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March 31, 2015
Court of Appeals
Division I
State of Washington

NO. 71798-7-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

LA'RYAN HOLMES

Appellant.

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE HELEN L. HALPERT

BRIEF OF RESPONDENT

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A. ISSUES

1. Whether the trial court properly denied Holmes' motion for mistrial four days into a jury trial after his lawyer was arrested on a Friday night for driving while intoxicated where there was no conflict of interest, no breakdown in communication, and counsel was performing well?

2. Whether, in light of defense counsel's aggressive attack on the integrity and quality of the lead detective's investigation, the prosecutor could refer in rebuttal closing argument to the detective's earlier testimony – admitted at trial without objection – that the last thing he wanted was to wrongly accuse an innocent man?

B. STATEMENT OF THE CASE¹

Michael DeLaurenti sold marijuana from his rented residence in Seattle. On November 29, 2012, at about 8:30 p.m., DeLaurenti was at the residence with roommate Derek Seibel and friends Madison Wilson and Christopher Adam when an acquaintance and regular customer named Seth Matthews arranged by telephone to stop by and purchase mushrooms. 1/29/14 RP 122. Matthews showed up with two men whom DeLaurenti did not know; one was later identified as the defendant La'Ryan Holmes, the other man was never identified. 1/30/14 RP 32-34. Holmes was the

¹ Because few facts of the underlying crime are relevant to the issues on appeal, those facts will be merely summarized here.

brother of Matthews' girlfriend. 1/30/14 RP 31. Matthews said on the telephone that he wanted to purchase an unusually large amount of mushrooms but, upon arrival, Holmes said he also wanted to buy marijuana. 1/29/14 RP 122-24. DeLaurenti was reluctant to sell the marijuana because it would require opening his safe, and he was afraid he was going to get robbed. 1/29/14 RP 126-29, 150. When he suspected that Holmes was not going to pay him, DeLaurenti asked several times to be paid; Holmes responded angrily, and struck DeLaurenti on the side of his head. 1/29/14 RP 130. Seibel had earlier left the room because he was not feeling comfortable with the situation, and when he heard a commotion, he stepped from his room holding a shotgun and told everyone to be cool. 1/29/14 RP 50-54. Holmes responded by turning and firing at Seibel multiple times, hitting him twice in the leg. Holmes, Matthew, and the third man fled. 1/29/14 22 (Wilson), 134 (DeLaurenti). Witnesses described the shooter as having a tattoo on his neck. 1/29/14 RP 11 (Wilson); 2/3/14 RP 43 (Adams), 105-06 (Det. Conrad).

Holmes was arrested after detectives interviewed Matthews, learned that Holmes was the brother of Matthews' girlfriend, and that Holmes had a tattoo on his neck. 2/3/14 RP 61-63. DeLaurenti was not sure whether Holmes in the photographic montage, but later he immediately picked Holmes out of a line-up. 1/29/14 RP 138.

1. FACTS RELEVANT TO HOLMES' EXERCISE OF HIS
RIGHT TO COUNSEL.

Holmes was charged with assault in the first degree on December 10, 2012 and arraignment was held on December 20, 2012. CP 1-2, 131. Holmes retained David Hancock as counsel, Hancock filed a notice of appearance on January 16, 2013, Supp. CP ____ (Sub. No. 3, filed 1/13/13), and he appeared in court on January 31, 2013. CP 133. Fourteen continuances were granted over the next year, so trial did not begin until January 27, 2014, one year and two months after the crime was committed. *See* Supp. CP ____ (Sub Nos. 10, 15, 21, 24, 26, 28, 30, 43, 47, 50, 55, 57, 59, 61, 63). It appears that Holmes requested many of those continuances, but the State did not object. Id.

Pretrial motions and voir dire were held on Monday and Tuesday, January 27 and 28 in the courtroom of the Honorable Helen Halpert. 1/27-28/14 RP. Opening statements were made on Tuesday, January 28, and the State's first witness, a physician from Harborview Medical Center, testified. 1/28/14 RP 27-40. Witnesses Wilson, Seibel, and DeLaurenti testified on Wednesday, January 29. 1/29/14 RP 9-198. Witnesses D'Ambrosio, Matthews, Ledbetter, Apreza-Ojeda, Elliott, and Geil

testified on Thursday, January 30, after which the court recessed for the weekend. 1/30 RP 6-185.

The following Monday, the trial court told the parties that Hancock had been arrested for driving under the influence on Friday evening. 2/3/14 RP 3. Independent counsel was appointed for Mr. Holmes and he was granted an extended recess over the lunch hour to consider what to do. 2/3/14 RP 3-9. There was initially some discussion as to whether Hancock had a legal conflict of interest, since his arrest had occurred in King County and he might be prosecuted by the King County Prosecuting Attorney. Ultimately, however, the King County Prosecuting Attorney elected not to prosecute Hancock's case because he had so many cases pending in King County Superior Court, so his case was referred to a municipal court. 2/3/14 RP 6-10. There is no challenge on appeal premised on conflict of interest.

Still, Holmes apparently harbored some misgivings about Hancock because Hancock had not immediately informed Holmes about the arrest, and because he thought Hancock was distracted by the events and might not perform as well at trial. 2/3/14 RP 72-73. Independent counsel said Holmes had some "trust concerns" with Hancock. 2/3/14 RP 70. The trial court said, however, that Hancock did not seem distracted. 2/3/14 RP 74.

Ultimately, Holmes moved for a mistrial and for a continuance in order to find and retain a new lawyer. 2/3/14 RP 70-73. The prosecutor responded that there had been no breakdown in the attorney-client relationship, that they were almost finished with the trial, and that Hancock had ably and zealously represented Holmes. 2/3/14 RP 72. The trial court observed that a mistrial at this stage of the proceedings “would be an extraordinary thing to do.” 2/3/14 RP 71. After hearing from independent counsel and the prosecutor, the court denied the motion, finding that “it does not appear to me that this relationship has broken down to the point where it would be appropriate to grant a mistrial.” 2/3/14 RP 73. Neither independent counsel nor Hancock argued that this was an inappropriate consideration, or that some other factor should be considered.

2. FACTS RELEVANT TO CLOSING ARGUMENT.

Detective Conrad testified to his lead role in the investigation including how he conducted interviews and administered montages and a lineup. 2/3/14 RP 55-88.

On cross-examination, defense counsel repeatedly attacked the detective’s investigation. He pointed out that the detective had the power to arrest and recommend felony charges. 2/3/14 RP 107. He asked the

detective whether it was important to conduct an investigation “with an open mind” so that “your investigations not only implicate the guilty” but also “exonerate the innocent.” 2/3/14 RP 107-08. The detective agreed. 2/3/14 RP 108. Counsel suggested that when interviewing Matthews, the detective had “an agenda to implicate Mr. Holmes in this shooting.” 2/3/14 RP 113. The detective denied having any such agenda.

I want the right guy for this. I don't want to just grab anybody and have the guy that actually did the shooting running out there running around causing more trouble or hurting more people. So no, the focus of that investigation is to make sure we get the right guy.

2/3/14 RP 113-14. Holmes did not object to this answer. On redirect, the prosecutor asked the detective about counsel's accusation and the detective replied, “I don't want the wrong guy. My whole mission is to make sure we got the right person and put him behind bars. It does us no good to just grab anybody.” 2/4/14 RP 24-25. Again, Holmes did not object to this answer.

Defense counsel vigorously attacked the investigating detective in closing argument using this same theme. He started by asserting that “innocent people are convicted of crime all the time” and he repeated this claim multiple times over the course of his argument.² 2/5/14 RP 29. He then argued that Mr. Homes is an innocent man, wrongfully accused of a

² No evidence was presented at trial to support the assertion that “innocent people are convicted all the time.”

crime that he did not commit..." Id. at 30. He cautioned the jury not to fall into the trap of simply believing what the witnesses say because "the entire investigative power of the Seattle Police Department has determined that that's the guy." Id. at 35. Later in the argument he focused his criticisms more precisely on the case detective. He argued, "Detective Conrad started his investigation with a conclusion already in mind, and it didn't matter to him what Seth Matthews tried to say on that day." Id. at 47. He characterized the detective's thought processes after discovering Holmes' Department of Licensing photograph as follows: "Well, boy – then he knows that this man, you know, we got a black man here who has previously committed a serious offense. It's got to be him. I am going to make the facts fit to that conclusion." Id. at 48. He said the detective was unconcerned about discrepancies between the witnesses' descriptions and Holmes' actual appearance. Id. Counsel characterized the detective's mind as "so closed and ... so focused" that he reached conclusions before hearing evidence. Id. Counsel accused the detective of conducting the investigation "with a closed mind" and said he was "not the honest broker." Id. at 49-50. Counsel said the detective came to court "with an agenda...[n]ot just to tell you what happened, not to talk to you about his investigation, but to convict." Id. He wrapped up this attack by saying

This is how innocent people are convicted of crimes they did not commit. The State brings before you coerced statements from witnesses, and they bring before you investigations conducted with preconceived conclusions and concluded with a closed mind throughout. This is how innocent people get convicted of crimes. It happens. Don't let it happen today.

Id. at 51.

Defense counsel then challenged other aspects of the State's case and introduced the idea that the shooter may have acted in self-defense, 2/5/12 RP 52-65, but soon returned to his attack on the detective by referring to a comment by a juror during voir dire. He said, "people who work in this criminal justice system, professionals, police officers, judges, criminal defense attorneys, prosecutors[,] become jaded. We have seen everything. We know what happened." Id. at 66. He then argued that Detective Conrad fell into that category and that the detective had "recommended that charges be filed against an innocent man." Id. He argued that the detective simply concluded that Holmes was "a bad guy" and was determined to make the evidence fit that conclusion. Id. He said the detective was thinking, "I am going to ignore evidence to the contrary." Counsel then exhorted the jurors to avoid being similarly jaded. Id. at 67.

The prosecutor responded to this attack in rebuttal by saying:

Again, think about Detective Conrad's testimony. And he told you over and over and over again that he doesn't want to get the wrong

guy. It doesn't do him any good to get the wrong guy. It doesn't do the State any good to get the wrong guy. Because if we have got the wrong guy, then the real shooter's out doing this again, and nobody wants that.

2/5/14 RP 78.

Ultimately, Holmes was convicted of the lesser degree crime of assault in the second degree instead of the charged crime of assault in the first degree, and he was also convicted of unlawful possession of a firearm. CP 108-09.

C. ARGUMENT

Holmes argues that he is entitled to a new trial because the court below did not declare a mistrial and allow him to start over sometime in the future with a new lawyer after his chosen lawyer was arrested during trial for DUI. This argument should be rejected. Although a criminal defendant has the right to hire a lawyer he chooses, that right is not unlimited or open-ended. The trial court properly denied Holmes' request to substitute counsel when to do so would require a mistrial after several days of trial. There were no conflict of interest and no breakdown in communication between Holmes and Hancock, and Holmes' only expressed concern was that he had "trust concerns" with Hancock and that Hancock "seemed distracted." It is uncontested that granting a mistrial

would have wasted several days' worth of testimony and inevitably led to further delay.

Holmes also claims that the prosecutor committed reversible error in closing argument. That assertion, too, must be rejected. Defense counsel vigorously attacked the means, manner and intent of the chief investigator in the case, suggesting that he was hell-bent on convicting an innocent man, and the prosecutor responded to this attack by noting – as the detective himself had testified without objection – that it would do neither the detective nor society any good to punish an innocent person. This was a succinct and measured response to defense counsel's argument; it was not misconduct.

1. THE TRIAL COURT WAS NOT REQUIRED TO GRANT A MISTRIAL SIMPLY BECAUSE HOLMES HARBORED SOME CONCERNS ABOUT HIS RETAINED LAWYER FOUR DAYS INTO TRIAL.

A criminal defendant has a right to hire counsel of his choosing, but the right is not absolute. Wheat v. United States, 486 U.S. 153, 159, 108 S. Ct. 1692, 100 L. Ed. 2d 140 (1988) (right to counsel of choice may be denied even where defendant waives a conflict of interest). The right to counsel is a means to a fair trial, but the right may not be ignored simply because a defendant obtained a fair trial. United States v. Gonzalez-Lopez, 548 U.S. 140, 152, 126 S. Ct. 2557, 165 L. Ed. 2d 409 (2006). If a

court improperly denies a defendant his counsel of choice, he is entitled to a new trial without showing prejudice. Gonzalez-Lopez, 548 U.S. at 150.

Still, trial courts generally have wide latitude to grant or deny motions for mistrial, and such rulings will be disturbed on appeal only for an abuse of discretion. State v. Miles, 77 Wn.2d 593, 597-98, 464 P.2d 723 (1970). The same is true for motions to continue trial. State v. Emery, 174 Wn.2d 741, 765, 278 P.3d 653 (2012). A court abuses its discretion when an “order is manifestly unreasonable or based on untenable grounds.” Wash. State Physicians Ins. Exch. & Ass’n v. Fisons Corp., 122 Wn.2d 299, 339, 858 P.2d 1054 (1993). A discretionary decision is based on untenable grounds or made for untenable reasons if it is unsupported by facts in the record or was based on an incorrect legal standard. State v. Rafay, 167 Wn.2d 644, 655, 222 P.3d 86 (2009).

In State v. Stenson, the Washington Supreme Court described the usual test for substituting counsel.

A criminal defendant who is dissatisfied with appointed counsel must show good cause to warrant substitution of counsel, such as a conflict of interest, an irreconcilable conflict, or a complete breakdown in communication between the attorney and the defendant. Smith v. Lockhart, 923 F.2d 1314, 1320 (8th Cir.1991). Attorney-client conflicts justify the grant of a substitution motion only when counsel and defendant are so at odds as to prevent presentation of an adequate defense. E.g., State v. Lopez, 79 Wn. App. 755, 766, 904 P.2d 1179 (1995) (citing United States v. Morrison, 946 F.2d 484, 498 (7th Cir.1991)); United States v. Hillsberg, 812 F.2d 328, 333 (7th Cir.1987). The general loss of

confidence or trust alone is not sufficient to substitute new counsel. Johnston, 497 So.2d 863. Factors to be considered in a decision to grant or deny a motion to substitute counsel are (1) the reasons given for the dissatisfaction, (2) the court's own evaluation of counsel, and (3) the effect of any substitution upon the scheduled proceedings. State v. Stark, 48 Wn. App. 245, 253, 738 P.2d 684 (1987).

132 Wn.2d 668, 734, 940 P.2d 1239 (1997). As with the right of self-representation and the right to change appointed counsel, a trial court has greater flexibility to deny such motions later in the proceedings because the effect is more disruptive as time passes.

If the demand for self-representation is made (1) well before the trial or hearing and unaccompanied by a motion for a continuance, the right of self-representation exists as a matter of law; (2) as the trial or hearing is about to commence, or shortly before, the existence of the right depends on the facts of the particular case with a measure of discretion reposing in the trial court in the matter; and (3) *during the trial or hearing, the right to proceed pro se rests largely in the informed discretion of the trial court.*

State v. Barker, 75 Wn. App. 236, 241, 881 P.2d 1051 (1994) (italics added). *See also* State v. Madsen, 168 Wn.2d 496, 508, 229 P.3d 714 (2010) (discussing the right to proceed pro se and the timing of such requests).

The trial court in this case properly applied the Stenson standard, and applied it correctly. CP 60; 2/3/14 RP 73. When a defendant asks for new counsel and a mistrial after a jury is sworn, it is obvious that the administration of justice will suffer, so it makes sense to apply the Stenson

standard, because that standard requires a showing that the defendant will not be properly represented unless a change in counsel is approved. Here, there was no legal conflict of interest, no irreconcilable conflict between lawyer and client, and no breakdown in communications. Retained counsel was performing well and continued to do so throughout trial. Holmes' "trust concerns" are not sufficient to require the granting of a mistrial under these circumstances.

Holmes seems to suggest, however, that the trial court's ruling should be subjected to greater scrutiny because counsel was retained rather than appointed. He seems to argue that the Supreme Court's decision in Gonzalez-Lopez, makes his right to retained counsel a paramount consideration, such that a trial court must bend to the defendant's choice regardless of the timing. *See United States v. Gonzalez-Lopez*, 548 U.S. 140, 151-52, 126 S. Ct. 2557, 165 L. Ed. 2d 409 (2006). Holmes did not make any such argument at trial, however, and even now he does not propose an actual standard by which this court should review the trial court's decision. In any event, Holmes' argument should be rejected.

In Gonzalez-Lopez, all parties agreed that the defendant had been wrongly denied his counsel of choice. The Supreme Court held that because the right to counsel is fundamental and because its denial affects the trial in an unquantifiable way, the wrongful denial of counsel of choice

was not subject to harmless error analysis. Gonzalez-Lopez, at 150. The Supreme Court made plain, however, that it did not intend its holding to affect traditionally recognized bases to deny counsel of choice.

Nothing we have said today casts any doubt or places any qualification upon our previous holdings that limit the right to counsel of choice and recognize the authority of trial courts to establish criteria for admitting lawyers to argue before them. ... [T]he right to counsel of choice does not extend to defendants who require counsel to be appointed for them. ... Nor may a defendant insist on representation by a person who is not a member of the bar, or demand that a court honor his waiver of conflict-free representation. ... We have recognized a trial court's wide latitude in balancing the right to counsel of choice against the needs of fairness, ... and against the demands of its calendar. ... The court has, moreover, an "independent interest in ensuring that criminal trials are conducted within the ethical standards of the profession and that legal proceedings appear fair to all who observe them." ... None of these limitations on the right to choose one's counsel is relevant here. This is not a case about a court's power to enforce rules or adhere to practices that determine which attorneys may appear before it, or to make scheduling and other decisions that effectively exclude a defendant's first choice of counsel.

Gonzalez-Lopez, at 151-52 (citations omitted). By specifically noting that a court may deny counsel of choice based on "the demands of its calendar" and that it may "make scheduling and other decisions that effectively exclude a defendant's first choice of counsel" the Supreme Court has made clear that Gonzalez-Lopez does not require courts to allow a defendant carte blanche to change horses midstream.

Many appellate court decisions since Gonzalez-Lopez make this clear. In United States v. Ensign, 491 F.3d 1109, 1115 (9th Cir. 2007), for example, the court held as follows:

[A]s the consolidated trial of Ensign and four other defendants had already started and was scheduled to continue for a number of weeks, the addition of Stilley [new counsel] at the counsel table would likely have engendered considerable confusion and delays. Jurors could be distracted by the sudden inclusion of a new attorney. Also, the addition of a new attorney could interfere with the other defendants' rights to a fair trial. Accordingly, the district court's denial of Ensign's motion was a reasonable exercise of its wide latitude in balancing the right to counsel against the demands of the court's calendar in an effort to maintain the fair, efficient and orderly administration of justice. *See Gonzalez-Lopez*, 126 S. Ct. at 2565-66.

See also Johnson v. Com., 50 Va. App. 600, 605, 652 S.E.2d 156 (2007) (counsel of choice denied due to conflict caused by simultaneous representation of defendant and witness); Howell v. State, 357 S.W.3d 236 (Mo. Ct. App. W.D. 2012) (request to retain counsel on first day of trial properly denied); State v. Ringler, 264 Or. App. 551, 558, 333 P.3d 1080 (2014) (request for continuance to obtain counsel made two weeks before trial was too speculative and was properly denied). Thus, the weight of authority shows that after Gonzalez-Lopez trial courts still retain broad discretion to deny substitute counsel, especially just before or during trial.

In State v. Hampton, 182 Wn. App. 805, 820, 332 P.3d 1020 (2014), *review granted*, 182 Wn.2d 1002 (2015), this court recognized that

counsel of choice might be denied based on the demands of the court's calendar. This Court found an abuse of discretion in Hampton because Hampton had only recently raised sufficient funds to hire a lawyer to replace his appointed lawyer, he had early-on shown a desire to hire counsel of choice, his relationship with appointed counsel was strained, he had not contributed to pretrial delay, the prosecution did not show prejudice, and the trial court made no showing that its calendar would be adversely affected. Holmes, by contrast, already had counsel of choice. He was asking for a mistrial after four full days of trial that had included pretrial motions, full *voir dire*, the swearing of a jury, opening statements, and the testimony of ten witnesses, including an emergency room physician, four civilians, three officers and one laboratory employee.

Holmes argues that "the basis for dissatisfaction with his counsel is not a relevant consideration." Br. of App. at 15. This assertion is not supported by any authority. If that were the rule, Holmes could change lawyers and cause a mistrial whenever it appeared the trial was not proceeding to according to his wishes. In fact, the law requires that a trial court balance the needs of the court's calendar against the time required for new counsel to get up to speed on the case. This can sometimes be a delicate balance, as the decision in Hampton illustrates, because it is often not immediately clear whether the court's schedule will be seriously

affected, and because the right to counsel of choice is a significant right. However, when a motion to change lawyers comes after several days of trial, it is obvious that there will be a significant impact on the court's schedule and, moreover, that several days of judicial time will be irrevocably lost. Although Holmes certainly did not delay in bringing this motion, the trial court was not required to grant the motion once most of the trial had been heard. Just like the fundamental right to proceed pro se, the right to choose counsel may be limited by timing and circumstances, so a court may deny the request where it would adversely affect the administration of justice. See Madsen, 168 Wn.2d at 508.

Under these facts, the trial court plainly acted within its discretion in denying the motion for mistrial, the motion to substitute counsel, and the motion to continue trial to allow him to retain a new lawyer.³ Holmes' convictions should be affirmed.

2. THE PROSECUTOR PROPERLY RESPONDED TO HOLMES' CLOSING ARGUMENT.

Holmes argues that the prosecutor committed reversible misconduct by telling the jury in rebuttal argument that the lead detective stood nothing to gain by framing an innocent person. Br. of App. at 18-

³ Holmes never indicated whether he would be able to afford a new lawyer with a new retainer agreement.

20. This argument should be rejected. Holmes has failed in his appellate brief to note that the prosecutor's comments were a succinct rebuttal to defense counsel's closing argument, and that the rebuttal drew on earlier testimony from the detective—testimony elicited by Holmes without objection. There was no misconduct.

A defendant claiming prosecutorial misconduct “bears the burden of establishing the impropriety of the prosecuting attorney's comments and their prejudicial effect.” State v. Brown, 132 Wn.2d 529, 561, 940 P.2d 546 (1997). Comments will be deemed prejudicial only where “there is a substantial likelihood the misconduct affected the jury's verdict.” Id. The prejudicial effect of a prosecutor's improper comments is not determined by looking at the comments in isolation, but by placing the remarks “in the context of the total argument, the issues in the case, the evidence addressed in the argument, and the instructions given to the jury.” Id. Arguments may superficially appear to be misconduct when taken out of context, but once the context is supplied they can be understood as intended. State v. McKenzie, 157 Wn.2d 44, 53-57, 134 P.3d 221 (2006) (rejecting four claimed instances of misconduct based on a review of the entire record).

Holmes argues that the prosecutor's argument was “a pure appeal to the jurors' emotions and therefore improper.” Br. of App. at 20. This

assertion is wholly unfounded, and can appear persuasive only if one ignores the record, as Holmes has done on appeal. First, it fails to acknowledge that the prosecutor was simply repeating *testimony* of Det. Conrad that had been elicited by defense counsel on cross-examination, and that was admitted without objection. A prosecutor may surely refer to admitted evidence in closing argument.

Second, Holmes fails to reveal that the prosecutor's brief rebuttal argument was in response to a lengthy attack by defense counsel in his own closing argument where he repeatedly suggested that the detective either deliberately or negligently concocted a case against an innocent man. Surely the prosecutor's response – that convicting the innocent was the last thing the detective wanted to achieve – was a fair response to such an argument.⁴

Third, Holmes asserts that the prosecutor erred by suggesting that Holmes would have shot someone else had he not been caught. Br. of App. at 19. As noted above, the detective had already testified that he had no motive or desire to convict the innocent, and he pointed out that to seek charges for an innocent person meant that the person who shot someone in an attempted drug rip-off might shoot someone in the future. This is

⁴ The defense arguments were fair advocacy and asked the jurors to draw inferences from the evidence; the State does not criticize trial counsel for making these arguments. However, having made these arguments, Holmes cannot complain on appeal that the prosecution rebutted his arguments by pointing to testimony he earlier elicited.

certainly a reasonable fear, and the detective had expressed that fear on the witness stand without objection. So, this information was already in front of the jury, and the prosecutor was not asking it to draw any untoward inferences.

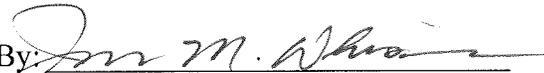
D. CONCLUSION

For the foregoing reasons, Holmes' convictions should be affirmed.

DATED this 31st day of March, 2015.

Respectfully submitted,

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Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to Kathleen Shea, the attorney for the appellant, at Washington Appellate Project, containing a copy of the Brief of Respondent, in State v. Laryan Pierre Holmes, Cause No. 71798-7, in the Court of Appeals, Division I, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Dated this 3/day of March, 2015.

A handwritten signature in black ink, appearing to be "K. Shea", written over a horizontal line.

Name:
Done in Seattle, Washington