

NO. 43781-3-II

COURT OF APPEALS, DIVISION II

STATE OF WASHINGTON,

Respondent,

vs.

CRAIG H. WALLACE II,

Appellant.

APPEAL FROM THE SUPERIOR COURT
FOR THURSTON COURT
The Honorable James J. Dixon, Judge
Cause No. 12-1-00035-6

AMENDED BRIEF OF APPELLANT

THOMAS E. DOYLE, WSBA NO. 10634
Attorney for Appellant

P.O. Box 510
Hansville, WA 98340
(360) 626-0148

TABLE OF CONTENTS

	<u>Page</u>
A. ASSIGNMENTS OF ERROR	1
B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR.....	1
C. STATEMENT OF THE CASE.....	2
D. ARGUMENT	5
01. THE TRIAL COURT ABUSED ITS DISCRETION IN ADMITTING EVIDENCE OF RECORDED TELEPHONE CALLS FROM THE THURSTON COUNTY JAIL WITHOUT SUFFICIENT AUTHENTICATION.....	5
02. THE TRIAL COURT ABUSED ITS DISCRETION IN ADMITTING EVIDENCE OF THE RECORDED TELEPHONE CALLS FROM THE THURSTON COUNTY JAIL OVER WALLACE’S HEARSAY OBJECTION	9
03. WALLACE WAS PREJUDICED AS A RESULT OF HIS COUNSEL’S FAILURE TO OBJECT TO THE RECORDED TELEPHONE CALLS WHERE THE FEMALE CALLER’S STATEMENTS VIOLATED THE CONFRONTATION CLAUSE UNDER THE SIXTH AMENDMENT AND ARTICLE I, SECTION 22 OF THE WASHINGTON CONSTITUTION	10

//

//

//

04. A CONVICTION FOR OBSTRUCTING A
LAW ENFORCEMENT OFFICER PURSUANT
TO AN INFORMATION THAT FAILS TO
ALLEGE THE ESSENTIAL ELEMENT THAT
THE DEFENDANT KNEW THAT THE LAW
ENFORCEMENT OFFICER WAS
DISCHARGING OFFICIAL DUTIES MUST
BE REVERSED.....13

E. CONCLUSION16

TABLE OF AUTHORITIES

	<u>Page(s)</u>
<u>State of Washington</u>	
<u>Auburn v. Brooke</u> , 119 Wn.2d 623, 836 P.2d 212 (1992).....	15
<u>Passovoy v. Nordstrom, Inc.</u> , 52 Wn. App. 166, 758 P.2d 524 (1988), <u>review denied</u> , 112 Wn.2d 1001 (1989).....	6, 7
<u>State v. Bourgeois</u> , 133 Wn.2d 389, 945 P.2d 1120 (1997)	8
<u>State v. Danielson</u> , 37 Wn. App. 469, 681 P.2d 260 (1984).....	7
<u>State v. Doogan</u> , 82 Wn. App. 185, 917 P.2d 155 (1996)	11
<u>State v. Early</u> , 70 Wn. App. 452, 853 P.2d 964 (1993), <u>review denied</u> , 123 Wn.2d 1004 (1994)	10
<u>State v. Foster</u> , 135 Wn.2d 441, 957 P.2d 712 (1998).....	11
<u>State v. Gentry</u> , 125 Wn.2d 570, 888 P.2d 1105 (1995).....	11
<u>State v. Gilmore</u> , 76 Wn.2d 293, 456 P.2d 344 (1969).....	11
<u>State v. Graham</u> , 78 Wn. App. 44, 896 P.2d 704 (1995).....	11
<u>State v. Henderson</u> , 114 Wn.2d 867, 792 P.2d 514 (1990).....	11
<u>State v. Hopper</u> , 118 Wn.2d 151, 822 P.2d 775 (1992).....	14
<u>State v. Jackson</u> , 113 Wn. App. 762, 54 P.3d 739 (2002)	6
<u>State ex. rel. Carroll v. Junker</u> , 79 Wn.2d 12, 482 P.2d 775 (1971).....	6
<u>State v. Kelly</u> , 102 Wn.2d 188, 685 P.2d 564 (1984).....	8
<u>State v. Kjorsvik</u> , 117 Wn.2d 93, 812 P.2d 86 (1991).....	13, 14

<u>State v. Koslowski</u> , 166 Wn.2d 409, 209 P.3d 479 (2009).....	12
<u>State v. Leach</u> , 113 Wn.2d 679, 782 P.2d 552 (1989).....	14
<u>State v. Powell</u> , 126 Wn.2d 244, 893 P.2d 615 (1995).....	6
<u>State v. Pugh</u> , 167 Wn.2d 825, 835, 225 P.3d 892 (2009).....	11
<u>State v. Royse</u> , 66 Wn.2d 552, 403 P.2d 838 (1965).....	14
<u>State v. Tarica</u> , 59 Wn. App. 368, 798 P.2d 296 (1990).....	11
<u>State v. Thomas</u> , 109 Wn.2d 222, 743 P.2d 816 (1987).....	10
<u>State v. Vangerpen</u> , 125 Wn.2d 782, 888 P.2d 1177 (1995)	15
<u>State v. White</u> , 81 Wn.2d 223, 500 P.2d 1242 (1972).....	11
<u>State v. Williams</u> , 136 Wn. App. 486, 150 P.3d 111 (2007)	6

Federal Cases

<u>Crawford v. Washington</u> , 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004).....	12, 13
<u>Lassiter v. City of Bremerton</u> , 556 F.3d 1049 (9 th Cir. 2009)	15
<u>Strickland v. Washington</u> , 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).....	10

Constitutional

Sixth Amendment	10, 13
Art. I, sec. 22 of the Washington Constitution	10, 11, 12, 13

//

Statutes

RCW 9A.76.020..... 2
RCW 10.99.020 2
RCW 10.99.050 2
RCW 26.50.110 2

Rules

CrR 2.1(b) 13
ER 801(c)..... 9
ER 802 9
ER 901 6
WPIC 120.02..... 15

Other

2 C. Torcia, Wharton on Criminal Procedure (13th ed. 1990) 13

A. ASSIGNMENTS OF ERROR

01. The trial court erred in admitting recordings of telephone conversations without sufficient authentication.
02. The trial court erred in admitting recordings of telephone conversations over Wallace's hearsay objection.
03. The trial court erred in permitting Wallace to be represented by counsel who provided ineffective assistance by failing to object to recorded telephone calls on the ground that the female caller's statements violated the confrontation clause under the Sixth Amendment and article I, section 22 of the Washington Constitution.
04. The trial court erred in not taking count III, obstructing a law enforcement officer, from the jury for lack of sufficiency of the information.

B. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

01. Whether the trial court abused its discretion in admitting evidence of recorded telephone calls without sufficient authentication?
[Assignment of Error No. 1].
02. Whether the trial court erred in admitting recordings of telephone conversations over Wallace's hearsay objection where the statements of the female caller were offered for the truth of the matter asserted?
[Assignment of Error No. 2].
03. Whether Wallace was prejudiced as a result of his counsel's failure to object to recorded telephone calls on the ground that

the female caller's statements violated the confrontation clause under the Sixth Amendment and article I, section 22 of the Washington Constitution?
[Assignment of Error No. 3].

04. Whether the information charging count III is defective in failing to allege the essential element that Wallace knew that the law enforcement officer was discharging official duties at the time of the crime of obstructing a law enforcement officer?
[Assignment of Error No. 4].

C. STATEMENT OF THE CASE

01. Procedural Facts

Craig H. Wallace II (Wallace) was charged by first amended information filed in Thurston County Superior Court on March 2, 2012, with two counts of felony violation of post conviction no contact order (domestic violence), counts I-II, obstructing a law enforcement officer, count III, and eight counts of felony violation of pretrial no contact order (domestic violence), counts IV-XI, contrary to RCWs 9A.76.020, 10.99.020, 10.99.050 and 26.50.110(5). [CP 10-11].

No motions were filed nor heard regarding either a CrR 3.5 or CrR 3.6 hearing. [CP 8]. Trial to a jury commenced on June 25, the

Honorable James J. Dixon presiding.¹ Neither objections nor exceptions were taken to the jury instructions. [RP 366].²

Wallace was found guilty as charged, sentenced within his standard range and timely notice of this appeal followed. [CP 56-76, 81-91].

02. Substantive Facts

02.1 Count I: Post Conviction Order - January 1, 2012

On October 12, 2011, a no-contact order was issued restraining Wallace, who stipulated he had two prior convictions for violating provisions of a protection order [RP 259], from contacting Mony Leap, his girlfriend, or coming within 500 feet of her residence. [RP 49, 81-84]. On the following January 1, Wallace was observed near the front door of Leap's apartment. [RP 49, 54, 60, 66].

02.2 Count III: Obstructing - January 1, 2012

Wallace took off running from the front area of Leap's apartment when the police arrived at approximately 6:45 in the evening. [RP 53, 69, 71-72]. Deputy Rod Ditrich came "within just a few feet of him." [RP 100]. "As he turned, made eye contact, he looked at me

¹ Wallace's first trial ended in a mistrial on June 19. [RP 06/19/12 82-84].

² All references to the Report of Proceedings are to the transcripts entitled Volumes I-III.

for just a second. He had that look like, oh, crap. And he took off, and he ran.” [RP 95].

I shouted, “This is the Sheriff’s Office. Stop right now. I’m deploying a police canine. You will be bit if you do not stop.”

[RP 75]. The chase proved fruitless. [RP 76-77].

02.3 Count II: Post Conviction Order - January 4, 2012

On January 4, Wallace was arrested without incident after exiting Leap’s apartment. [RP 130-31].

02.4 Count IV-XI: Pretrial Order January 30 – February 6, 2012

On January 5, another no-contact order was issued restraining Wallace from contacting Leap by telephone. [RP 263-64]. From January 30 through February 6, Wallace allegedly initiated 14 telephone contacts with Leap from the Thurston County Jail, where he was incarcerated. [RP 277, 286, 288]. The callers were informed that the calls were subject to recording and monitoring. [RP 158, 172].

Each call was made on Wallace’s jail account to a phone number Leap had previously provided to the police. [RP 270-71, 286]. The male caller identified himself as “Craig.” [RP 290]. During the calls, the two expressed their mutual love for one another [RP 291, 302, 304-05, 319], their thoughts regarding the landlord at Leap’s apartment complex, [RP

292], and circumstances relating to Wallace's arrest on January 4. [RP 277-78, 294-95]. On one occasion, the male caller referred to the female caller by Leap's first name [RP 274-75] and suggested she obtain legal counsel for her arrest on an unrelated matter. [RP 272-73]. He also told her he was not suppose to write to her, to change her phone number and not to give her name when answering the telephone. [RP 309, 311, 313, 315, 317]. On another occasion, the female caller referred to her daughter as "Alicia," which is Leap's daughter's name. [RP 48, 274, 306].

D. ARGUMENT

01. THE TRIAL COURT ABUSED ITS DISCRETION IN ADMITTING EVIDENCE OF RECORDED TELEPHONE CALLS FROM THE THURSTON COUNTY JAIL WITHOUT SUFFICIENT AUTHENTICATION.

Over Wallace's objection to lack of sufficient authentication for the admissibility the recordings of the telephone calls played to the jury [RP 136-37], the trial court admitted the evidence, stating:

Mr. Smith (defense counsel) has previously objected to the admissibility of these exhibits. The court has ruled on those objections outside the presence of the jury. And the court considers Mr. Smith's objections, both to the admissibility and to the content, to be standing objections on the part of the defendant....

[RP 290].

This court reviews a trial court's decision to admit or refuse evidence under an abuse of discretion standard. State v. Powell, 126 Wn.2d 244, 258, 893 P.2d 615 (1995). A court abuses its discretion when its decision is manifestly unreasonable or exercised on untenable grounds or for untenable reasons. State ex. rel. Carroll v. Junker, 79 Wn.2d 12, 26, 482 P.2d 775 (1971).

As a condition precedent to the admissibility of a recording, the proponent must present evidence sufficient to support a finding that the recording is what it purports to be. See ER 901(a). The person speaking on a recording must be identified: "a foundational witness (or someone else with the requisite knowledge) usually must identify those voices." State v. Jackson, 113 Wn. App. 762, 767, 54 P.3d 739 (2002). However, a voice recording can also be authenticated by evidence sufficient to support the identification, with no requirement of direct identification of the voice by a participant in the call. State v. Williams, 136 Wn. App. 486, 499-501, 150 P.3d 111 (2007). In such a case, self-identification combined with circumstantial evidence is usually sufficient. Passovoy v. Nordstrom, Inc., 52 Wn. App. 166, 171, 758 P.2d 524 (1988), review denied, 112 Wn.2d 1001 (1989). In Williams, where the State failed to produce any

participant in the admitted voice recording, Division III of this court found the recording of the victim's 911 call properly authenticated:

(T)he trial court had both spoken to Otis (victim) in court and listened to the recording of the 911 call before it made the ruling on the recording's authenticity. The trial court was, therefore, in the best position to determine if Otis' voice matched that on the recording and to require any additional authenticating evidence. Other factors, including the recital of Otis' address by the 911 caller, the fact that Otis admitted calling 911 when questioned by the court, and the fact that the events recounted by the caller were consistent with those testified to by (a second victim), all support the trial court's decision as to authenticity.

State v. Williams, 136 Wn. App. at 501.

Here, in contrast, no evidence was presented identifying the voice of the female caller. As no witness was familiar with her voice, no comparison could be made. Critically, the female caller never self-identified as Leap and no evidence was advanced that that Leap admitted she was the caller, as happened in Williams. Under Passovoy, Division I of this court ruled that the circumstantial evidence was sufficient to authenticate a telephone call where there was testimony that the caller had self-identified as the person in question, the caller was returning a call as requested, and the caller demonstrated familiarity with the facts of the incident. Passovoy, 52 Wn. App. at 171. Similarly, in State v. Danielson, 37 Wn. App. 469, 681 P.2d 260 (1984), Division I again found sufficient authentication of a recording where the caller self-identified himself, knew

personal information, and had returned a call as requested. Danielson, 37 Wn. App. at 472-73. Three conditions satisfied, each time.

The evidence in this case fell short of the three conditions adhered to in Passovoy and Danielson. While there was mention of the events relating to Wallace's arrest on January 4, there was no evidence of self-identification or a returned call from the female on the recording. The evidence was thus insufficient to support a finding of identification, with the result that the recording was not properly authenticated and should not have been admitted.

Non-constitutional error is prejudicial only if within reasonable probability the outcome of the trial would have been materially affected. State v. Kelly, 102 Wn.2d 188, 685 P.2d 564 (1984). In this context, harmless error occurs when the evidence is of "minor significance in reference to the overall, overwhelming evidence as a whole." State v. Bourgeois, 133 Wn.2d 389, 403, 945 P.2d 1120 (1997). The improper admission of the recorded calls was not of "minor significance," for it was the key piece of evidence presented by the State to demonstrate that Wallace had violated the no-contact order on the eight occasions encompassed in counts IV-XI. Wallace's convictions on these count must be reversed.

//

02. THE TRIAL COURT ABUSED ITS DISCRETION IN ADMITTING EVIDENCE OF THE RECORDED TELEPHONE CALLS FROM THE THURSTON COUNTY JAIL OVER WALLACE'S HEARSAY OBJECTION.

The trial court overruled Wallace's hearsay objection to the admission of the aforementioned recorded conversations. [RP 287].

Hearsay is defined as "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 inadmissible unless it falls within certain exceptions, none of which apply in this case. ER 802.

The recorded conversations were introduced for the sole purpose of proving that Wallace violated the no-contact order prohibiting him from telephoning Leap. For this reason, the statements of the female caller were offered for the truth of the matter asserted in order for the jury to find beyond a reasonable doubt that Wallace was in fact talking to Leap, for otherwise the conversations are irrelevant. The court erred in overruling the objection.

For the reasons expressed in the preceding section, this was not harmless error, for without this evidence the State could not prove its case vis-à-vis counts IV-XI.

03. WALLACE WAS PREJUDICED AS A RESULT OF HIS COUNSEL'S FAILURE TO OBJECT TO THE RECORDED TELEPHONE CALLS WHERE THE FEMALE CALLER'S STATEMENTS VIOLATED THE CONFRONTATION CLAUSE UNDER THE SIXTH AMENDMENT AND ARTICLE I, SECTION 22 OF THE WASHINGTON CONSTITUTION.

Every criminal defendant is guaranteed the right to the effective assistance of counsel under the Sixth Amendment of the United States Constitution and Article I, Section 22 of the Washington State Constitution. Strickland v. Washington, 466 U.S. 668, 685-86, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); State v. Thomas, 109 Wn.2d 222, 229, 743 P.2d 816 (1987). A criminal defendant claiming ineffective assistance must prove (1) that the attorney's performance was deficient, i.e., that the representation fell below an objective standard of reasonableness under the prevailing professional norms, and (2) that prejudice resulted from the deficient performance, i.e., that there is a reasonable probability that, but for the attorney's unprofessional errors, the results of the proceedings would have been different. State v. Early, 70 Wn. App. 452, 460, 853 P.2d 964 (1993), review denied, 123 Wn.2d

1004 (1994); State v. Graham, 78 Wn. App. 44, 56, 896 P.2d 704 (1995). Competency of counsel is determined based on the entire record below. State v. White, 81 Wn.2d 223, 225, 500 P.2d 1242 (1972) (citing State v. Gilmore, 76 Wn.2d 293, 456 P.2d 344 (1969)). A reviewing court is not required to address both prongs of the test if the defendant makes an insufficient showing on one prong. State v. Tarica, 59 Wn. App. 368, 374, 798 P.2d 296 (1990).

Additionally, while the invited error doctrine precludes review of error caused by the defendant, See State v. Henderson, 114 Wn.2d 867, 870, 792 P.2d 514 (1990), the same doctrine does not act as a bar to review a claim of ineffective assistance of counsel. State v. Doogan, 82 Wn. App. 185, 917 P.2d 155 (1996) (citing State v. Gentry, 125 Wn.2d 570, 646, 888 P.2d 1105 (1995)).

The Sixth Amendment provides that a person accused of a crime has the right “to be confronted with witnesses against him.” Similarly, article I, section 22 of the Washington State Constitution asserts that “[i]n criminal prosecutions the accused shall have the right to ... meet the witnesses against him face to face.” Const. art. I, § 22 (amend. 10). In State v. Pugh, 167 Wn.2d 825, 835, 225 P.3d 892 (2009) (citing State v. Foster, 135 Wn.2d 441, 957 P.2d 712 (1998)), our Supreme Court

concluded that article I, section 22 is more protective than the Sixth Amendment with regard to a defendant's right of confrontation.

In Crawford v. Washington, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004), the United States Supreme Court held that out-of-court testimonial statements by witnesses are inadmissible under the Sixth Amendment's Confrontation Clause if the witness fails to testify at trial, unless the witness is unavailable and the defendant has had a prior opportunity to cross examine the witness. Crawford, 541 U.S. at 59. On appeal, the State has the burden of establishing that statements are nontestimonial. State v. Koslowski, 166 Wn.2d 409, 417 n.3, 209 P.3d 479 (2009).

In this case, there was no showing that the female caller was unavailable for trial or subject to prior cross-examination. The recordings captured her extended comments, the content of which was used to establish her identity and thus demonstrate that Wallace had knowingly violated a provision of the no-contact order alleged in counts IV-XI. Given that she was aware the calls were subject to recording and monitoring, her statements were made "under circumstances which would lead an objective witness reasonably to believe that the statement(s) would be available for use at a later trial," Crawford, 541 U.S. at 52, which they

were. Under these circumstances, Wallace was entitled to “be confronted with” the person giving this testimony at trial. *Id.* at 54.

The record does not, and could not, reveal any tactical or strategic reason why trial counsel failed to object to the introduction of the recorded telephone calls on confrontational grounds, and the prejudice, for reasons previously set forth, is self-evident. There is a reasonable probability that the outcome of the trial on counts IV-XI would have differed had defense counsel so objected.

04. A CONVICTION FOR OBSTRUCTING A LAW ENFORCEMENT OFFICER PURSUANT TO AN INFORMATION THAT FAILS TO ALLEGE THE ESSENTIAL ELEMENT THAT THE DEFENDANT KNEW THAT THE LAW ENFORCEMENT OFFICER WAS DISCHARGING OFFICIAL DUTIES MUST BE REVERSED.

The constitutional right of a person to be informed of the nature and cause of the accusation against him or her requires that every material element of the offense be charged with definiteness and certainty. 2 C. Torcia, Wharton on Criminal Procedure Section 238, at 69 (13th ed. 1990). In Washington, the information must include the essential common law elements, as well as the statutory elements, of the crime charged in order to appraise the accused of the nature of the charge. Sixth Amendment; Const. art. 1, Section 22 (amend. 10); CrR 2.1(b); State v. Kjorsvik, 117 Wn.2d 93, 812 P.2d 86 (1991). Charging documents that fail to set forth the essential elements of a crime are constitutionally

defective and require dismissal, regardless of whether the defendant has shown prejudice. State v. Hopper, 118 Wn.2d 151, 155, 822 P.2d 775 (1992). If, as here, the sufficiency of the information is not challenged until after the verdict, the information “will be more liberally construed in favor of validity....” Kjorsvik, 117 Wn.2d at 102. The test for the sufficiency of charging documents challenged for the first time on appeal is as follows:

(1) do the necessary facts appear in any form, or by fair construction can they be found, in the charging document; and, if so, (2) can the defendant show that he or she was nonetheless actually prejudiced by the inartful language which caused a lack of notice?

Kjorsvik, 117 Wn.2d at 105-06.

It is not fatal to an information that the exact words of the statute are not used; it is instead sufficient “to use words conveying the same meaning and import as the statutory language.” State v. Leach, 113 Wn.2d 679, 689, 782 P.2d 552 (1989). The information must, however, “state the acts constituting the offense in ordinary and concise language....” State v. Royse, 66 Wn.2d 552, 557, 403 P.2d 838 (1965). The question “is whether the words would reasonably appraise an accused of the elements of the crime charged.” Kjorsvik, 117 Wn.2d at 109.

The primary purpose (of a charging document) is to give notice to an accused so a defense can be prepared. (citation omitted) There are two aspects of this notice function

involved in a charging document: (1) the description (elements) of the crime charged; and (2) a description of the specific conduct of the defendant which allegedly constituted the crime.

Auburn v. Brooke, 119 Wn.2d 623, 629-30, 836 P.2d 212 (1992).

To convict Wallace of obstructing a law enforcement officer, the State was required to prove, in part, the essential element that he knew the law enforcement officer was discharging official duties at the time. See Lassiter v. City of Bremerton, 556 F.3d 1049, 1053 (9th Cir. 2009). And while the “to-convict” instruction, court’s instruction 22, was modeled on WPIC 120.02 [CP 51] and included this element, proper jury instructions cannot cure a defective information. State v. Vangerpen, 125 Wn.2d 782, 788, 888 P.2d 1177 (1995).

The information for obstructing a law enforcement officer provided:

In that the defendant, CRAIG HOWARD WALLACE, II, State of Washington, on or about January 1, 2012, did willfully hinder, delay, or obstruct any law enforcement officer in the discharge of his or her official powers or duties.

[CP 11].

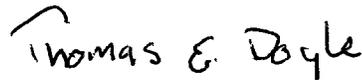
This information does not allege that Wallace “knew that the law enforcement officer was discharging official duties at the time,” though, as previously noted, this language does appear in the court’s to-convict

instruction as an element of the offense. [CP 51]. Moreover, the prosecutor acknowledged during closing argument that Wallace's knowledge in this context is an element it had the burden to prove. [RP 411]. The information is thus defective, and the conviction obtained on this charged must be reversed.

E. CONCLUSION

Based on the above, Wallace respectfully requests this court to reverse and dismiss his convictions for obstructing a law enforcement officer, count III, and eight counts of felony violation of pretrial no order, counts IV-XI, consistent with the arguments presented herein.

DATED this 13th day of March 2013.



THOMAS E. DOYLE
Attorney for Appellant
WSBA NO. 10634

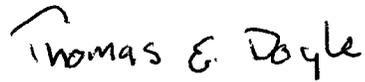
CERTIFICATE

I certify that I served a copy of the above brief on this date as follows:

Carol La Verne
paoappeals@co.thurston.wa.us

Craig Wallace II #305672
Larch Corrections Center
15314 NE Dole Valley Road
Yacolt, WA 98675-9531

DATED this 13th day of March 2013.



THOMAS E. DOYLE
Attorney for Appellant
WSBA NO. 10634

DOYLE LAW OFFICE

March 20, 2013 - 4:35 PM

Transmittal Letter

Document Uploaded: 437813-Amended Appellant's Brief.pdf

Case Name: State v. Wallace

Court of Appeals Case Number: 43781-3

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: Amended Appellant's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

Typo re client's name: Wallace II, not Wallace III

Sender Name: Thomas E Doyle - Email: **ted9@me.com**

A copy of this document has been emailed to the following addresses:
paoappeals@co.thurston.wa.us