

NO. 48474-9-II

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

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STATE OF WASHINGTON,

Respondent,

v.

DARREN SCOTT CARMEN,

Appellant.

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

The Honorable Richard L. Brosey, Judge

OPENING BRIEF OF APPELLANT

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Peter B. Tiller, WSBA No. 20835  
Of Attorneys for Appellant

The Tiller Law Firm  
Corner of Rock and Pine  
P. O. Box 58  
Centralia, WA 98531  
(360) 736-9301

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**A. ASSIGNMENTS OF ERROR**

1. The state presented insufficient evidence to prove the elements of attempting to elude a pursuing police vehicle beyond a reasonable doubt.

2. The court violated appellant Darren Carmen's right to due process under Washington Constitution, Article 1, § 3, and United States Constitution, Fourteenth Amendment, when it entered judgment against him for felony eluding because substantial evidence does not support the conviction.

3. The trial court erred in admitting prior bad acts evidence under ER 404(b) of a conviction for driving while license suspended or revoked in the third degree.

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

1. Did the trial court violate Mr. Carmen's right to due process under Washington Constitution, Article 1, § 3, and United States Constitution, Fourteenth Amendment, evidence showed that the pursuing deputy sheriff was up to 800 to 900 feet behind Mr. Carmen's truck—which was traveling at 70 to 80 miles per hour when the deputy first saw the vehicle, and that although the deputy's vehicle was able to close some of the distance to the truck, the deputy did not initially activate his overhead lights, and initially testified that he was 140 to 150 feet behind the truck—which he conceded was an estimate—and then stated that he was "fairly close" to the truck prior to the time Mr. Carmen lost

control and crashed. Assignments of Error 1 and 2.

2. Mr. Carmen was tried on charge of attempting to elude. The state offered evidence that he also committed the offense of driving while license suspended or revoked in the third degree, a charge to which Mr. Carmen had entered a guilty plea at the beginning of the trial. Did the trial court err in admitting this evidence under ER 404(b) to prove motive?

Assignment of Error

### **C. STATEMENT OF THE CASE**

#### **a. Factual history:**

While parked near the intersection of Birchfield Parkway and Middle Fork Road in Lewis County, Washington shortly before 6 p.m. on July 9, 2015, Deputy Sheriff Justin Rodgers saw a black Chevrolet Silverado pickup truck go past him at a high rate of speed. 1RP at 61, 63. The deputy, who was working on his computer, was parked perpendicular to Middle Fork road. 1RP at 63, 84. He stated that as the truck passed his location—at a speed he estimated at between 70 and 80 miles per hour—he made eye contact with the driver. 1RP at 63. He saw the brake lights go on as the truck passed his car's location. 1RP at 64.

Deputy Rodgers, who was wearing a uniform and was in a marked police vehicle, stated that as he pulled out, the trucks brake lights went off

and the truck appeared to accelerate. 1RP at 65. He followed the truck and paced it as going between 90 and 100 miles per hour. 1RP at 67. As he followed the truck he saw it swerve over the center line, and the deputy activated his overhead lights. 1RP at 66, 107, 108. He estimated that he was between 40 to 50 yards behind the truck when he turned on the overhead lights. 1RP at 66. During cross-examination, the deputy agreed that initially he was “theoretically” 800 to 900 feet behind the truck after he started following, but that he was able to close the gap and got “fairly close” to the truck. 1RP at 101, 102, 120. Despite his earlier testimony, the deputy testified that he did not know “specifically if it was 40 to 50 yards” behind the truck when he turned on the lights, but he was “[c]lose enough that I could still see his taillight as I came through the corner.” 1RP at 102.

The deputy said that he kept the truck in sight until it went around a sharp turn approximately a mile and a half from the point at which he had turned on his overhead lights, at which time he briefly lost view of the truck while slowing for the corner. 1RP at 67. As he went around the corner he went through a large cloud of dust at the intersection of the Middle Fork Road and Kruger Road. 1RP at 69. He continued down the road and saw the truck, which had come to a stop in an open field. 1RP at 69. The deputy stated that the truck had left the road when the driver attempted to turn on the

Kruger Road, went through a gravel parking lot, hit a county speed limit sign and then a stump, sheering off the right rear wheel at the axle. 1RP at 71. Exhibits 2, 7, 8, 13, 18 and 21. The truck continued on three wheels back onto Kruger Road, leaving scrape marks in the road, went off the road and then came to a stop in an adjacent field. 1RP at 70, 71.

The driver was standing outside the driver's side of the truck looking inside the vehicle when the deputy approached the scene with his gun drawn. 1RP at 77, 78. The driver, identified as Darren Carmen, started to quickly move away from the wrecked truck, and the deputy commanded him to stop and show his hands. 1RP at 78. Mr. Carmen complied with the deputy's order and he was taken into custody. 1RP at 78. The wrecked truck was released its owner—Mr. Carmen's mother. 1RP at 78, 129.

**b. Procedural history:**

Darren Carmen was charged with attempting to elude a pursuing police vehicle (count I); driving while license suspended or revoked in the third degree (count II); and driving without an ignition interlock (count III). RCW 46.61.024, RCW 46.20.342(1)(c), and RCW46.20.740. Clerk's Papers (CP) 1-5.

The defense moved to suppress Mr. Carmen's statements to law enforcement pursuant to CrR 3.5 on October 21, 2015. RP (10/21/15) at 1-

40; CP 9. After hearing testimony from Deputy Rodgers and argument of counsel, the court granted the motion to suppress Mr. Carmen's pre-*Miranda* statements to Deputy Rodgers. RP (10/21/15) at 37-40. Findings and conclusions were entered on November 12, 2015. CP 20-24.

c. Conviction and sentencing:

On December 1, 2015, Mr. Carmen entered guilty pleas to counts II and III. 1RP at 19-27; CP 53-58. Jury trial was held before the Honorable Richard Brosey on December 1 and 2, 2015 on the charge of attempting to elude. 1RP at 27-162, 2RP at 166-224.

After pleading guilty to counts II and III, defense counsel moved to suppress evidence of Mr. Carmen's convictions for DWLS 3rd and driving without an ignition interlock. 1RP at 29-33. The state argued that the offenses showed Mr. Carmen's mental state of knowing that he was committing two separate offenses and that he willfully failed to stop as a result of that knowledge. 1RP at 32-33. The court ruled that evidence of Mr. Carmen's suspended license was probative of motive as to why he would willfully fail to stop as alleged by the state, but evidence of his failure to have an ignition interlock was excluded because the prejudicial implication that Mr. Carmen had a prior alcohol-related driving offense outweighed the probative value of the evidence. 1RP at 42-43, 2RP at 171.

The state called Deputy Rodgers as its primary witness in its case in chief. 1RP at 60-128. The deputy testified to the facts as set out in the preceding factual history.

Following the reception of evidence, the court instructed the jury, the parties presented their closing arguments, and the jury retired to deliberate. CP 64-81. The jury later returned with a verdict of “guilty” to the charge of attempting to elude a pursuing police vehicle. 2RP at 224; CP 63.

At sentencing, the defense and prosecution agreed that Mr. Carmen had an offender score of 9+, and the court imposed a standard range sentence of 25 months for Count 1, and also imposed 90 days for Count II and 364 days for Count III, to be served concurrently. 2RP at 229, 236; CP 91.

Timely notice of appeal was filed January 13, 2016. CP 99. This appeal follows.

**D. ARGUMENT**

**1. THE CONVICTION FOR ATTEMPTING TO ELUDE VIOLATED MR. CARMEN’S FOURTEENTH AMENDMENT RIGHT TO DUE PROCESS BECAUSE THE EVIDENCE WAS INSUFFICIENT TO PROVE THE ELEMENTS OF THE OFFENSE**

**a. The prosecution failed to prove beyond a reasonable doubt the elements of attempting to elude**

As a part of the due process rights guaranteed under both the Washington Constitution, Article 1, § 3 and United States Constitution,

Fourteenth Amendment, the state must prove every element of a crime charged beyond a reasonable doubt. *State v. Baeza*, 100 Wn.2d 487, 488, 670 P.2d 646 (1983); *In re Winship*, 397 U.S. 358, 364, 90 S.Ct. 1068, 1073, 25 L.Ed.2d 368 (1970). As the United States Supreme Court explained in *Winship*: “[The] use of the reasonable-doubt standard is indispensable to command the respect and confidence of the community in applications of the criminal law.” *In re Winship*, 397 U.S. at 364. If substantial evidence does not support a finding that each and every element of the crime charged is proved beyond a reasonable doubt, then any remedy other than dismissal with prejudice violates a defendant's right under Washington Constitution, Article 1, § 9 and United States Constitution, Sixth Amendment to be free from double jeopardy. *State v. Anderson*, 96 Wn.2d 739, 742, 638 P.2d 1205 (1982); *Hudson v. Louisiana*, 450 U.S. 40, 101 S.Ct. 970, 67 L.Ed.2d 30 (1981).

Mere possibility, suspicion, speculation, conjecture, or even a scintilla of evidence, is not substantial evidence, and does not meet the minimum requirements of due process. *State v. Moore*, 7 Wn.App. 1, 499 P.2d 16 (1972). As a result, any conviction not supported by substantial evidence may be attacked for the first time on appeal as a due process violation. *Id.* “Substantial evidence” in the context of a criminal case, means evidence sufficient to persuade “an unprejudiced thinking mind of the truth of the fact to which the

evidence is directed.” *State v. Taplin*, 9 Wn.App. 545, 513 P.2d 549 (1973) (quoting *State v. Collins*, 2 Wn.App. 757, 759, 470 P.2d 227, 228 (1970)).

The test for determining the sufficiency of the evidence is whether, “after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 334, 99 S.Ct. 2781, 2797, 61 L.Ed.2d 560 (1979); *State v. Green*, 94 Wn.2d 216, 616 P.2d 628 (1980).

Evidence is insufficient to support a conviction unless, when viewed in the light most favorable to the state, any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. *State v. Engel*, 166 Wn.2d 572, 576, 210 P.3d 1007 (2009).

Here, the state charged Mr. Carmen with felony eluding under RCW 46.61.024. The statute provides in relevant part:

(1) Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens.

RCW 46.61.024(1). Appendix A.

To obtain a conviction for attempting to elude, the prosecution was required to prove beyond a reasonable doubt that Mr. Carmen willfully failed or refused to immediately stop his truck after having been given a signal to do so by a uniformed officer, that he attempted to elude a pursuing police vehicle equipped with a lights and sirens, and that he drove in a reckless manner. RCW 46.61.024; Instruction Nos. 5, 7, 9, 10, 11. CP 71-77. See also *State v. Hudson*, 85 Wn.App. 401, 403, 932 P.2d 714 (1997).

Mr. Carmen does not dispute that the state presented substantial evidence that Deputy Rodgers was wearing his full patrol uniform and that he was driving a fully marked patrol vehicle equipped with lights and siren. The prosecution, however, failed to prove that Mr. Carmen willfully failed or refused to stop his truck after being signaled to do so. The evidence on this point was that Deputy Rodgers pulled out onto the Middle Fork Road and followed the truck while accelerating, but was still a considerable distance behind the truck when Mr. Carmen wrecked. 1RP at 66, 99-102. The deputy did not activate his lights until he saw the truck cross over the center line. 1RP at 67. The testimony at trial does not reveal the precise distance that the patrol vehicle was behind Mr. Carmen's truck, but the deputy acknowledged that "theoretically" the truck, travelling at 70 to 80 miles per hour, was initially 800 to 900 feet ahead of him when he began following it. 1RP at 101. The deputy

testified that he was closer to the truck when it went around the corner and he lost sight of it, but could not give an exact distance. IRP at 66, 102. He testified that, despite his earlier statement that he was 40 to 50 yards behind the truck, he did not actually know if it was 40 to 50 yards, but that he “was fairly close.” IRP at 102. He stated that the distance measurement to which he previously testified was an estimate and that he “did not look at [his] speedometer the entire time.” IRP at 105. “These were estimates on how far, how fast things were going,” he stated. IRP at 105-6.

The state failed to show that Mr. Carmen, who was exceeding the speed limit by 20 to 30 miles per hour when he passed the deputy’s parked vehicle, was aware of the patrol car due to the distance the deputy was behind him. The deputy did not initially turn on his lights and did not use a siren during the incident.

Under these circumstances, it cannot be said that Mr. Carmen willfully failed to stop for the deputy. Even taking the evidence in a light most favorable to the prosecution, the evidence demonstrated, at most, that Mr. Carmen was speeding and was a significant distance—as much as 800 to 900 feet—in front of the deputy when he initially entered the roadway. IRP at 101. The evidence shows that Mr. Carmen was speeding, crossed the centerline at one point, and subsequently lost control while attempting to turn

onto Kruger Road and wrecked the truck. This is insufficient, however, to show that Mr. Carmen—who conceded during closing argument that he was speeding—was aware of the deputy following him and that he willfully failed to stop.

Because the evidence was insufficient to prove the elements of attempting to elude, Mr. Carmen's conviction violated his right to due process. *Engel*, at 576. The conviction must be reversed and the charge dismissed. *Smalis v. Pennsylvania*, 476 U.S. 140, 144, 106 S. Ct. 1745, 90 L. Ed. 2d 116 (1986).404(b)

2. **THE TRIAL COURT ERRED IN ADMITTING EVIDENCE OF MR. CARMEN'S CONVICTION FOR DRIVING WHILE LICENSE SUSPENDED IN THE THIRD DEGREE AS EVIDENCE OF MOTIVE UNDER ER 404(b).**

On the first day of trial, immediately after Mr. Carmen pleaded guilty to DWLS in the third degree and driving without a required ignition interlock, the defense moved to prohibit the state from introducing evidence related to either offense under ER 404(b) on grounds that the evidence was irrelevant and more prejudicial to Mr. Carmen than it was probative of the remaining offense before the jury. 1RP at 27-28. The trial court ruled that although evidence of failure to have an ignition interlock was to be excluded, evidence of third degree DWLS was relevant to Mr.

Carmen's motive and was admissible to establish motive. 1RP at 42-43.

Evidence of prior bad acts, including acts that are merely unpopular or disgraceful, is presumptively inadmissible. *State v. DeVincentis*, 150 Wn.2d 11, 17, 74 P.3d 119 (2003). Whether evidence of a defendant's other bad acts should be admitted at trial is governed by ER 404(b), which provides:

Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

ER 404(b).

The trial court's interpretation of ER 404(b) is reviewed de novo. *State v. Fisher*, 165 Wn.2d 727, 745, 202 P.3d 937 (2009) (citing *State v. Foxhoven*, 161 Wn.2d 168, 174, 163 P.3d 786 (2007)). A trial court's ruling under ER 404(b) will not be disturbed absent a manifest abuse of discretion such that no reasonable judge would have ruled as the trial court did. *State v. Mason*, 160 Wn.2d 910, 933-934, 162 P.3d 396 (2007), certiorari denied 553 U.S. 1035, 128 S.Ct. 2430, 171 L.Ed.2d 235 (2008). If the trial court correctly interprets the rule, its decision to admit evidence under ER 404(b) is reviewed for an abuse of discretion. *Id.* (citing *Foxhoven*, 161 Wn.2d at 174). "A trial court abuses its discretion where it fails to abide by the rule's

requirements.” *Id.* (citing *Foxhoven*, 161 Wn.2d at 174). In addition, “[d]iscretion is abused if it is exercised on untenable grounds or for untenable reasons.” *State v. Thang*, 145 Wn.2d 630, 642, 41 P.3d 1159 (2002) (citing *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971)).

In order to admit evidence under ER 404(b), the trial court must follow four steps: “(1) find by a preponderance of the evidence that the misconduct occurred, (2) identify the purpose for which the evidence is sought to be introduced, (3) determine whether the evidence is relevant to prove an element of the crime charge[d], and (4) weigh the probative value against the prejudicial effect.” *Id.* (citing *State v. Lough*, 125 Wn.2d 847, 853, 889 P.2d 487 (1995)). “In doubtful cases, the evidence should be excluded.” *Id.* (citing *State v. Smith*, 106 Wn.2d 772, 776, 725 P.2d 951 (1986)).

- a. **Because the State was not required to prove motive as an element of attempted eluding, the probative value of the evidence of DWLS 3rd on the issue of motive did not outweigh its prejudicial effect**

In this case, the ER 404(b) evidence of Mr. Carmen’s conviction for DWLS 3rd should have been excluded by the trial court because the prejudicial effect of the evidence outweighed its probative value. “Evidence can be admitted under ER 404(b) only if the trial court finds the evidence serves a legitimate purpose, *is relevant to prove an element of the crime charged*, and, on balance, the probative value of the evidence outweighs its

prejudicial effect.” *State v. DeVries*, 149 Wn.2d 842, 848, 72 P.3d 748 (2003) (emphasis added), citing *Lough*, 125 Wn.2d at 853, 889 P.2d 487. Where proffered ER 404(b) evidence has no probative value on the elements of the crimes charged, such evidence should be excluded. See e.g., *DeVries*, 149 Wn.2d at 849.

Evidence that Mr. Carmen’s license was suspended at the time of the alleged offense was hardly necessary to prove that he willfully failed to stop; the language of RCW 46.61.024 makes clear that motive is not an element of felony eluding. Appendix A.

Evidence must be logically relevant to a material issue before the jury, which means the evidence is “necessary to prove an essential ingredient of the crime charged.” *State v. Saltarelli*, 98 Wn.2d 358, 362, 655 P.2d 697 (1982). Here, there was simply no substantial probative value in the proffered evidence. The prosecution's theory was that Mr. Carmen's suspended license was relevant to prove his "motive" for attempting to elude the deputy sheriff. But as argued above, “motive” is not an element of attempting to elude. See RCW 46.61.024. More important, even if such evidence might sometimes be relevant to motive, it was not relevant here. The state had ample evidence to argue motive without delving into an ER 404 (b) evaluation—the state could have easily argued that Mr. Carmen was

driving far faster than the posted limit—a point the defense did not contest—and therefore would have a motive to attempt to elude in order to avoid being charged with reckless driving.

Thus, 404(b) evidence purporting to establish Mr. Carmen's motive to fail to stop was irrelevant, and therefore inadmissible, at trial. The trial court abused its discretion in admitting the evidence of DWLS to prove motive because the facts of the case did not meet the standard governing admissibility of evidence under ER 404(b).

**b. The trial court abused its discretion in finding that admission of the DWLS evidence did not violate ER 403.**

Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." ER 401. Relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice under ER 403, which is part of the ER 404(b) analysis. *Saltarelli*, 98 Wn.2d at 361-62. Under ER 403, relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice or needless presentation of cumulative evidence. As noted above, the ER 403 balancing test is incorporated into the test for admissibility under ER 404(b). *Foxhoven*, 161 Wn.2d at 175.

The trial court admitted the DWLS evidence as relevant to establishing Mr. Carmen's motive. However, as argued above, motive was not an element of the crime charged, thus, the evidence of his conviction for DWLS was neither logically relevant nor necessary to prove any essential element or fact that was of consequence. Because the DWLS evidence was not relevant, it was not probative. Despite this, the trial court admitted the evidence over objection from Mr. Carmen.

The evidence was not probative of any fact of consequence to the determination of guilt, but at the same time was prejudicial toward Mr. Carmen in that it tended to show the jury that Mr. Carmen was a traffic scofflaw who could not even be bothered to have a valid driver's license and therefore was the type of person who would attempt to flee from the police. Because the evidence lacked any probative value, the prejudice to Mr. Carmen far outweighed the probative value of the evidence and it was an abuse of discretion for the trial court to allow the evidence to be admitted

**c. The court's erroneous admission of the DWLS evidence was not harmless error.**

Evidentiary error is grounds for reversal if it results in prejudice. *State v. Smith*, 106 Wn.2d 772, 780, 725 P.2d 951 (1986). An error is not harmless if, "within reasonable probabilities, had the error not occurred, the outcome of the trial would have been materially affected." *Smith*, 106 Wn.2d at 780.

see also *State v. Thach*, 126 Wn. App. 297, 311, 106 P.3d 782 (2005) (stating this harmless error standard).

Here, the outcome of Mr. Carmen's trial was materially affected by evidence of his DWLS conviction. Evidence of other misconduct is prejudicial because it "inevitably shifts the jury's attention to the defendant's general propensity for criminality, the forbidden inference; thus, the normal 'presumption of innocence' is stripped away." *State v. Bowen*, 48 Wn. App. 187, 195, 738 P.2d 316 (1987), overruled on other grounds by, *State v. Lough*, 125 Wn.2d 847, 889 P.2d 487 (1995). *Bowen*, 48 Wn. App. at 196. Here, error in admitting the ER 404(b) evidence was not harmless. There was not overwhelming untainted evidence supporting a finding of guilt in this case. The prosecution's case was based on demonstrating that the deputy was close enough to the truck that Mr. Carmen could have been reasonably expected to see the activated lights signaling him to stop, and that Mr. Carmen saw the lights and willfully failed to stop. However, the deputy's testimony was based on his estimate of how close he was to Mr. Carmen's vehicle after he activated his lights. The officer conceded that his testimony regarding the distance was based on estimation, which he later revised from being 40 to 50 yards behind the truck to being "fairly close" and "pretty close." The evidence showed that he did not use a siren and followed the

truck for only a short distance after activating his lights before Mr. Carmen wrecked.

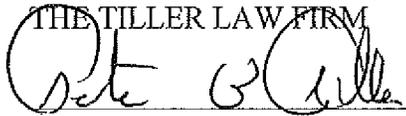
In a close case, where the reviewing court cannot determine whether the defendant would or would not have been convicted but for the error, the error is not harmless. *State v. Martin*, 73 Wn.2d 616, 627, 440 P.2d 429 (1968), cert. denied, 393 U.S. 1081 (1969). This Court should therefore reverse the conviction and remand for a new trial.

**E. CONCLUSION**

For the foregoing reasons, Mr. Carmen respectfully requests that the court reverse his conviction.

DATED: June 29, 2016

Respectfully submitted,

THE TILLER LAW FIRM  
  
PETER B. TILLER-WSBA 20835  
[ptiller@tillerlaw.com](mailto:ptiller@tillerlaw.com)  
Of Attorneys for Darren Carmen

CERTIFICATE OF SERVICE

The undersigned certifies that on June 29, 2016, that this Appellant's Opening Brief was sent by the JIS link to Mr. David Ponzoha, Clerk of the Court, Court of Appeals, Division II, 950 Broadway, Ste. 300, Tacoma, WA 98402, and a copy was e-mailed to the address below and a copy was mailed by U.S. mail, postage prepaid, to the following:

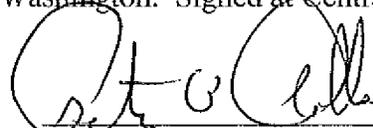
Sara Beigh  
Lewis County Persecutors Office  
345 W Main St. Fl 2  
Chehalis, WA 98532  
[appeals@lewiscountywa.gov](mailto:appeals@lewiscountywa.gov)

Mr. David Ponzoha  
Clerk of the Court  
Court of Appeals  
950 Broadway, Ste.300  
Tacoma, WA 98402-4454

Mr. Darren Carmen DOC#976097  
Washington Corrections Center  
PO Box 900  
Shelton, WA 98584

**LEGAL MAIL/SPECIAL MAIL**

This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Centralia, Washington on June 29, 2016.



PETER B. TILLER

## APPENDIX A

RCW 46.61.024

Attempting to elude police vehicle—Defense—License revocation.

(1) Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens.

(2) It is an affirmative defense to this section which must be established by a preponderance of the evidence that: (a) A reasonable person would not believe that the signal to stop was given by a police officer; and (b) driving after the signal to stop was reasonable under the circumstances.

(3) The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing.

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**June 29, 2016 - 4:49 PM**

**Transmittal Letter**

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Case Name: State v. Carmen

Court of Appeals Case Number: 48474-9

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**Comments:**

No Comments were entered.

Sender Name: Kirstie Elder - Email: [Kelder@tillerlaw.com](mailto:Kelder@tillerlaw.com)

IN THE COURT OF APPEALS  
STATE OF WASHINGTON  
DIVISION II

STATE OF WASHINGTON,	COURT OF APPEALS NO.
	48474-9-II
Respondent,	
vs.	LEWIS COUNTY NO.
	15-1-00367-21
DARREN CARMEN,	CERTIFICATE OF E-FILING ,
Appellant.	AND MAILING

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The undersigned attorney for the Appellant hereby certifies that one copy of Opening Brief of Appellant was e-filed to the Court of Appeals, Division 2 on June 29, 2016 and a copy was mailed to, Darren Carmen, Appellant, by first class mail, postage pre-paid on June 30, 2016 at the Centralia, Washington post office addressed as follows:

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AND MAILING

**THE TILLER LAW FIRM**  
ATTORNEYS AT LAW  
ROCK & PINE – P.O. BOX 58  
CENTRALIA, WASHINGTON 98531  
TELEPHONE (360) 736-9301  
FACSIMILE (360) 736-5828

Mr. Darren Carmen DOC#976097  
Larch Corrections Center  
15314 NE Dole Valley Road  
Yacolt, WA 98675-9531  
**LEGAL MAIL/SPECIAL MAIL**

Mr. David Ponzoha  
Clerk of the Court  
Court of Appeals  
950 Broadway, Ste.300  
Tacoma, WA 98402-4454

Dated: June 30, 2016.

THE TILLER LAW FIRM



PETER B. TILLER – WSBA #20835  
Of Attorneys for Appellant

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AND MAILING

**THE TILLER LAW FIRM**  
ATTORNEYS AT LAW  
ROCK & PINE – P.O. BOX 58  
CENTRALIA, WASHINGTON 98531  
TELEPHONE (360) 736-9301  
FACSIMILE (360) 736-5828

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