Cir. 1994) (quotation omitted).

b. Mr. Chase’s hearsay statements to Officer Hyett exceeded the hearsay exception under ER 801(d)(1)(iii). The trial court admitted Mr. Chase’s hearsay identification of Mr. Purdy as a prior identification under ER 801(d)(1)(iii). 7/28/08(II)RP 10-14. Citing the same hearsay exception, the court also admitted Mr. Chase’s hearsay statement to Officer Hyett that he had observed Mr. Purdy walking across the apartment parking lot on the day of the pursuit under the same exception as well as the fact he had gone to school with Mr. Purdy. 7/28/08(II)RP 10-14. Mr. Purdy submits this ruling by the court was erroneous as this hearsay statement by Mr. Chase exceeded that which the rule allows.

Under ER 801(d), an out-of-court statement is not hearsay if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement and the statement is one of identification of a person made after perceiving that person. ER 801(d)(1)(iii). The out-of-court statement can be introduced by a witness other than the declarant. *State v. Grover*, 55 Wn.App. 923,

932, 780 P.2d 901 (1989), *review denied*, 114 Wn.2d 1008 (1990); *State v. Jenkins*, 53 Wn.App. 228, 233 n. 3, 766 P.2d 499 (1989).

The trial court admitted Mr. Chase's statements under the logic stated in *Grover*, 55 Wn.App. at 256-57. 7/28/08(II)RP 10-11. In *Grover*, an eyewitness to a robbery gave a statement to the police identifying the two robbers by name. *Id.* at 254. At trial, testifying under a grant of immunity, the witness denied any memory of the robbery or that she had identified the robbers by name. *Id.* at 255. The witness vaguely remembered giving a statement to the police. *Id.* The police officer who obtained the witness's statement was allowed to testify as to the witness's prior identification of the robbers under ER 801(d)(1)(iii). *Id.* This Court affirmed, relying on the decision in *United States v. Owens*, 484 U.S. 554, 108 S.Ct. 838, 98 L.Ed.2d 951 (1988), which construed the federal equivalent of ER 801(d)(1)(iii) consistent with the trial court's ruling in *Grover*. *Grover*, 55 Wn.App. at 257.³ This rule is limited by its plain language to the declarant's statement of identification only. ER 801(d)(1)(iii).

³ This Court also ruled its ruling regarding the prior identification was consistent with pre-rule Washington law. See *State v. Simmons*, 63 Wn.2d 17, 19-21, 385 P.2d 389 (1963). The Supreme Court found the prior identification had greater probative value than the courtroom identification because the witness's memory was fresher when the statement was made and occurred before the witness could be influenced to change their mind. *Id.*

In Mr. Purdy's matter, the hearsay statements made by Mr. Chase admitted by the trial court exceeded merely Mr. Chase's statement of prior identification.

MR. PELLICCIOTTI: Did you have an opportunity to inquire of Mr. Chase if he was able to identify someone who was driving a black Caprice prior to the incident involving the police?

OFFICER HYETT: I did.

Q: And who did he identify?

A: Number 6, Mr. Purdy.

Q: Again, what is State's Exhibit Number 11?

A: A photo montage for this case.

Q: And was the defendant listed as one of the individuals in that photo montage?

A: Yes, he was.

Q: What number was he?

A: Number 6 position.

Q: And was he identified by Mr. Chase in this matter?

A: Yes, he was.

Q: How did Mr. Chase identify him?

A: Pointed to him and said, that's him, . .

7/28/08(II)RP 15-17. Had the trial court stopped with the identification of Mr. Purdy, there would not have been any error.

But, the court exceeded that considerably:

MR. PELLICCIOTTI: What additional question did you ask?

OFFICER HYETT: If he was sure.

Q: Okay. What did he say?

A: Yes, that he went to school with him.

7/28/08(II)RP 17.

This additional statement was not a statement of identification but a hearsay statement meant solely to bolster the credibility of Mr. Chase. Further, there was no hearsay exception that would have allowed the statement to have properly been admitted. The court erred in admitting the statement.

c. The error in admitting Mr. Chase's hearsay statement was not harmless. An error is not harmless unless it was an "error which is trivial, or formal, or merely academic, and was not prejudicial to the substantial rights of the party assigning it, and in no way affected the final outcome of the case." *State v. Britton*, 27 Wn.2d 336, 341, 178 P.2d 341 (1947). The error thus requires reversal where there is a reasonable probability the error affected

the verdict. *State v. McKinsey*, 116 Wn.2d 911, 914, 810 P.2d 907 (1991); *State v. Cunningham*, 93 Wn.2d 823, 831, 613 P.2d 1139 (1980). When reviewing whether an error in admitting evidence is harmless, “it is impossible for courts to contemplate the probabilities any evidence may have upon the minds of the jurors.” *State v. Young*, 160 Wn.2d 799, 825, 161 P.3d 967 (2007) (Sanders, J., dissenting), *quoting State v. Robinson*, 24 Wn.2d 909, 917, 167 P.2d 986 (1946).

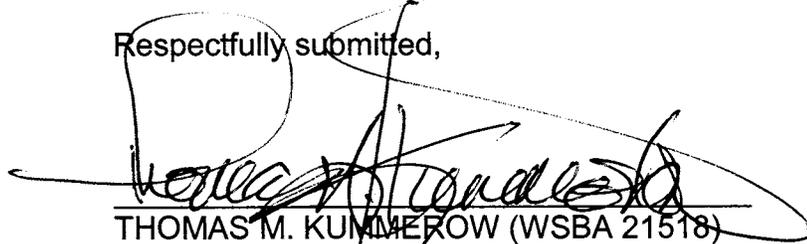
In Mr. Purdy’s case, the trial turned on one issue; whether Mr. Purdy was the person driving the black Caprice that hit the three cars and then attempted to flee from the police. The State’s case was not very strong, wholly circumstantial, and reliant entirely on the in-court identifications of Ms. Williams and Ms. Giometti, both of whom were unable to identify the driver of the black Caprice immediately after the incident, and in Ms. Williams’ case, only able to identify Mr. Purdy after she had the opportunity to observe him prior to her testimony in violation of the court’s witness exclusion order.

E. CONCLUSION

For the reasons stated, Mr. Purdy submits this Court must reverse his convictions and remand for a new trial.

DATED this 10th day of June 2009.

Respectfully submitted,



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

STATE OF WASHINGTON,)

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CHRISTOPHER PURDY,)

Appellant.)

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COURT OF APPEALS
STATE OF WASHINGTON
2009 JUN 10 PM 4:49

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 10TH DAY OF JUNE, 2009, I CAUSED THE ORIGINAL **OPENING 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:

<input checked="" type="checkbox"/> KING COUNTY PROSECUTING ATTORNEY APPELLATE UNIT KING COUNTY COURTHOUSE 516 THIRD AVENUE, W-554 SEATTLE, WA 98104	<input checked="" type="checkbox"/> U.S. MAIL <input type="checkbox"/> HAND DELIVERY <input type="checkbox"/> _____
<input checked="" type="checkbox"/> CHRISTOPHER PURDY 780846 WASHINGTON CORRECTIONS CENTER PO BOX 900 SHELTON, WA 98584	<input checked="" type="checkbox"/> U.S. MAIL <input type="checkbox"/> HAND DELIVERY <input type="checkbox"/> _____

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

X _____


Washington Appellate Project
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Seattle, WA 98101
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