

NO. 45457-2-II

**IN THE COURT OF APPEALS OF THE STATE OF
WASHINGTON,**

DIVISION II

STATE OF WASHINGTON,

Respondent,

vs.

JEROME WARD MOODY,

Appellant.

RESPONDENT'S BRIEF

SUSAN I. BAUR
Prosecuting Attorney
JASON LAURINE/WSBA 36871
Deputy Prosecuting Attorney
Representing Respondent

HALL OF JUSTICE
312 SW FIRST
KELSO, WA 98626
(360) 577-3080

TABLE OF CONTENTS

	PAGE
I. ISSUES.....	1
II. ANSWERS.....	1
III. FACTS	2
IV. ARGUMENT.....	5
1. THE STATE PRESENTED SUFFICIENT EVIDENCE AT TRIAL TO JUSTIFY THE AGGRESSOR INSTRUCTION.	5
2. MOODY WAS PERMITTED TO ARGUE HIS THEORY OF THE CASE.....	8
3. THOUGH IT WAS NOT ERROR TO GIVE THE AGGRESSOR INSTRUCTION, ANY ERROR WOULD HAVE BEEN HARMLESS.....	10
4. IT WAS NOT PROSECUTORIAL MISCONDUCT TO REFERENCE THE CONDITIONS IN JAIL WHEN ARGUING A CUSTODIAL ASSAULT.....	13
5. OFFENDER SCORE.....	17
V. CONCLUSION	18

TABLE OF AUTHORITIES

	Page
Cases	
<i>Arizona v. Fulminante</i> , 499 U.S. 279, 111 S.Ct. 1246, 113 L.Ed.2d 302 (1991).....	10
<i>Hudson v. Palmer</i> , 468 U.S. 517, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984)	14
<i>In re Personal restraint of Reismiller</i> , 101 Wash.2d 291, 678 P.2d 323 (1984).....	14
<i>Neder v. United States</i> , 527 U.S. 1, 119 S.Ct. 1827, 144 L.Ed.2d 35 (1999)	10, 11
<i>Rose v. Clark</i> , 478 U.S. 570, 106 S.Ct. 3101, 92 L.Ed.2d 460 (1986)	11
<i>State v Magers</i> , 164 Wash.2d 174, 189 P.3d 126 (2008).....	13
<i>State v. Anderson</i> , 144 Wash.App. 85, 180 P.3d 885 (2008).....	5, 6, 8
<i>State v. Bergstrom</i> , 162 Wn.2d 87, 169 P.3d 816 (2007)	18
<i>State v. Bowerman</i> , 115 Wash.2d 794, 802 P.2d 116 (1990)	8
<i>State v. Bradley</i> , 141 Wash.2d 731, 10 P.3d 358 (2000).....	14
<i>State v. Cobos</i> , 178 Wash.App. 692, 315 P.3d 600 (2013).....	18
<i>State v. Craig</i> , 82 Wash.2d 777, 514 P.2d 151 (1973)	9

<i>State v. Davis</i> , 119 Wash.2d 657, 835 P.2d 1039 (1992)	6
<i>State v. Ford</i> , 137 Wash.2d 472, 973 P.2d 452 (1999).....	17
<i>State v. George</i> , 161 Wash.App. 86, 249 P.3d 202 (2011).....	9
<i>State v. Graham</i> , 59 Wash.App. 418, 798 P.2d 314 (1990).....	13
<i>State v. Gregory</i> , 158 Wash.2d 759, 147 P.3d 1201 (2006)	16
<i>State v. Hughes</i> , 106 Wash.2d 176, 721 P.2d 902 (1986)	6, 13
<i>State v. Johnson</i> , 100 Wash.2d 607, 674 P.2d 145 (1983)	11
<i>State v. Mills</i> , 154 Wash.2d 1, 109 P.3d 415 (2005).....	9
<i>State v. Mutch</i> , 171 Wash.2d 646, 254 P.3d 803 (2011).....	17
<i>State v. O'Hara</i> , 167 Wash.2d 91, 217 P.3d 756 (2010).....	10
<i>State v. Parker</i> , 132 Wash.2d 182, 937 P.2d 575 (1997).....	17
<i>State v. Riley</i> , 137 Wash.2d 904, 976 P.2d 624 (1999).....	5, 6, 7, 9
<i>State v. Robinson</i> , 38 Wash.App 871.....	11
<i>State v. Russell</i> , 125 Wash.2d 24, 882 P.2d 747 (1994)	13
<i>State v. Thompson</i> , 47 Wash.App. 1, 733 P.2d 584 (1987)	6
<i>State v. Thorgerson</i> , 172 Wash.2d 438, 258 P.3d 43 (2011).....	13
<i>State v. Wingate</i> , 155 Wash.2d 817, 122 P.3d 908 (2005)	6, 8

Statutes

RCW 9.94A.530(2) 18

I. ISSUES

1. Was it error for the trial court to give the aggressor instruction when evidence suggesting Moody did more than passively resist officers after he threatened them was presented at trial?
2. When the court provided the jury both self-defense and aggressor instructions, was Moody prevented from arguing his theory of the case?
3. Did the State commit prosecutorial misconduct when it referenced the conditions and people within jail during its closing argument for a charge of custodial assault?
4. Was it error for the court to sentence Moody to 29 months when he did not object to the State's statement of his criminal history, instead requesting an exceptional sentence below the standard range?

II. ANSWERS

1. No, it was not error because evidence showed that Moody had done more than simply make pointed threats to correction officers before biting the victim.
2. No, Moody was permitted to argue his theory of the case.
3. No, it is only to be expected that a closing argument for a charge of custodial assault would reference the place and conditions of jail.
4. No, it was not error, but if the court does find it error they should not grant the improper relief sought by Moody.

III. FACTS

On March 19, 2013, Jerome Moody was arraigned on a charge of custodial assault, which alleged he bit John Lacy, a Cowlitz County Corrections officer. He was tried on July 17 and July 18, 2013.

At trial, the State introduced evidence through the testimony of five witnesses: Cowlitz County Correction officers, Ryan Munger, RP 58-119, Joel Treichel, RP 136-172, Ashley Van Fleet, RP 186-227, John Lacy, RP 256-286, and Cowlitz County Sheriff deputy, Scott Baker, RP 123-135.

The evidence showed that on March 3, 2013, Moody was in solitary confinement because he made suicidal threats. He was on a 24 hour watch, which required that correction officers maintained eyes on Moody in order to prevent him from following through on those threats. Typically, solitary cells are equipped with working cameras but in Moody's case the camera was not operational so officers were required to look inside the cell on a regular schedule. RP 72.

Moody prevented this by placing his smock over the window that looked into the cell. Officer Munger requested that he take down his smock, a request that received a barrage of invective from Moody. Moody

yelled “I’m going to fight every single one of you,” and “get ready for a fight, because I am going to fight every single one of you.” RP 74, 75, 144. Officer Munger was aware he should use extreme caution when dealing with Moody. RP 71. In an attempt to control the situation, Munger ordered Moody to cuff up, but the Moody refused. RP 75, 76, 144

Armed with a taser, officers prepared to enter Moody’s cell, but because of the smock, they were unaware of what Moody might have concealed in the room. What they did know is that Moody continuously challenged them to fight him. RP 74, 196. He resisted commands and only submitted to officers when the taser’s red laser guide was levelled on his chest. RP 77, 262, 273. Even then, Moody was confrontational and threatened the officers. RP 77.

Rather than tasing Moody, the officers went hands on and escorted him from the cell by his arms. RP 78, 147, The officers used a technique described as the continuum of force. RP 137, 188. Their actions were dictated by Moody’s actions; they were reactions that mirrored Moody’s attempts to escalate the situation. RP 78., 137, 138, 139,

Moody remained non-compliant and resistant as officers guided him to a restraint chair. RP 78, 89, 199, 264, 273. The chair while perhaps restrictive, it is not uncomfortable. RP 83. He used physical force against

the officers. RP 92. He tensed up and tried to outmuscle officers, and tried to escape their tactical holds. RP 147 Officers responded by leaning him forward to prevent him from spitting on them or attacking them. RP 82, 198, 199.

Moody's resistance prevented officers from controlling him so greatly that an officer was forced to grab his hair to control his movements. RP 90. In fact, until they applied that hold, Moody controlled the situation. RP 210. Officers did no more than that; they did not attempt to break his arms, nor did they attempt to choke him. RP 83, 94, 150, 151. Not one officer choked him as they put him in the chair or while he was in the chair. RP. 83, 206, 270, 274. Indeed, Moody did not have any strangulation marks on his neck. RP 155. Moody remained verbally confrontational throughout, telling officers he would take them on and beat them up. RP 88-9.

He continued to resist officers' efforts to control him. RP 265. Moody slipped Officer Lacy's hold. He then tucked his arms under his chest, leaned forward, and prevented officers from placing them in restraints. RP 90, 148, 149, 274.

Despite his behavior, officers were not able to walk away from Moody and the situation he created. RP 91. If they did, Moody could have

armed himself and the risk of injury for the officers would have been escalated. RP 91.

Officer Lacy was required to reach for his arm. Moody leaned into officer Lacy and bit him so hard it left bite marks. RP 93, 125, 149, 268, 276; Exhibit 2. Moody then said he was glad he bit Officer Lacy. RP 154. In a later interview, Moody admitted to biting officer Lacy. RP 129. To get Moody to release his bit, Lacy hit him in soft part of his back. RP 93. Moody finally complied. RP 95. All of this was caught on video and the video was played to the jury. RP 69, 80, 143, 205.

The jury convicted Moody as charged.

IV. ARGUMENT

1. The State presented sufficient evidence at trial to justify the aggressor instruction.

The court reviews de novo whether sufficient evidence justified an aggressor instruction. *State v. Anderson*, 144 Wash.App. 85, 89, 180 P.3d 885 (2008). The State needs only to produce some evidence showing Moody was the aggressor to meet its burden justifying the aggressor instruction. *State v. Riley*, 137 Wash.2d 904, 909-10, 976 P.2d 624 (1999).

When credible evidence exists from which a jury can determine the defendant provoked the need to act in self-defense, an aggressor instruction is appropriate. *Riley*, 137 Wash.2d at 909-10, 976 P.2d 624, citing *State v. Hughes*, 106 Wash.2d 176, 191-92, 721 P.2d 902 (1986). A court properly submits an aggressor instruction where (1) the jury can reasonably determine from the evidence that the defendant provoked the fight; (2) the evidence conflicts as to whether the defendant's conduct provoked the fight; or (3) the evidence shows that the defendant made the first move. *Anderson*, 144 Wash.App. at 89, 180 P.3d 885 (citing *Riley*, 137 Wash.2d at 909-10, 976 P.2d 624); see *State v. Thompson*, 47 Wash.App. 1, 7, 733 P.2d 584 (1987); *State v. Davis*, 119 Wash.2d 657, 666, 835 P.2d 1039 (1992).

In *State v. Wingate*, the Supreme Court held that where conflicting evidence existed regarding who participated in an altercation and who started it, that the aggressor instruction was properly given. 155 Wash.2d 817, 822-24, 122 P.3d 908 (2005). There, depending on which version of events was believed, evidence showed that the justification for the use of force actually was not present during the shooting. The Court found reasonable interpretations existed and justified the aggressor instruction. 155 Wash.2d at 823.

Similar interpretations of the facts exist in the current case. The State argued that the officers' actions mirrored Moody's actions, which were likely to provoke a belligerent response because they occurred in jail against correction officers. Moody argued that he felt he was being choked. Given the conflicting evidence, it was appropriate to instruct the jury of the law surrounding first aggressors.

While words alone do not support a trial court's decision to give the jury the aggressor instruction, Moody did much more than simply claim that he wanted to fight correction officers. *Riley*, 137 Wash.2d at 911. Evidence showed that Moody provoked the response from correction officers. He disregarded the commands of officers to comply with specific requirements intended to assure his safety and the safety of those in the jail. He resisted officers' efforts to put him in a restraint chair, eventually pulling his arm free from officer's grasp. At that point, he presented an immediate threat to every officer's safety. With Moody's continued threats in mind, the officers escalated their use of force only because Moody escalated his behavior. It was Moody's conduct that justified the decision to instruct the jury that no person by an intentional act reasonably likely to provoke a belligerent response create a necessity for acting in self-defense.

Consistent with the holding in *Wingate*, the trial court in the present case determined evidence sufficient enough to justify the defense and the initial aggressor instructions existed, and both parties were allowed to argue their case.

Moody also argues that the instruction should not have been given because Washington Courts have never condoned the use of the aggressor instruction in cases of custodial assault. However, Washington Courts have never ruled against the use of the instruction in such circumstances either.

The use of the instruction is permitted when evidence has been presented by the State that a defendant either provoked the fight, made the first move, or evidence conflicts whether or not a defendant provoked the fight. *Anderson*, 144 Wash.App. 89, 180 P.3d 885. In the present case, the policy concerns for the aggressor instruction do still exist. Indeed, they are heightened because of the very nature of the arena in which the assault occurred.

2. Moody was permitted to argue his theory of the case.

Jury instructions are sufficient if they permit each party to argue his theory of the case and properly inform the jury of the applicable law. *State v. Bowerman*, 115 Wash.2d 794, 809, 802 P.2d 116 (1990). To

satisfy the constitutional demands of a fair trial, the jury instructions, when read as a whole, must correctly tell the jury of the applicable law, not be misleading, and permit the defendant to present his theory of the case. *State v. Mills*, 154 Wash.2d 1, 7, 109 P.3d 415 (2005).

To raise self-defense a defendant need only produce some evidence that his actions occurred when acting in self-defense. *Riley*, 137 Wash.2d at 909. It is true that a trial court may not deny a defendant the opportunity to argue self-defense where credible evidence exists to support such an instruction. *State v. George*, 161 Wash.App. 86, 100, 249 P.3d 202 (2011).

Unlike in *State v. Craig*, where the Supreme Court upheld the trial court's decision to deny the defendant the defense of self-defense due to his threatening behavior, 82 Wash.2d 777, 783-84, 514 P.2d 151 (1973), the aggressor instruction allows a defendant to argue self-defense if conflicting evidence exists. The Court in *Wingate* recognized that evidence can exist supporting conflicting theories of self-defense and initial aggressor, and stood for the premise that a jury is capable of making the decision when both are argued. 155 Wash.2d at 823-24.

Here, despite the truly limited evidence suggesting self-defense was appropriate, the trial court gave the self-defense instruction to the

jury. Moody was permitted to argue self-defense. His counsel made relevant inquires during both cross examination of the State's witnesses, and referenced the evidence in his closing argument as it pertained to the self-defense instruction, instruction 10. RP 315-16, 320-23; 326-28. If the aggressor instruction is available when evidence exists suggesting either option is possible, then it serves that Moody was permitted to argue his case.

3. Though it was not error to give the aggressor instruction, any error would have been harmless.

If the court finds it was error for the trial court to provide the aggressor instruction it should perform a harmless-error analysis because the instruction alone did not affect the framework of the trial

Due process requires a criminal defendant be convicted only when every element of the charged crime is proved beyond a reasonable doubt. *State v. O'Hara*, 167 Wash.2d 91, 105, 217 P.3d 756 (2010).

Courts have recognized that most constitutional errors can be harmless. *Neder v. United States*, 527 U.S. 1, 8, 119 S.Ct. 1827, 144 L.Ed.2d 35 (1999) (citing *Arizona v. Fulminante*, 499 U.S. 279, 306, 111 S.Ct. 1246, 113 L.Ed.2d 302 (1991)). Because Moody had counsel and was tried by an impartial jury, a strong presumption exists that any error that

may have occurred is subject to harmless-error analysis. *Neder*, 527 U.S. at 8, 119 S.Ct. 1827. Only in extreme instances should a court deny harmless error analysis. Only when a defect affects the entire framework within which the trial precedes is an error considered structural and harmless error analysis denied. *Id.*

The State has the burden of proving the error was harmless. A constitutional error is harmless if it can be said beyond a reasonable doubt that it did not contribute to the verdict or it is harmless whenever it can be said beyond a reasonable doubt that the evidence not tainted by the error is so overwhelming that it necessarily leads to a finding of guilt. *State v. Robinson*, 38 Wash.App 871; *See State v. Johnson*, 100 Wash.2d 607, 621, 674 P.2d 145 (1983). A reviewing court does not act as a second jury to determine whether the defendant is guilty, it asks whether the record contains evidence sufficient enough that could rationally lead to a contrary finding had the error not occurred. If the answer is no, then the error is harmless. *Rose v. Clark*, 478 U.S. 570, 577, 106 S.Ct. 3101, 92 L.Ed.2d 460 (1986). When the elements are supported by overwhelming evidence, harmless error should be found. *Neder*, 527 U.S. at 18, 119 S.Ct. 1246.

Here, the elements of custodial assault are supported by the evidence that came out in the trial. While Moody argued at trial that he

thought he was being choked, the video showed that not one officer had Moody in a choke hold or actually had their hands around his neck. What the video did show was an officer control Moody by his hair, another control his left arm, and one on his right arm, as others worked to place him within a restraint chair. It also showed him pull his arm away from Officer Lacy, and, when Officer Lacy attempted to regain control of Moody's arm, Moody bit him.

In addition to that evidence, there was the testimony of the four officers who attended to Moody during the incident. They described how Moody threatened to assault all of them as he was resistive to their efforts to get him in the restraint chair. They also described how he pulled his arm away from Lacy, right before he bit him.

Moody relies on *Stark* to support his argument that advising the jury of the aggressor instruction was not harmless error. There, the court held it was not harmless-error to give the aggressor instruction to the jury because evidence showed that the defendant did nothing to initiate the attack. 158 Wash.App. at 960-61.

Here, the circumstances are different. Evidence showed that Moody instigated the contact and that the officers' conduct was reasonable given the circumstances.

4. It was not prosecutorial misconduct to reference the conditions in jail when arguing a custodial assault.

Because Moody argues that the State made improper arguments during closing, he bears the burden of establishing the impropriety of the prosecutor's comments as well as their prejudicial nature. *State v. Russell*, 125 Wash.2d 24, 85, 882 P.2d 747 (1994); *State v. Hughes*, 106 Wash.2d 176, 195, 721 P.2d 902 (1986). Moody establishes this by proving there is a substantial likelihood the instance of alleged misconduct affected the jury's outcome. *State v. Magers*, 164 Wash.2d 174, 191, 189 P.3d 126 (2008).

Alleged improper arguments should be reviewed in the context of the total argument, the issues in the case, the evidence addressed in the argument, and the instructions given. *State v. Graham*, 59 Wash.App. 418, 428, 798 P.2d 314 (1990). A prosecutor enjoys wide latitude in closing argument to draw reasonable inferences from the evidence and may freely comment on the evidence. *State v. Thorgerson*, 172 Wash.2d 438, 448, 258 P.3d 43 (2011).

Evidence came out in trial that described the nature of jail and the daily heightened safety concerns. Testimony included the types of items found in jail and the fact officers were helpless in knowing whether Moody had anything in his cell or on his person. RP 117-118, 259. It was

key for jurors to understand this evidence in order to understand why the officers applied the type of force they used on Moody. The State referenced this evidence not to suggest Moody was the type of person who would commit these crimes, but to describe the heightened concern officers had for their safety.

The use of force against correctional officers has the same status as the use of force against arresting officers. *State v. Bradley*, 141 Wash.2d 731, 10 P.3d 358 (2000). Significant public policy dictates that to be the case. Prisons and jails are populated by people who have chosen to violate the criminal law, and many of them have been violent. 141 Wash.2d at 742; *In re Personal restraint of Reismiller*, 101 Wash.2d 291, 294, 678 P.2d 323 (1984). Correctional officers are often outnumbered by detainees and because of that significant safety issues dangers exist in correctional facilities. As the United Supreme Court noted,

“Prisons, by definition, are places of involuntary confinement of persons who have demonstrated proclivity for antisocial criminal, and often violent, conduct. Inmates have necessarily shown a lapse in ability to control and conform their behavior to the legitimate standards of society by normal impulses of self-restraint.”

Hudson v. Palmer, 468 U.S. 517, 526, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984).

The State did not ask the jury to convict Moody based on their passions, prejudices, or on Moody's bad character. Rather the State described the setting of the incident and the Officers' mental states as they attempted to control the behavior of an uncooperative and potentially violent inmate. The argument was intended to educate jurors on the situation those Officers faced due to Moody's own actions. When a crime occurs in jail it is near impossible to dance around the obvious. Indeed, the State immediately addressed the setting of the crime in its closing argument.

"Even in situations like jail, there are laws. There are codes of conduct. There are rules that people must follow. We may not always like those rules, but they're there to ensure the safety of people. In fact, they're there to ensure the safety not only of the individuals who are watching over those people, but the actual inmates in jail.

"This is one of those instances when those laws and rules were being enforced, and someone did not like the fact that they were being enforced. The defendant was in suicide watch. Not a nice thing to have to go through, I'm sure. He's probably despondent, not feeling very good about himself, and he is threatening to kill himself...Part of that watch requires that every individual officer there makes certain to ensure that he doesn't follow through on anything that he may be feeling." RP 304.

In both its closing and rebuttal closing, the State argued that officers have to make life safe within the jail. RP 304, 309-10. Rather than hiding the fact the crime took place in jail and that bad people reside in

jail, the state pointed to the obvious. But not once in its closing argument or in its rebuttal did the State suggest Moody was a bad person or that he committed the crime because he was in jail.

Moody requires the state to avoid the elephant in the room—that this crime was committed in jail. However, the very fact that it was committed in jail means that fact cannot be ignored. This was a crime committed against a correctional officer charged with the dual duty of ensuring both his own safety as well as Moody’s safety.

The argument he now complains of came in rebuttal of defense closing. Defense counsel argued that the correction officers used excessive force against Moody and therefore Moody was justified to bite Officer Lacy, an argument that ignored the testimony of four correction officers who were present when he assaulted Lacy.

Moody did not object to the argument at trial. That failure waives the issue unless the misconduct is so flagrant and ill-intentioned that it leaves an enduring and resulting prejudice incurable by a curative instruction. *State v. Gregory*, 158 Wash.2d 759, 841, 147 P.3d 1201 (2006). Moody failed to show how prejudice occurred and that the prosecutor’s argument was flagrant and ill-intentioned. Consequently, this issue fails.

5. Offender Score.

An offender score calculation is reviewed de novo. *State v. Parker*, 132 Wash.2d 182, 189, 937 P.2d 575 (1997). If there is error in the calculation, remand for resentencing is with the correct offender score would be appropriate remedy. *Id.* at 192-93, 937 P.2d 575. *see State v. Mutch*, 171 Wash.2d 646, 653, 254 P.3d 803 (2011).

At sentencing, the State provided the court a summary of the Moody's criminal history. That summary was listed in paragraph 2.2 of Moody's judgment and sentence. The trial court reviewed this summary prior to imposing sentence on Moody. In the summary, the State indicated the cause number associated with each conviction, and included the date of the offense, the date of the conviction, the type of offense and whether the conviction occurred while the defendant was an adult or a juvenile.

It would be pointless to argue this evidence is much more than a bare assertion, unsupported by evidence. *State v. Ford*, 137 Wash.2d 472, 482, 973 P.2d 452 (1999). However, the State did provide more than a mere announcement that it knew Moody had been convicted at some time for some sort of crime, these assertions have a basis in record and that basis was listed in the summary. *Id.*

The fact is, Moody did not object to his offender score at sentencing. Indeed, he requested an exceptional sentence below the standard range. RP 378-79.

Moody now requests this court to find that his offender score is zero and remand to resentence in that range. That is not the proper procedure. If this court finds that the state failed to provide evidence enough to support Moody's standard range it should remand for a resentencing, allowing the State to present more evidence of Moody's prior convictions. RCW 9.94A.530(2); *State v. Bergstrom*, 162 Wn.2d 87, 169 P.3d 816 (2007); *State v. Cobos*, 178 Wash.App. 692, 315 P.3d 600 (2013).

V. CONCLUSION

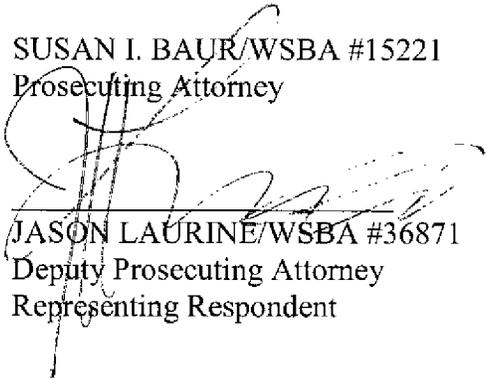
Moody's conviction should be upheld because the trial Court did not error by giving the aggressor instruction. And even if it was error, the error was harmless because evidence was sufficient to prove beyond a reasonable doubt that Moody committed custodial assault.

Moody has failed to show the State's argument was flagrant, ill-intentioned, and prejudicial. Consequently, he has failed to show that the comments were prosecutorial misconduct, justifying reversal.

Respectively submitted this 6th day of June, 2014.

SUSAN I. BAUR/WSBA #15221
Prosecuting Attorney

By:


JASON LAURINE/WSBA #36871
Deputy Prosecuting Attorney
Representing Respondent

CERTIFICATE OF SERVICE

Michelle Sasser, certifies that opposing counsel was served electronically via the Division II portal:

Jodi R. Backlund
Attorney at Law
P.O. box 6490
Olympia, WA 98507
backlundmistry@gmail.com

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Kelso, Washington on June 6th, 2014.


Michelle Sasser

COWLITZ COUNTY PROSECUTOR

June 06, 2014 - 10:35 AM

Transmittal Letter

Document Uploaded: 454572-Respondent's Brief.pdf

Case Name: State of Washington v. Jerome Moody

Court of Appeals Case Number: 45457-2

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: Respondent'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:

No Comments were entered.

Sender Name: Michelle Sasser - Email: sasserm@co.cowlitz.wa.us

A copy of this document has been emailed to the following addresses:

backlundmistry@gmail.com