

NO. 36329-1-II
Skamania County No. 06-1-00130-1

STATE OF WASHINGTON,

Respondent,

vs.

KEVIN S. GREENE

Appellant.

FILED
COURT OF APPEALS
DIVISION II
08 FEB 22 PM 12:53
STATE OF WASHINGTON
BK DEPT. 1

BRIEF OF APPELLANT

ANNE CRUSER/WSBA #27944
Attorney for Appellant

P. O. Box 1670
Kalama, WA 98625
360 - 673-4941

P.M. 2-19-2008

TABLE OF CONTENTS

A. ASSIGNMENTS OF ERROR 1

I. THE EVIDENCE IS INSUFFICIENT TO SUSTAIN MR. GREENE’S CONVICTION FOR UNLAWFUL POSSESSION OF A FIREARM..... 1

II. MR. GREENE WAS DENIED HIS CONSTITUTIONAL RIGHT TO COUNSEL OF HIS OWN CHOOSING..... 1

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR..... 1

I. THE EVIDENCE IS INSUFFICIENT TO SUSTAIN MR. GREENE’S CONVICTION FOR UNLAWFUL POSSESSION OF A FIREARM WHERE THE STATE FAILED TO PROVE THAT THE PERSON NAMED IN THE IDAHO JUDGMENT AND SENTENCE WAS THE SAME PERSON ON TRIAL. 1

II. MR. GREENE WAS DENIED HIS RIGHT TO COUNSEL WHEN THE COURT DENIED HIS MOTION TO HAVE THE TRIAL CONTINUED SO THAT HE COULD HIRE PRIVATE COUNSEL. 1

C. STATEMENT OF THE CASE..... 1

1. FACTUAL HISTORY..... 1

2. PROCEDURAL HISTORY 2

D. ARGUMENT..... 5

I. THE EVIDENCE IS INSUFFICIENT TO SUSTAIN MR. GREENE’S CONVICTION FOR UNLAWFUL POSSESSION OF A FIREARM WHERE THE STATE FAILED TO PROVE THAT THE PERSON NAMED IN THE IDAHO JUDGMENT AND SENTENCE WAS THE SAME PERSON ON TRIAL. 5

II. MR. GREENE WAS DENIED HIS RIGHT TO COUNSEL WHEN THE COURT DENIED HIS MOTION TO HAVE THE

**TRIAL CONTINUED SO THAT HE COULD HIRE PRIVATE
COUNSEL. 12**

E. CONCLUSION..... 15

TABLE OF AUTHORITIES

Cases

<i>Gravatt v. United States</i> , 260 F.2d 498, 499 (10 th Cir. 1958).....	11
<i>In re Winship</i> , 397 U.S. 358, 25 L. Ed. 2d 368 (1970).....	5
<i>Old Chief v. United States</i> , 519 U.S. 172, 117 S.Ct. 644, 136 L.Ed 574 (1997).....	8
<i>State v Ammons</i> , 105 Wash. 2d 175, 713 P.2d 719 (1986).....	6
<i>State v. Brezillac</i> , 19 Wash. App. 11, 573 P.2d 1343 (1978)	7, 9, 10
<i>State v. Campbell</i> , 78 Wn.App. 813, 901 P.2d 1050 (1995).....	13
<i>State v. Chase</i> , 59 Wn.App. 501, 799 P.2d 272 (1990)	12, 13
<i>State v Courser</i> , 199 Wash. 559, 92 P.2d 264 (1939).....	8
<i>State v. Early</i> , 70 Wn.App. 452, 853 P.2d 964 (1993)	13
<i>State v. Garcia</i> , 92 Wn.2d 647, 600 P.2d 1010 (1979).....	13
<i>State v. Green</i> , 94 Wn.2d 216, 616 P.2d 628 (1980).....	6
<i>State v. Harkness</i> , 1 Wash. 2 nd 530, 96 P.2d 460 (1939).....	7, 9
<i>State v. Huber</i> , 129 Wn.App. 499, 119 P.3d 388 (2005).....	11, 12
<i>State v Hunter</i> , 29 Wn.App. 218, 627 P.2d 1339 (1981).....	7, 8, 9, 10
<i>State v. Johnson</i> , 90 Wash. App. 54 950 P.2d 981 (1998).....	8
<i>State v. Kelly</i> , 52 Wn.2d 676, 328 P.2d 362 (1958).....	11
<i>State v Lee</i> , 87 Wash. 2 nd 932, 558 P.2d 236 (1976)	8
<i>State v. Partin</i> , 88 Wn.2d 899, 567 P.2d 1136 (1977).....	6
<i>State v. Salinas</i> , 119 Wn.2d 192, 829 P.2d 1068 (1992)	6
<i>State v. Thereoff</i> , 25 Wn.App. 590, 608 P.2d 1254 (1980).....	6
<i>United States v. Gonzales-Lopez</i> , 548 U.S. 140, 126 S.Ct. 2557 (2006)..	15
<i>Wheat v. United States</i> , 486 U.S. 153, 108 S.Ct. 1692 (1988)	12

Statutes

RCW 9.94A. 110.....	6
---------------------	---

A. ASSIGNMENTS OF ERROR

I. THE EVIDENCE IS INSUFFICIENT TO SUSTAIN MR. GREENE'S CONVICTION FOR UNLAWFUL POSSESSION OF A FIREARM.

II. MR. GREENE WAS DENIED HIS CONSTITUTIONAL RIGHT TO COUNSEL OF HIS OWN CHOOSING.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

I. THE EVIDENCE IS INSUFFICIENT TO SUSTAIN MR. GREENE'S CONVICTION FOR UNLAWFUL POSSESSION OF A FIREARM WHERE THE STATE FAILED TO PROVE THAT THE PERSON NAMED IN THE IDAHO JUDGMENT AND SENTENCE WAS THE SAME PERSON ON TRIAL.

II. MR. GREENE WAS DENIED HIS RIGHT TO COUNSEL WHEN THE COURT DENIED HIS MOTION TO HAVE THE TRIAL CONTINUED SO THAT HE COULD HIRE PRIVATE COUNSEL.

C. STATEMENT OF THE CASE

1. FACTUAL HISTORY

Deputy Jay Johnston went to Kevin Greene's house in Skamania County on December 22, 2006 to arrest him on a misdemeanor warrant. RP 64. When he arrived, he knocked on the door and Mr. Greene yelled at him to go the backdoor. RP 65. Deputy Johnston went to the back door and before he reached the door Mr. Greene told him to come in. RP 65. Deputy Johnston entered the home and saw Mr. Greene lying on the couch. RP 65. He announced that it was the Sheriff's Office and told Mr. Greene he had a warrant for his arrest. RP 65. Mr. Greene asked if he

could put his shoes on and while he was doing that, Deputy Johnston looked around and saw that the coffee table was covered with hypodermic needles and glassware pipes used for smoking methamphetamine, as well as propane torches. RP 67. He also saw a spoon lying on the table with a large mound of crystalline substance on it, as well as a small Ziploc baggie that had some crystalline residue in it. RP 68. One of the smoking devices collected, admitted as Exhibit 14, was found to contain methamphetamine. RP 101. After placing Mr. Green under arrest, and obtaining Miranda and Ferrier waivers and consent to search, Deputy Johnston searched the residence and found a rifle in a bedroom closet. RP 70-71.

2. PROCEDURAL HISTORY

The Skamania County Prosecuting Attorney charged Appellant, Kevin Scott Greene, by Second Amended Information, with Count I: Possession of Methamphetamine; Count II: Use of Drug Paraphernalia; and Count III: Unlawful Possession of a Firearm in the First Degree. CP 36-38. Mr. Greene was arraigned on January 11, 2007. RP 12. At the pre-trial review hearing on March 29, 2007, Mr. Greene asked the court to appoint different trial counsel because he believed Mr. Lanz was not adequately representing him and not willing to listen to him. RP 39. Mr. Lanz characterized the disagreement as a trial strategy disagreement. RP

39. The court denied the request, apparently finding an inadequate basis upon which to grant it, but told Mr. Greene he was free to hire his own attorney. RP 40. When the case was called for trial on April 9, 2007 Mr. Greene advised the court that he had secured the funds he would need to hire private counsel and wished to have a continuance of the trial so he could secure other counsel. RP 41-42. This trial setting was the first and only trial setting, and this was Mr. Greene's first continuance request.

Report of Proceedings.

The trial court, finding that Mr. Greene, over the previous ten days, should have already retained an attorney and that because he hadn't, and because "we've got a jury sitting back there," denied the motion. RP 42-43. The court further found that Mr. Greene did not have "any good grounds for having another attorney, especially since you've had plenty of time to get another attorney," and stated "to me this is a delay tactic..." RP 43-44.

During motions in limine the State submitted evidence to the court that it believed established Mr. Greene had previously been convicted of delivery of methamphetamine in the State of Idaho, a serious offense for purposes of the unlawful possession of a firearm in the first degree allegation. RP 48-54. The State provided a court certified copy of an Information from Ada County, Idaho, showing that a person by the name

of Kevin Greene was charged with four counts of delivery of methamphetamine, one count of possession of methamphetamine with intent to deliver, and one count of possession of marijuana. Plaintiff's Exhibit 1 (not offered). This information was submitted for the court's review for the purpose of determining whether the prior conviction was a serious offense. RP 48-54. The State also provided a court certified copy of a felony judgment and sentence, from 1986, showing that a person by the name of Kevin Greene was convicted, after pleas of guilty, of counts I and II of the Information. Exhibit 2 (Admitted at trial). The court ruled that the alleged prior conviction was a serious offense. RP 54-56.

Defense counsel did not stipulate to the prior conviction. RP 61. The Judgment and Sentence from Ada County was admitted for the jury's consideration. Exhibit 2. The Judgment and Sentence contained no physical description of Kevin Greene, nor did it state his middle name or even at middle initial. Exhibit 2. It also contained no fingerprints. Exhibit 2. The State presented no witnesses or evidence about whether the Kevin Greene who was the subject of the Idaho Judgment and Sentence was the same person on trial in the present action beyond the fact that the first and last name was the same. Report of Proceedings. The defense did not present any evidence or testimony. RP 105, 107. During closing argument, defense counsel stated "There's no question Mr. Greene is a

convicted felon...Yes, convicted of a felony back in 1986, no contesting that, no question about that.” RP 126-27. The court instructed the jury that the attorneys’ remarks, statements, and arguments are intended to help them understand the evidence and apply the law. CP 45. The court further instructed the jury it was important for them to remember that the lawyer’s statements are not evidence, and that the evidence consists of the testimony and the exhibits. CP 45.

The jury returned verdicts of guilty to all three charges. CP 67-69. Mr. Greene was given a standard range sentence. CP 72-76. This timely appeal followed. CP 87.

D. ARGUMENT

I. THE EVIDENCE IS INSUFFICIENT TO SUSTAIN MR. GREENE’S CONVICTION FOR UNLAWFUL POSSESSION OF A FIREARM WHERE THE STATE FAILED TO PROVE THAT THE PERSON NAMED IN THE IDAHO JUDGMENT AND SENTENCE WAS THE SAME PERSON ON TRIAL.

Constitutional due process requires that in any criminal prosecution, every fact necessary to constitute the crime charged must be proven beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364, 25 L. Ed. 2d 368 (1970). On appeal, a reviewing court should reverse a conviction for insufficient evidence where no rational trier of fact, viewing the evidence in the light most favorable to the State, could find that all the elements of the crime charged were proven beyond a reasonable doubt.

State v. Salinas, 119 Wn.2d 192, 829 P.2d 1068 (1992); *State v. Green*, 94 Wn.2d 216, 220-2, 616 P.2d 628 (1980). When sufficiency of the evidence is challenged in a criminal case, all reasonable inferences from the evidence must be drawn in favor of the State. *State v. Partin*, 88 Wn.2d 899, 906-07, 567 P.2d 1136 (1977). A claim of insufficiency admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom. *State v. Thereoff*, 25 Wn.App. 590, 593, 608 P.2d 1254, *aff'd*, 95 Wn.2d 385, 622 P.2d 1240 (1980).

In order for the evidence to be sufficient to sustain Mr. Greene's conviction for Unlawful Possession of a Firearm, the State bore the burden of proving that the Kevin Greene named in the Ada County, Idaho Judgment and Sentence was the same Kevin Scott Greene on trial in the present action. Depending on the context, there are two different standards in Washington for proving prior convictions. To calculate an offender score, the state need only prove only the existence of a prior conviction by a preponderance of the evidence. *State v Ammons*, 105 Wash. 2d 175, 185-86, 713 P.2d 719 (1986); RCW 9.94A. 110. To meet this standard of proof, an identity of names is sufficient proof, unless rebutted by the defendant who asserts under oath that he is not the same person. *Ammons* at 189.

However, in the second instance, when a prior conviction is an element of a crime, the state must prove the existence of that conviction beyond a reasonable doubt. In such instance, an identity of names is insufficient to prove such element beyond a reasonable doubt. Our State Supreme Court has maintained that rule since its holding in *State v. Harkness*, 1 Wash. 2nd 530, 96 P.2d 460 (1939). In that case, the defendant was convicted of prescription drug forgery as a “habitual criminal” by the jury. *Id.* at 533. The court reversed and reduced Harkness’ conviction without the habitual criminal element. *Id.* The Court explained:

There are two lines of decisions, one holding that identity of names alone is sufficient to make a prima facie case of identity of the person, the other holding that identity of names alone is not sufficient proof of identity of that person to warrant the court in submitting to the jury a prior judgment of conviction, but that in addition to the identity of names, it must be shown, by evidence independent of the record of former conviction, that the person whose former conviction is proved is the defendant in the present action. We think the latter is a better rule, and supported by the weight of authority. *Id.* at 542-43.

Citing *Harkness*, and in accord are *State v Hunter*, Wash. App., 627 P. 2d 1339 (1981) (explaining that identity of names alone is not sufficient proof to show identity of defendant on trial for escape with a person incarcerated.); *State v. Brezilla*, 19 Wash. App. 11, 573 P.2d 1343 (1978) (explaining that identity of names “Mitchell T. Brezilla” is insufficient

proof of identity of prior conviction to prove habitual criminal, but prosecution meets its burden with photographic evidence of defendant.)

The identity issue does not arise very often, one would imagine because many clients quickly stipulate that their client is a “convicted felon” to avoid having the felony named and thus allowing the jury to know the details of the prior offense. It being, of course, an abuse of discretion for a court to decline such a stipulation. *Old Chief v. United States*, 519 U.S. 172, 117 S.Ct. 644, 136 L.Ed 574 (1997); *State v. Johnson*, 90 Wash. App. 54 950 P.2d 981 (1998). In the case at bar, Mr. Greene did not stipulate to this prior conviction.

There are established ways to prove identify of defendant with convicted person. See *State v Courser*, 199 Wash. 559, 92 P.2d 264 (1939) (fingerprint records and pictures certified by prison warden); *State v Lee*, 87 Wash. 2nd 932, 558 P.2d 236 (1976) (testimony of police officer familiar with defendant); *State v Hunter*, 29 Wn.App. 218, 627 P.2d 1339 (1981) (testimony of probation and parole officer). In *Hunter*, the State charged defendant Hunter with attempted escape from the Cowlitz County Jail where he was being incarcerated pursuant to a felony conviction. In order to prove that Hunter was being held “pursuant to a felony conviction,” the State successfully moved to admit copies of two felony judgment and sentences out of Lewis County that named “Dallas E.

Hunter” as the defendant. Following conviction, Hunter appealed, arguing in part that the trial court erred when it admitted the judgments because the State failed to present evidence that he was the person identified therein.

In addressing this argument, the court first noted that when the fact of a prior conviction is an element of the current offense, a prior judgment and sentence under the defendant’s name alone is neither competent evidence to go to the jury, nor is it sufficient to prove the prior conviction.

The court stated:

Where a former judgment is an element of the substantive crime being charged, identity of names alone is not sufficient proof of the identity of a person to warrant the court in submitting to the jury a prior judgment of conviction. It must be shown by independent evidence that the person whose former conviction is proved is the defendant in the present action. *State v. Harkness*, 1 Wn.2d 530, 96 P.2d 460 (1939); *State v. Brezillac*, 19 Wn.App. 11, 573 P.2d 1343 (1978). *See State v. Clark*, 18 Wn.App. 831, 832 n.1, 572 P.2d 734 (1977).

Hunter at 221. Ultimately, the Court in *Hunter* affirmed because the State presented evidence from a probation officer from the Department of Corrections who had revoked Hunter from his work release program and had him incarcerated in the Cowlitz County jail pending his return to prison pursuant to his Lewis County felony convictions. Based upon this “independent” evidence to prove that Hunter was the person named in the

judgments, the Court of Appeals found no error in admitting the judgments. The court stated:

We hold that [the probation officer's] testimony was sufficient independent evidence to establish a prima facie case that defendant was the same Dallas E. Hunter as named in the certified judgments and sentences. After the State introduced this evidence, the burden was on defendant to come forward with evidence casting doubt on the identity of the person named in the documents. *State v. Brezillac*, supra.

Hunter, 29 Wn.App. at 221-222.

The facts in *Hunter* are in stark contrast to Mr. Greene's case. In Mr. Greene's case, there was absolutely no evidence presented that would prove the Kevin Greene named in the Idaho Judgment and Sentence was the same Kevin Scott Greene that was the subject of the trial here. The Judgment and Sentence not only contained no fingerprints or descriptive physical traits (i.e. age, height, weight, tattoos, etc.), it did not even contain a middle name or middle initial. The State didn't bother to call a single witness who could have testified that the Kevin Scott Greene on trial in this case was the same Kevin Greene (with an unknown middle name) who was convicted in the 1986 Idaho Judgment and Sentence.

Perhaps the State will argue that defense counsel's statements during closing argument, in which he stated there was "no dispute" that his client was previously convicted of a felony, provides the necessary proof that would cure this deficiency. However, as Division II ruled in *State v.*

Huber, 129 Wn.App. 499, 504, 119 P.3d 388 (2005), remarks by counsel are not evidence. In that case, the State argued that defense counsel's introduction of his client during jury selection provided the necessary proof of Huber's identity. *Huber* at 504. Likewise here, the jury was instructed that the remarks and arguments of the attorneys are not evidence, and the evidence consisted only of the testimony and the exhibits admitted at trial.

With regard to the way in which identity can be established, the *Huber* Court stated:

To sustain this burden when criminal liability depends on the accused's being the person to whom a document pertains...the State must do more than authenticate and admit the document; it also must show beyond a reasonable doubt "that the person named therein is the same person on trial." Because "in many instances men bear identical names," the State cannot do this by showing identity of names alone. Rather, it must show, "by evidence independent of the record," that the person named therein is the defendant in the present action.

Huber at 502, citing *State v. Kelly*, 52 Wn.2d 676, 678, 328 P.2d 362 (1958) and *Gravatt v. United States*, 260 F.2d 498, 499 (10th Cir. 1958).

The *Huber* Court explained that the State can meet this burden in a variety of ways, such as otherwise-admissible booking photos, fingerprint comparison, eyewitness identification or distinctive personal information.

Huber at 503. The *Huber* Court reiterated, however, that "the State does not meet its burden merely because the defense opts not to present

evidence; if the State presents insufficient evidence, the defendant's election not to rebut it does not cause it to become sufficient." *Huber* at 503.

In the case at bar, no evidence, beyond a Judgment and Sentence bearing the same first and last name (both of which, incidentally, are extremely common names) was presented to prove that these two named parties are the same person. The evidence presented here does not even rise to the level of prima facie, much less proof beyond a reasonable doubt. Mr. Greene's conviction for Unlawful Possession of a Firearm should be reversed and dismissed with prejudice.

II. MR. GREENE WAS DENIED HIS RIGHT TO COUNSEL WHEN THE COURT DENIED HIS MOTION TO HAVE THE TRIAL CONTINUED SO THAT HE COULD HIRE PRIVATE COUNSEL.

The Sixth Amendment to the United States Constitution guarantees that criminal defendants have a right to counsel. Defendants have the right to retain counsel of choice and the denial of a motion for continuance may unlawfully deprive the defendant of that right. *State v. Chase*, 59 Wn.App. 501, 506, 799 P.2d 272 (1990); *Wheat v. United States*, 486 U.S. 153, 108 S.Ct. 1692 (1988). The right to retain counsel of one's own choice is not unlimited, however. "In the absence of substantial reasons a late request should generally be denied, especially if the granting of such

request may result in delay of the trial.” *Chase* at 506, quoting *State v. Garcia*, 92 Wn.2d 647, 655-56, 600 P.2d 1010 (1979). Also, a motion for a continuance should be denied where the accused has exercised a lack of diligence in obtaining new counsel. *State v. Early*, 70 Wn.App. 452, 458-59, 853 P.2d 964 (1993).

A trial court’s refusal to grant a continuance is reviewed for an abuse of discretion. *State v. Campbell*, 78 Wn.App. 813, 820, 901 P.2d 1050 (1995). Among the considerations the court must weigh is whether prior continuances have been granted. *Early* at 457-58. Here, the court abused its discretion because Mr. Greene was not employing a delay tactic, as the court found, and had not previously sought a continuance. At the pre-trial hearing on March 29, 2007, the court invited Mr. Greene to hire his own counsel, telling him he was free to do so. At the time the court said this, it was aware the trial was set for April 9th. Perhaps the court felt that ten days was enough time to not only procure funds, but find and retain private counsel and have him present at the time the case was called. The total unreasonableness of such an assumption notwithstanding, Mr. Greene had made significant strides in a short period of time toward hiring his own attorney. Specifically, he had secured the necessary funds, which was no small feat.

There was no evidence to support the court's conclusion that Mr. Greene was employing a delay tactic. This was not the first time Mr. Greene had notified the court he wanted different counsel. He notified the court on March 29th that he wanted different counsel, and the court invited him at that time to seek new counsel, giving him the distinct impression that such a move would be permitted. Between March 29th and April 9th, Mr. Greene worked toward getting new counsel. Further, Mr. Greene had never before sought a continuance in this case. This was the first trial setting. Had Mr. Greene sought and/or received several prior continuances, perhaps the court's conclusion that Mr. Greene was seeking delay would have been more plausible. But in this case, the lack of prior attempts at delay, combined with Mr. Greene's reliance on the court's express invitation to seek new counsel, renders this conclusion by the court untenable.

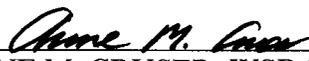
The lack of any prior continuances also amply supports the conclusion that the trial court abused its discretion here. Again, this was the first trial setting and not even ninety days had elapsed between trial and arraignment. It is not uncommon for felony cases, particularly multiple charge cases, to go through five or more trial settings. Here, the court was clearly perturbed because a jury pool was waiting and it is obvious from the record that the court did not give fair consideration to

Mr. Greene's motion based on this fact. The trial court abused its discretion in denying Mr. Greene's motion to continue so that he could retain new counsel, and this resulted in the denial of Mr. Greene's constitutional right to counsel of his choosing. *United States v. Gonzales-Lopez*, 548 U.S. 140, 126 S.Ct. 2557 (2006). Mr. Greene's convictions should be reversed and his case remanded for a new trial.

E. CONCLUSION

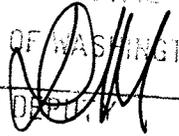
Mr. Greene's conviction for Unlawful Possession of a Firearm should be reversed and dismissed. Mr. Greene should be granted a new trial.

RESPECTFULLY SUBMITTED this 19th day of February, 2008.


ANNE M. CRUSER, WSBA #27944
Attorney for Mr. Greene

FILED
COURT OF APPEALS
DIVISION II

08 FEB 22 PM 12:53

STATE OF WASHINGTON
BY 

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

STATE OF WASHINGTON,)	Court of Appeals No. 36329-1-II
)	Skamania County No. 06-1-00130-1
Respondent,)	
)	AFFIDAVIT OF MAILING
vs.)	
)	
KEVIN SCOTT GREENE,)	
)	
Appellant.)	

ANNE M. CRUSER, being sworn on oath, states that on the 19th day of February, 2008
affiant placed a properly stamped envelope in the mails of the United States addressed to:

Peter S. Banks
Skamania County Prosecuting Attorney
P.O. Box 790
Stevenson, WA 98648

AND

David C. Ponzoha, Clerk
Court of Appeals, Division II
950 Broadway, Suite 300
Tacoma, WA 98402-4454

AND

Kevin Scott Greene

Anne M. Cruser
Attorney at Law
P.O. Box 1670
Kalama, WA 98625
Telephone (360) 673-4941
Facsimile (360) 673-4942
anne-cruser@kalama.com