

NO. 67857-4-I

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

REC'D
APR 30 2012
King County Prosecutor
Appellate Unit

STATE OF WASHINGTON,

Respondent,

v.

JERRY L. SMITH,

Appellant.

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

The Honorable Jim Rogers, Judge

BRIEF OF APPELLANT

ANDREW P. ZINNER
Attorney for Appellant

NIELSEN, BROMAN & KOCH, PLLC
1908 East Madison
Seattle, WA 98122
(206) 623-2373

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2012 APR 30 PM 4:24

TABLE OF CONTENTS

	Page
A. <u>ASSIGNMENTS OF ERROR</u>	1
<u>Issues Pertaining to Assignments of Error</u>	1
B. <u>STATEMENT OF THE CASE</u>	1
1. <u>Trial evidence and sentencing</u>	1
2. <u>Closing argument and rebuttal</u>	11
C. <u>ARGUMENT</u>	12
1. PROSECUTORIAL MISCONDUCT DENIED SMITH A FAIR TRIAL.....	12
2. THE TRIAL COURT'S FAILURE TO COMPLY WITH CrR 3.6(b) WARRANTS REMAND FOR ENTRY OF WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW.	15
D. <u>CONCLUSION</u>	17

TABLE OF AUTHORITIES

Page

WASHINGTON CASES

<u>State v. Belgarde</u> 110 Wn.2d 504, 755 P.2d 174 (1988).....	13
<u>State v. Cannon</u> 130 Wn.2d 313, 922 P.2d 1293 (1996).....	16
<u>State v. Claflin</u> 38 Wn. App. 847, 690 P.2d 1186 (1984) <u>review denied</u> , 103 Wn.2d 1014 (1985).....	13
<u>State v. Cunningham</u> 116 Wn. App. 219, 65 P.3d 325 (2003).....	15
<u>State v. Dennison</u> 115 Wn.2d 609, 801 P.2d 193 (1990).....	13
<u>State v. Echevarria</u> 71 Wn. App. 595, 860 P.2d 420 (1993).....	13
<u>State v. Head</u> 136 Wn.2d 619, 964 P.2d 1187 (1998).....	16, 17
<u>State v. Hescoek</u> 98 Wn. App. 600, 989 P.2d 1251 (1999).....	16
<u>State v. Hughes</u> 118 Wn. App. 713, 77 P.3d 681 (2003) <u>review denied</u> , 151 Wn.2d 1039 (2004).....	13
<u>State v. Mallory</u> 69 Wn.2d 532, 419 P.2d 324 (1966).....	17
<u>State v. Miles</u> 73 Wn.2d 67, 436 P.2d 198 (1968).....	12

TABLE OF AUTHORITIES (CONT'D)

Page

State v. Pirtle
127 Wn.2d 628, 904 P.2d 245 (1995)
cert. denied, 518 U.S. 1026 (1996) 13

State v. Vailencour
81 Wn. App. 372, 914 P. 2d 767 (1996) 16

FEDERAL CASES

United States v. Monaghan
741 F.2d 1434 (D.C. Cir. 1984)
cert. denied, 470 U.S. 1085 (1985) 14

United States v. Nobari
574 F.3d 1065 (9th Cir. 2009)
cert. denied, 131 S. Ct. 640 (2010) 14

RULES, STATUTES AND OTHER AUTHORITIES

CrR 3.6..... 1, 15, 16

A. ASSIGNMENTS OF ERROR

1. The prosecutor committed misconduct during closing argument and rebuttal by appealing to the emotions of the jury.

2. The trial court erred by failing to enter written findings of fact and conclusions of law as required by CrR 3.6(b).

Issues Pertaining to Assignments of Error

1. Did the prosecutor prejudice Jerry L. Smith's right to a fair jury trial by highlighting the potential dangers – including death – of those involved in forced juvenile prostitution, especially where the "juvenile" was a 28-year-old undercover police officer posing as a prostitute?

2. CrR 3.6(b) requires written findings of fact and conclusions of law after a hearing on a motion to suppress evidence. No findings or conclusions were filed in this case. Should this case be remanded for entry of the required findings and conclusions?

B. STATEMENT OF THE CASE

1. Trial evidence and sentencing

The Seattle Police Department, seeking to explore a suspected link between gang activity and prostitution in a small area just east of the Space Needle, formulated an undercover plan called Operation Fast Track (OFT).

6RP 26-30; 128-29; 10RP 78-79.¹ The ultimate goal was to arrest pimps, especially those who targeted juvenile prostitutes. 6RP 36-37; 10RP 79-82.

As part of OFT, Officer Daljit Gill assumed the undercover role of a prostitute who walked the streets in this several-block area dubbed by those in the trade as the "Fashion Show." 6RP 40, 172; 7RP 21-28; 10RP 57-58, 82. Gill was wearing a wire that recorded her conversations with those who contacted her. 6RP 38, 135-37.

Before long, a car driven by Anthony Woods pulled alongside Gill and from the front passenger seat, Jerry L. Smith asked her to get into the car quickly before the police came. 7RP 29-30; Ex. 12 at 1 of 11. Woods parked the car a few feet away and Gill approached. 7RP 30. The 28-year-old Gill told the men she was 17 years old and was working, at which point Woods drove off. 7RP 31; 9RP 98; Ex. 12 at 2 of 11.

Two or three minutes later Woods drove up again and Smith asked Gill if she was really 17. Gill said she would be 18 in four months. 7RP

¹ The verbatim report of proceedings is cited as follows: 1RP – 5/13/2011; 2RP – 5/17/2011; 3RP – 5/18/2011; 4RP 5/19/2011; 5RP – 5/23/2011; 6RP – 5/24/2011; 7RP – 5/25/2011; 8RP – 5/26/2011; 9RP – 5/31/2011; 10RP – 6/2/2011; 11RP – 6/6/2011; 12RP – 6/7/2011; 13RP – 6/8/2011; 14RP – 6/9/2011; 15RP – 6/10/2011; 16RP – 10/7/2011; 17RP – 10/17/2011.

32-33; Ex. 12 at 2 of 11. After a brief conversation, Woods drove ahead and parked the car. Meanwhile, Gill quickly called her OFT colleagues, described the car and provided its license plate number. 7RP 33-34. She walked up to the car and spoke with the men through the open passenger side window. Gill was holding a condom, put it away, and said she would not need it at that moment. Smith cautioned she should use protection there. 7RP 34-37; Ex. 12 at 3 of 11.

Gill told Woods and Smith she recently moved to Seattle from Yakima to get away from her parents. She revealed she had been out for about two hours that night, had made \$160, and was trying for \$500. Gill explained how she earned the money. 7RP 37-40; Ex. 12 at 4-8 of 11. Smith said they thought she was coming from a club and did not know she was a "working girl." Ex. 12 at 8 of 11. The conversation, which lasted about 15 minutes, ended after Woods and Gill exchanged cell phone numbers. 7RP 35-36, 39; Ex. 12 at 9-10 of 11. Woods told Gill to call him if she needed help. Ex. 12 at 11 of 11.

Woods called Gill's phone shortly thereafter and the parties arranged to meet near where they had been earlier. 7RP 45-46; Ex. 12 at 1-2 of 22. This time both Woods and Smith got out of the car. 7RP 46. Gill spoke with them for about 20 minutes. 7RP 47. Smith clarified Gill

was a prostitute and told her to go with them. Ex. 12 at 2 of 22. Gill asked what the men wanted. Smith said, "I like a 17 and mean and all about green[.]" 9RP 127-28; Ex. 12 at 3 of 22. He followed, "I can see it in Vegas living outrageous and we can go to the Bay area okay[?]" 9RP 128; Ex. 12 at 3 of 22.

Woods then took over the conversation, making a pitch to work with Gill. Ex. 12 at 4-7 of 22. Gill asked Woods what he would take care of, and the discussion turned to how Woods would handle Gill's income, how they could use the Internet, and how he would protect her and help her understand the business. 7RP 48-49, 8RP 82-94; Ex. 12 at 4-13 of 22.

This contact ended when Woods engaged in a loud conversation with occupants of a vehicle who had driven up and began to speak with Gill. 7RP 47-49; 8RP 19-24, 125-28. Gill became uneasy during this confrontation and called colleagues for assistance. 7RP 49; 8RP 96, 128-29; 9RP 59-60. An officer appeared and, to maintain the ruse, announced he was arresting Gill on a juvenile runaway arrest warrant. He handcuffed Gill and escorted her out of the area. 6RP 45-47; 7RP 53-56; 8RP 129-30; Ex. 12 at 22 of 22.

Woods, who had apparently seen the officer approach, got into his car and drove off. 7RP 50, 55; 8RP 94-95. Smith remained behind and

reassured an "upset" Gill during the police contact. 6RP 47-48; 7RP 50, 53-55; 8RP 95-96. Smith was among a group of individuals who were told they could leave after police confirmed their identifications and warrant statuses. 6RP 47.

Gill had no more contact with Woods or Smith that night. 7RP 73. Unlike Woods, Smith had not given Gill his telephone number or real name. Gill thus had no way to contact Smith. 8RP 43-44, 66-67, 81-82; 9RP 55-56.

Eight days later, the final phase of OFT commenced. 6RP 49-50. The goal was to have Gill contact Woods and Smith, draw them to her by telling them she needed a ride after being released from the juvenile detention center, and then arresting them. 6RP 49-54; 7RP 76-77. Gill called Woods, who said he would send someone to pick her up. 7RP 81. Woods also gave Gill Smith's telephone number. 9RP 68-69.

This touched off a series of phone conversations between Gill, Woods, and Smith. 7RP 82-101. In a conversation Smith was not privy to, Woods told Gill she was to give Smith all her money and to work with Smith until he could arrange a flight for her to Las Vegas. 7RP 101-03; 9RP 65-66, 68, 71-72, 123; Ex. 15 at 3-6. Woods also instructed Gill

about what she was to charge for her services. 9RP 105, 109; 120-22; Ex. 16 at 25-28.

The plan was for Smith to pick Gill up at a convenience store near the detention center. 7RP 101; 9RP 70, 106-110; Ex. 16 at 22-24. As Gill walked up to the meeting place, she saw Smith waiting for her in his truck. She called nearby support officers and provided a description of the truck and license plate number. When Gill walked up to the truck and confirmed Smith was the driver, she gave a signal and officers drove up and arrested Smith. 7RP 103-06; 9RP 124-25; Ex. 16 at 42-44.

Continuing the ruse and attempting to ensnare Woods, Gill called Woods later and told him Smith never came for her. Woods told her he would send his niece for her. 9RP 95-97; Ex. 17 at 3. The police did not know where Woods was.

The State charged Smith with attempting to promote commercial sexual abuse of a minor. CP 72. The defense theory was that Smith ended up in the wrong place at the wrong time and got swept up based on innocuous statements and his association with Woods, who was "the big fish." 12RP 33 (Smith testimony); 13RP 9-19, 25, 29-30, 36-38, 41-43 (closing argument).

Smith testified he had not seen his step-cousin Woods in 15 or 20 years. Woods had come to Seattle to look for his brother, who had been missing for six or seven months after having lived with Smith's parents. 11RP 36-38, 60, 205-06. Smith decided to help Woods with the search. 11RP 42-43. They covered the south end of Seattle, the Central District, the University District, West Seattle, and downtown in Woods' rental car, but had no luck finding Woods' brother. 11RP 45-49.

Woods stopped at a gas station near Seattle Center, and Smith bought a can of beer. 11RP 50-51. The two men returned to the car, and Woods drove a bit further before turning near the Space Needle. Woods noticed Officer Gill before Smith did, and pulled into a motel parking lot. 11RP 52-54. Gill walked quickly up to the open passenger side window and asked Woods and Smith if they were there for sex, specifically "tag teaming" and anal sex. 11RP 56, 60-61, 73-74; 12RP 81.

Smith was shocked, then thought Gill was drunk or had a weird sense of humor and was trying to be funny. 11RP 61. Woods and Gill then had a conversation, during which time Woods and Gill exchanged phone numbers. 11RP 57, 61-62, 77. Gill announced she was 17 years old, which Smith did not believe. 11RP 71; 221-22; 12RP 14-15, 24-25. Gill repeatedly said she had to work. Smith testified, "As far as I know,

she could have been a bartender or anything." 11RP 62. Gill claimed she was a prostitute and had engaged in sex acts for money that night, but Smith did not believe her. He testified he did not see her do anything that would support such a claim. 11RP 86-87; 226-34; 12RP 73, 78-80.

Woods and Smith left and eventually stopped at a different gas station in the area. On the way, Smith told Woods to take him home if he was not going to look for his brother. 11RP 67-68. Woods went inside and when he came out, he announced Gill called him and wanted him to go back to where she was. 11RP 68-69, 72. Smith said he wanted to go home, but Woods instead drove back to see Gill. 11RP 72.

Woods got out of the car first and had a conversation with Gill. 11RP 81. Smith joined them so he could get a cigarette from Gill, then lingered while Woods and Gill talked. 11RP 82-84. Other than making an occasional sarcastic comment, Smith did not participate in the discussion and only heard part of it. 11RP 83-85; 238-39; 12RP 83-87, 115-17. He explained, "[T]his was just all BS talk to me[.]" 12RP 77-78.

Smith conceded that based on the evidence, Woods could have been considered a classic pimp and agreed Woods was trying to persuade Gill to work for her. 12RP 29-32, 55-58, 125-27.

During this time, Smith continually asked Woods to leave, to no avail. 11RP 88. After a while, a vehicle drove up near Woods and Gill. Smith, who was down the street, approached and saw Woods run to his car and drive off. 11RP 92; Ex. 35 at 12-13 of 14. Police officers then appeared and requested and ran everyone's identification information for warrants. 11RP 93-95. An upset Gill said she thought she had a warrant, so Smith tried to comfort her. 11RP 93-95. Smith was told he could leave, and he did. 11RP 100. Smith called Woods, who picked him up and took him home. 11RP 101-02.

The following day, Woods and Smith again searched for Woods' brother. They found him in the Central District and took him back to Smith's parents' home. 11RP 104-06. This was the last time Smith was to see Woods. Nor did he attempt to contact him. 11RP 106-07.

Rather, Woods called Smith about a week later and asked him to give Gill a ride. 11RP 106-07; 12RP 61-62; Ex. 35 at 9 of 14. Woods gave no reasons for his request. 11RP 114. Smith chose to pick Gill up out of kindness. 12RP 47. Gill called Smith several times thereafter, sounding desperate and scared. 11RP 116-17; 12RP 47. After Gill told Smith where she was, he told her to go to a gas station/convenience store

because there would likely be police officers around. 11RP 116-17; 12RP 19-21; Ex. 35 at 10 of 14.

When Smith arrived, Gill was not there. 11RP 122. All of a sudden, Gill called Smith and he told her what he was driving and where he had parked. 11RP 124-25. Gill approached to within about 15 feet of his truck, at which point police officers drove up, ordered Smith out of the truck, and arrested him. 11RP 125-27.

Smith was transported to the police station, where he waived his rights and gave a recorded statement. Exs. 35-36. Smith told an officer Woods and Gill spoke with each other, but he was not close enough to them to hear anything of significance. Ex. 35 at 7 of 14. Smith said he believed Gill was "twenty-something." Ex. 35 at 8 of 14. He did not think Gill was a prostitute. Ex. 35 at 11-12 of 14.

The jury found Smith guilty as charged. CP 104. Smith filed a motion for new trial under CrR 7.5, which the trial court heard and denied. CP 105-08, 110-157; 16RP 2-20. The trial court imposed a standard range sentence of 103.5 months in prison and 36 months community custody. CP 158-167.

2. Closing argument and rebuttal

The prosecutor began closing argument by stating, "[H]ere in the City of Seattle, there is a real problem, and that problem has to do with the prostitution, forced prostitution of children." 12RP 148. The prosecutor also emphasized the dangers faced by child prostitutes:

You have the girls who are out there having their bodies sold for sex, for money, who are getting into the cars of strangers, going to motel rooms, going to apartments, or their homes. And every time they do that, taking those risks that everyone is in agreement is out there: The risks of getting into that car and being assaulted; having sex with a man who has sexually-transmitted diseases, and getting pregnant. Being raped. Being murdered.

12RP 149.²

Keep in mind, Ladies and Gentlemen, as the Seattle Police Department set this operation up, if there is a 16 year old or a 15 year old or a 17 year old who's out there, they don't have any of that. They don't have the Gang Unit there watching over their backs. They don't have fellow officers who are going to come out of the alley to protect them or help them. They are all alone.

12RP 150-51.

The prosecutor's last words to the jury, at the end of rebuttal argument, again sounded this theme:

Ask yourself this. What if Officer Gill really was 17 and really was a juvenile involved in prostitution? What next for her? What

² A police officer testified prostitutes are vulnerable to drug addiction, homicides, and sexually transmitted diseases. 10RP 55. During cross examination, Smith acknowledged there were dangers involved in prostitution. 12RP 50-51.

next for her if it's not the police who's arresting Mr. Smith on June 21st. What next? That's why this case matters. And that's why, when you look back at this evidence and you look at the role that the defendant played. I'm saying [*sic*] he's the primary actor, but he's a key player. That's why you should find him guilty, and I hope you do.

13RP 71-72.

After the trial judge sent the jury out to begin deliberations, defense counsel objected to the prosecutor's statement, "I hope you do."

13RP 73. Counsel did not object to the other quoted portions of the prosecutor's argument.

C. ARGUMENT

1. PROSECUTORIAL MISCONDUCT DENIED SMITH A FAIR TRIAL.

During closing argument and rebuttal, the prosecutor emphasized the potential dangers faced by child prostitutes. Insofar as Officer Gill was neither a child nor a prostitute and was in no such danger, the argument was not relevant. More troubling, however was the prosecutor's obvious appeal to jurors' passions and emotions. The argument was misconduct and prejudiced Smith's right to a fair trial.

"A trial in which irrelevant and inflammatory matter is introduced, which has a natural tendency to prejudice the jury against the accused, is not a fair trial." State v. Miles, 73 Wn.2d 67, 70, 436 P.2d 198 (1968). A

prosecutor is forbidden from appealing to the passions of the jury and encouraging it to render a verdict based on emotion rather than properly admitted evidence. State v. Belgarde, 110 Wn.2d 504, 507-08, 755 P.2d 174 (1988); State v. Echevarria, 71 Wn. App. 595, 598, 860 P.2d 420 (1993). This includes comments encouraging jurors to sympathize with the victim because of the emotional impact of the crime. State v. Claflin, 38 Wn. App. 847, 849-850, 690 P.2d 1186 (1984), review denied, 103 Wn.2d 1014 (1985).

Misconduct is grounds for reversal when the conduct “was both improper and prejudicial in the context of the entire record and circumstances at trial.” State v. Hughes, 118 Wn. App. 713, 727, 77 P.3d 681 (2003), review denied, 151 Wn.2d 1039 (2004). The defendant bears the burden of establishing both. Id. Prejudice is established if there is a substantial likelihood the misconduct affected the jury’s verdict. State v. Pirtle, 127 Wn.2d 628, 672, 904 P.2d 245 (1995), cert. denied, 518 U.S. 1026 (1996). Where no objection is made to improper arguments or remarks made by a prosecutor, reversal is required when the remarks are so flagrant and ill intentioned they could not have been cured by instruction. State v. Dennison, 115 Wn.2d 609, 623, 801 P.2d 193 (1990).

There is no doubt the prosecutor's focus on the impact of the crime with which Smith was charged was an improper appeal to sympathy and emotion. The prosecutor suggested Smith sought to profit from forced child prostitution, thereby coldly disregarding the risk of exposing the child to violent crime such as rape and murder, as well as pregnancy and sexually transmitted diseases.

In addition, prosecutors may not exhort the jury to convict the defendant in order to protect community values or deter future lawbreaking. United States v. Nobari, 574 F.3d 1065, 1076 (9th Cir. 2009), cert. denied, 131 S. Ct. 640 (2010). "The amelioration of society's woes is far too heavy a burden for the individual criminal defendant to bear." United States v. Monaghan, 741 F.2d 1434, 1441 (D.C. Cir. 1984), cert. denied, 470 U.S. 1085 (1985). The prosecutor did that here by asking jurors to convict Smith based on considerations of the potential dangers of forced child prostitution that did not exist in Smith's case.

Not only was the argument an improper appeal to passion, but it was also misplaced. There was nothing "forced" about anything Officer Gill did. She told Smith and Woods she was selling herself of her own accord to make money. She initiated the contact with Woods on the day Smith was arrested. Furthermore, the defense did not question the

usefulness of Operation Fast Track or in any other way invite the State's justification for the investigation.

Plainly, the prosecutor's argument was deliberately inflammatory and served no other legitimate purpose. The repeated nature of the prosecutor's comments reveal their true intent to invite a passionate reaction rather than a reasoned verdict based on the facts. Those facts at most showed Smith was but a bit player who simply reacted to things Gill and Woods said. As Smith testified, "[T]his was just all BS talk to me[.]" 12RP 77-78. A contemporaneous instruction would not have alleviated the prejudicial effect of the prosecutor's appeal to passion. Smith's conviction should be reversed.

2. THE TRIAL COURT'S FAILURE TO COMPLY WITH CrR 3.6(b) WARRANTS REMAND FOR ENTRY OF WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW.

After a hearing on a motion to suppress evidence, the trial court must enter written findings of facts and conclusions of law. CrR 3.6(b). Written findings and conclusions are mandatory. State v. Cunningham, 116 Wn. App. 219, 227, 65 P.3d 325 (2003). The trial court and the prevailing party share the responsibility to see that appropriate findings and conclusions are entered. State v. Vailencour, 81 Wn. App. 372, 378,

914 P. 2d 767 (1996) (regarding analogous CrR 6.1(d), which requires entry of written findings of fact and conclusions of law after bench trial).

Smith filed a pretrial motion to suppress evidence under CrR 3.6. CP 7-16. The trial court held a lengthy evidentiary hearing on the motion. 1RP 11-145. The trial court granted the motion with respect to one traffic stop and denied the motion as it related to the second stop. 3RP 15-17. But the court failed to enter written findings of fact and conclusions of law.

The purpose of written findings and conclusions is to promote efficient and precise appellate review. State v. Cannon, 130 Wn.2d 313, 329, 922 P.2d 1293 (1996); see State v. Head, 136 Wn.2d 619, 622, 964 P.2d 1187 (1998) (written findings necessary to simplify and expedite appellate review). The absence of written findings and conclusions prohibits effective review.

Although the trial court entered oral findings, such findings are not a suitable substitute; a court's oral opinion is not a finding of fact. State v. Hescocock, 98 Wn. App. 600, 605-06, 989 P.2d 1251 (1999). Rather, an oral opinion is merely an expression of the court's informal opinion when rendered. Head, 136 Wn.2d at 622. An oral opinion is not binding unless it is formally incorporated in the written findings, conclusions and

judgment. Id., citing State v. Mallory, 69 Wn.2d 532, 533, 419 P.2d 324 (1966).

A trial court's failure to enter written findings and conclusions requires remand for entry of the required findings. Head, 136 Wn.2d at 624. Here, because the trial court failed to enter written findings and conclusions, remand is the appropriate remedy.

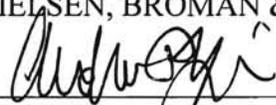
D. CONCLUSION

For the aforesaid reasons, this Court should reverse Smith's conviction and remand for a new trial or, alternatively, remand for entry of written findings and conclusions.

DATED this 30 day of April, 2012.

Respectfully submitted,

NIELSEN, BROMAN & KOCH



ANDREW P. ZINNER

WSBA No. 18631

Office ID No. 91051

Attorneys for Appellant

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

STATE OF WASHINGTON)	
)	
Respondent,)	
)	
v.)	COA NO. 67857-4-1
)	
JERRY SMITH,)	
)	
Appellant.)	

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 30TH DAY OF APRIL 2012, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] JERRY SMITH
DOC NO. 958879
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN, WA 98520

SIGNED IN SEATTLE WASHINGTON, THIS 30TH DAY OF APRIL 2012.

x Patrick Mayovsky

2012 APR 30 PM 4:24
COURT OF APPEALS DIV I
STATE OF WASHINGTON