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Court of Appeals  
Division III  
State of Washington

32902-0-III

COURT OF APPEALS

DIVISION III

OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT

v.

VALENTIN MENDOZA, APPELLANT

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APPEAL FROM THE SUPERIOR COURT

OF YAKIMA COUNTY

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APPELLANT'S BRIEF

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#### A. ASSIGNMENTS OF ERROR

1. The court erred in admitting AEG's statements to the forensic interviewer into evidence. (RP 433-39)
2. The court erred in entering Finding of Fact 1.23: "Benitez-Rivera confirmed that Grandma Delfina Benitez lived in Granger during this time and that AEG would frequently stay overnight at her grandmother's. Respondent Mendoza was living with Delfina at this time." (CP 146)
3. The evidence was insufficient to support the conviction.
4. The court erred in failing to enter legally sufficient findings. (CP 144-50)

#### B. ISSUES

1. The child made numerous statements during a forensic interview. The State failed to ask the child about any of those statements. Did the court violate the defendant's rights under the Confrontation Clause by admitting the child's statements, in their entirety, into evidence?
2. Absent any evidence the child visited her grandmother during the time the alleged offense was committed, did the

court err in finding the child frequently stayed overnight at her grandmother's home during this time?

3. The State charged an offense committed between January 2010 and November 2012. The child testified that the alleged sexual contact occurred at her grandmother's house when she was four years old. In the absence of any evidence the child visited her grandmother's house between 2010 and 2012, was the evidence sufficient to support the conviction?
4. The court's written findings accurately recite substantial portions of the testimony but fail to resolve conflicting evidence or identify which statements the court relied upon in reaching its findings as to the ultimate facts and conclusion of guilt. Should the court remand the case for entry of sufficient findings to satisfy the requirements of JuCR 7.11?

#### C. STATEMENT OF THE CASE

Valentin Mendoza is the uncle of MNS and AEG. (RP 77, 128)

When he was ten or eleven years old, MNS saw his 6-year-old sister AEG sitting on their uncle's lap. (RP 132, 134, 166) He told her what he had

seen and she explained what had happened. (RP 132) MNS told AEG “if anything happens” she should tell him. (RP 84) MNS told his uncle what he had seen, but his uncle denied what MNS was accusing him of. (RP 136) A couple of months later MNS talked to his uncle a second time and, according to MNS, Mr. Mendoza said, “I’m not gonna lie any more because I am moving – I’m moving to my dad’s because I can’t trust myself.” (RP 137, 142) MNS inferred that his uncle was referring to the earlier accusation. (RP 140)

A few weeks later, Angelica Rivera heard her children, MNS and AEG, whispering. (RP 172) When she asked what they were whispering about, MNS told her. (RP 86, 172, 174) AEG was crying while MNS was telling his mother, and when Ms. Rivera asked AEG if what MNS said was true AEG said that it was. (RP 174) Ms. Rivera had AEG seen by a doctor and told him she thought AEG had been molested. (RP 176)

Amy Gallardo, an investigator with the prosecuting attorney’s office, interviewed AEG in February 2013. (CP 215-16) On December 3, 2013, Valentin Mendoza was charged with two counts of child rape and two counts of child molestation alleged to have occurred in October or November 2012. (CP 1-2) The information was amended on July 16, 2014, to charge the alleged offenses were committed during the period of

January 1, 2010, and November 12, 20012. (CP 6-7) The charges were tried in juvenile court on August 5 and 6, 2014<sup>1</sup>. (RP Vols I and II)

Ms. Rivera told the court that her daughter AEG was born on November 15, 2005. (RP 166) She said she and her children had been living in California when they moved to Granger, Washington, to stay with her mother for 3 months. (RP 167-68) They returned to California in February, 2008. (RP 167) They returned to Washington in February 2009 and stayed with Ms. Rivera's cousin Sandra Benitez in Grandview. (RP 168) In May 2009 the family moved to an apartment. (RP 168)

According to Ms. Rivera, after she moved her family to the apartment, Mr. Mendoza was a frequent visitor. (RP 169-70) In August and September 2012, her brothers Juan and Valentin Mendoza and their mother stayed with her and her family.<sup>2</sup> (RP 171)

AEG told the court that while she was four years old and she was living with her grandma Mr. Mendoza made her lick his penis. (RP 79-80) According to AEG, Mr. Mendoza told her that if she didn't, he would tell her mother that "it's just a lie." (RP 81) She testified this only happened in her grandma's room, and when her grandma came he would

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<sup>1</sup> Valentin Mendoza was born May 5, 1998. (CP 1) He was 16 years old at the time of trial.

<sup>2</sup> AEG's grandmother is Ms. Rivera's mother Delfina Benitez. (RP 78, 167-68) Ms. Rivera has four children, AEG, MNS, AG, and SG. (RP 166) Ms. Benitez has two sons, Valentin Mendoza and JM, who live with her. (RP 169, 231, 377) At the time of trial, JM was 13 years old and Valentin was 16 years old. (RP 375)

stop and tell her to go in the other room and watch television. (RP 80-81, 84)

Ms. Gallardo identified a recording of her interview with AEG, which was then played for the court. (RP 225) During the interview, AEG told Ms. Gallardo that Mr. Mendoza (“Isma”) made her lick “his thing.” (RP 229) She recalled that she was in her grandma’s bed when Isma told her something [inaudible] but she didn’t want to lick it because she knew she would get in trouble. (RP 236-39) She told Ms. Gallardo that “he took down his pants a bit . . . . And then my grandma came . . . so Isma just left.” (RP 239) Ms. Gallardo asked, “So when Isma had his thing out and had - - and you licked it where were you at?” (RP 240) AEG responded, “I was at - - in my cousin’s room . . . .” (RP 240) She later explained that she had gone to her cousin’s room because she needed to go to the bathroom, “and then Isma came in and so I licked it.” (RP 241) She then explained in some detail how nasty his “thing” was, how it tasted like cow poo, and looked like something big and hairy, “like a grizzly bear.” (RP 241-44) AEG apparently drew a picture of Mr. Mendoza’s “thing,” later introduced into evidence. (RP 244-45) AEG told Ms. Gallardo that “a little bit of slobber” came out of his private and she would stop doing it because she didn’t like it. (RP 245-47) She said

“It tasted nasty.” (RP 247) She told Ms. Gallardo she was four when this happened, and Isma was ten. (RP 248, 249)

Ms. Gallardo asked AEG how old she was “the very last time that Isma made you lick his thing” and AEG responded that she was six and they were at her home. (RP 248) She did not provide any coherent response to Ms. Gallardo’s requests for further information about this incident. (RP 248-54) After the recording of the interview had been played, Ms. Gallardo identified Exhibit 1 as the picture AEG had drawn. (RP 259) The court admitted the exhibit into evidence over defense counsel’s objection:

She’s right there Mr. Scott so I -- I will note your objection. I am going to admit for admissibility purposes as to the weight the child’s testimony was used by the Court and will be taken into consideration accordingly.

(RP 260) AEG was shown the picture she had drawn during the interview with Ms. Gallardo and commented that she “did not draw well when I was four” but testified that she did not remember the picture at all. (RP 88)

At the end of trial, the court dismissed the child molestation charges. (RP 504) The court stated that the State alleged that the events charged in Count 1 took place at grandma’s house in Granger and the second incident occurred in the family’s home in Sunnyside. (RP 506-07) The court noted that although she was specific as to the incident that took

place at grandma's, AEG had been unable to supply any details relating to the alleged incident when she was six years old. (RP 510, 518) The court further noted that, based on Ms. Rivera's testimony, the family was not living with grandma in 2010. But the court found that AEG frequently visited her grandmother in 2010 and that Valentin Mendoza was living with his mother at those times. (RP 519) The court concluded the evidence was insufficient to support the offense charged in Count 2 but found Mr. Mendoza guilty on Count 1.

In January 2015, the court entered written findings. (CP 144-51) The majority of the findings summarize the witnesses' testimony and the statements AEG made during the interview with Ms. Gallardo. (CP 144-50) The court found that the pronouns "it/that" as used in testimony referred to sexual acts. (CP 150, Finding 1.43) The court found that licking Mr. Mendoza's "thingy" constitutes sexual intercourse, and that the acts took place in Yakima, Washington. (CP 150) Under the heading "Conclusions of Law" the court entered additional findings as to the essential elements of first degree child rape. (CP 150, Conclusions 2.1 – 2.6) The written document concludes with finding Mr. Mendoza guilty of the crime charged in Count 1 and not guilty of the crime charged in Count 2. (CP 151)

## D. ARGUMENT

### 1. ADMISSION OF THE FORENSIC INTERVIEW VIOLATED THE CONFRONTATION CLAUSE.

The Confrontation Clause of the Sixth Amendment provides, “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him . . . .” U.S. Const. amend VI. Confrontation Clause violations are reviewed *de novo* *State v. Kronich*, 160 Wn.2d 893, 901, 161 P.3d 982 (2007) (citing *Lilly v. Virginia*, 527 U.S. 116, 137, 119 S. Ct. 1887, 144 L. Ed. 2d 117 (1999)).

Under the Confrontation Clause, testimonial hearsay is inadmissible unless either (1) the declarant testifies at trial or (2) the declarant is unavailable and the defendant had a prior opportunity for cross-examination. *Crawford v. Washington*, 541 U.S. 36, 61, 124 S. Ct. 1354, 1370, 158 L. Ed. 2d 177 (2004).

Testimonial statements include those “made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial.” *State v. Fisher*, 130 Wn. App. 1, 13, 108 P. 3d 1262 (2005), quoting *Horton v. Allen*, 370 F.3d 75, 84 (1st. Cir.2004). A child’s statements in the course of a forensic interview are testimonial. *State v. Beadle*, 173 Wn.2d 97, 110, 265 P.3d 863 (2011).

If a hearsay declarant testifies as a witness and is subject to full and effective cross-examination, hearsay is admissible under the Confrontation Clause. *California v. Green*, 399 U.S. 149, 158, 164, 90 S. Ct. 1930, 26 L. Ed. 2d 489 (1970) (emphasis added). So long as the declarant is asked about the prior hearsay statement, the availability requirement of the Confrontation Clause is satisfied, even if the declarant denies or fails to remember making the statement:

Indeed, if there is any difference in persuasive impact between the statement “I believe this to be the man who assaulted me, but can’t remember why” and the statement “I don’t know whether this is the man who assaulted me, but I told the police I believed so earlier,” the former would seem, if anything, more damaging and hence give rise to a greater need for memory-testing, if that is to be considered essential to an opportunity for effective cross-examination.

*United States v. Owens*, 484 U.S. 554, 559-60, 108 S. Ct. 838, 842-43, 98 L. Ed. 2d 951 (1988).

“Under *Owens* and *Green* the admission of hearsay statements will not violate the confrontation clause if the hearsay declarant is a witness at trial, is asked about the event *and the hearsay statement*, and the defendant is provided an opportunity for full cross-examination.” *State v. Clark*, 139 Wn.2d 152, 159, 985 P.2d 377 (1999) (emphasis added); see *In re Pers. Restraint of Grasso*, 151 Wn.2d 1, 15-16, 84 P.3d 859 (2004).

In *State v. Price*, our Supreme Court held that a declarant is not unavailable if he or she testifies and “concedes making the statements” about which the witness testifies:

The purposes of the confrontation clause are to ensure that the witness’s statements are given under oath, to force the witness to submit to cross-examination, and to permit the jury to observe the witness’s demeanor. (*citation omitted*) The *Green* Court held that “the Confrontation Clause does not require excluding from evidence the prior statements of a witness *who concedes making the statements*, and who may be asked to defend or otherwise explain the inconsistency between his prior and his present version of the events in question, thus opening himself to full cross-examination at trial as to both stories.” (*citation omitted*)

*State v. Price*, 158 Wn.2d 630, 639-40, 146 P.3d 1183 (2006), (quoting *California v. Green*, 399 U.S. 149, 158, 164, 90 S. Ct. 1930, 26 L. Ed. 2d 489 (1970)) (emphasis added).

Here, although the child was asked whether she told the forensic investigator about the alleged incident, she was not asked about her hearsay statements, she did not concede having made any of the statements reported by Ms. Gallardo and thus was not open to cross-examination about those statements. Because AEG did not testify about the statements she made to Ms. Gallardo, she was not open to “cross-examination at trial as to *both* stories.” 158 Wn.2d at 640. Accordingly, the court erred in admitting statements made in the forensic interview into evidence.

An error is harmless if “ ‘it appears beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained.’ ” *State v. Brown*, 147 Wn.2d 330, 341, 58 P.3d 889 (2002) (quoting *Neder v. United States*, 527 U.S. 1, 7, 119 S. Ct. 1827, 144 L. Ed. 2d 35 (1999)). “An error is not harmless beyond a reasonable doubt where there is a reasonable probability that the outcome of the trial would have been different had the error not occurred. . . . A reasonable probability exists when confidence in the outcome of the trial is undermined.” *State v. Powell*, 126 Wn.2d 244, 267, 893 P.2d 615 (1995) (citations omitted).

Here, the error was not harmless. Many of the court’s written findings relate portions of those statements, the court discussed them in some detail in its oral ruling, and the court indicated it would rely on them at least to provide some support for the credibility of AEG’s direct testimony.

AEG told the court that when he was at her house the defendant “made me lick his penis.” (RP 80) In response to the prosecutor’s question, “Tell me about the first time he made you lick his penis,” she testified that she was four years old and it happened in her grandma’s room. (RP 80) Apart from the statements in the forensic interview, no other statements identify the defendant and describe any act that would fall within the definition of sexual intercourse.

Ultimately, the trial court concluded the evidence was insufficient to permit a reasonable trier of fact to conclude that the rape in AEG's home alleged in Count 2 occurred. (RP 518-19) The court stated that it relied on the child's hearsay statements to the forensic interviewer to support the allegation in Count 1. (RP 519, 526) That is the only offense of which the court determined the defendant was guilty. (RP 526)

2. EVIDENCE IN THE RECORD IS INSUFFICIENT TO SUPPORT THE DISPOSITION.

a. Finding 1.23 Is Not Supported By Evidence In The Record.

A challenge to the sufficiency of the evidence presented at a bench trial requires review of the trial court's findings of fact and conclusions of law to determine whether substantial evidence supports the challenged findings and whether the findings support the conclusions. *State v. Homan*, 181 Wn.2d 102, 105-06, 330 P.3d 182 (2014). A trial court's findings must be supported by substantial evidence:

The trial court's findings of fact will not be disturbed on appeal if supported by substantial evidence. *In re P.D.*, 58 Wn. App. 18, 25, 792 P.2d 159, *review denied*, 115 Wn.2d 1019, 802 P.2d 125 (1990). Review is limited to ascertaining whether the findings are supported by substantial evidence, and if so, whether they support the conclusions of law. *P.D.*

*In re Dependency of C.B.*, 79 Wn. App. 686, 692, 904 P.2d 1171 (1995).

The court found that AEG's grandma lived in Granger during "this time" and AEG frequently visited her grandmother. (CP 147) Although the court does not clarify what "this time" refers to, the finding immediately preceding this refers to the family's return to Washington and moving into their own house in 2009. (CP 147, Finding 1.22) Ms. Rivera testified that her mother had moved to Grandview within a few years before trial, so the court may have inferred that Ms. Benitez remained in Granger during some portion of the period of 2009 to 2012. (RP 169) Ms. Rivera testified that after the family moved to the apartment, Mr. Mendoza was a frequent visitor at her home. (RP 169-71) But Ms. Rivera did not testify that AEG frequently stayed overnight at her grandmother's during this time. A review of the record suggests neither Ms. Rivera nor any other witness testified that AEG ever visited her grandmother after the family returned to Washington in 2009.

b. The Evidence Is Insufficient To Support The Conviction.

Evidence is sufficient if, after viewing it in the light most favorable to the prosecution, any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). A claim of insufficiency admits

the truth of the State's evidence and all reasonable inferences that reasonably can be drawn therefrom. *Salinas*, 119 Wn.2d at 201. A reviewing court defers to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. *State v. Raleigh*, 157 Wn. App. 728, 736–37, 238 P.3d 1211 (2010), *review denied*, 170 Wn.2d 1029 (2011).

AEG testified that while she was four years old she was living in her grandmother's home in Granger and during this time Mr. Mendoza made her lick his penis. Her mother testified that she and her children lived with a cousin in Grandview for about three months in early 2009, when AEG would have been 3 years old, and they moved to their own apartment in May 2009. The record contains no evidence that would support the inference that AEG lived with, or even visited, her grandmother between January 2010 and November 2012.

The trial court found the evidence was insufficient to support an allegation that Mr. Mendoza had sexual contact with AEG in her own home.

3. THE WRITTEN FINDINGS ARE INSUFFICIENT FOR APPELLATE REVIEW.

In a juvenile case that is appealed, the court shall enter written findings and conclusions, stating the ultimate facts as to each element of the crime and the evidence upon which the court relied in reaching its decision. JuCR 7.11(d).

Findings and conclusions comprise a record that may be reviewed on appeal. *State v. Head*, 136 Wn.2d 619, 622, 964 P.2d 1187 (1998) (citations omitted). Each element must be addressed separately, setting out the factual basis for each conclusion of law. *Id.* at 623, 964 P.2d 1187 (citations omitted). In addition, the findings must specifically state that an element has been met. *State v. Alvarez*, 128 Wn.2d 1, 19, 904 P.2d 754 (1995).

*State v. Banks*, 149 Wn.2d 38, 43, 65 P.3d 1198 (2003).

“In a criminal cause, the findings should at least treat the elements of the crime separately, indicating the factual basis for each of these ultimate conclusions.” *State v. Wilks*, 70 Wn.2d 626, 628, 424 P.2d 663 (1967); see *State v. Head*, 136 Wn.2d 619, 623, 964 P.2d 1187 (1998). The court’s findings must enable the reviewing court to determine how the trial court resolved conflicts in the testimony and determine the facts necessary to support its conclusions:

Adequate appellate review requires from the trial court findings of fact which show an understanding of the conflicting contentions and evidence, and a resolution of the material issues of fact that penetrates beneath the generality of ultimate conclusions, together with a

knowledge of the standards applicable to the determination of those facts.

*State v. Jones*, 34 Wn. App. 848, 850-51, 664 P.2d 12 (1983) (citing *Groff v. Dept. of Labor & Ind.*, 65 Wn.2d 35, 40, 395 P.2d 633 (1964)).

The court's written findings in the present case fail to resolve conflicting evidence and issues of fact relevant to the court's ultimate findings as to the elements of the offense. See *State v. Jones*, 34 Wn. App. at 850-51. Most of the court's written findings merely summarize portions of the witnesses' statements. The court's findings fail to indicate whether the testimony summarized therein is adopted as fact by the court.

For example, the court entered the following written findings:

Finding 1.1: "AEG testified that her birthday was November 5, 2005." (CP 144)

Finding 1.2: "During January 1, 2010 and November 12, 2012, AEG would have been between the ages of 4 and 6 years old." (CP 145)

Finding 1.6 "AEG testified that this happened when she was four and had moved back from California. AEG told the Court that this happened at Grandma Delfina's house in Granger, Washington." (CP 145)

Finding 1.22: "Angelica Benidez-Rivera . . . testified that AEG was born in Sunnyside, Washington but then moved to California in 2006. They returned to Washington State for a while and then later moved back to California in February 2008. The family moved back from California in 2009 and moved in with a cousin. They later moved into an apartment in Sunnyside in May of 2009." (CP 147)

Based on the mother's testimony, AEG was not four years old when the family lived with her grandmother, and the family did not live with the grandmother during or after 2010. If AEG was four years old in 2010, then she would have been between 2 and 3 years old in February 2008 when the family moved to California, and either 4 or 5 years old in May some time after the family moved back from California. (RP 76) But if AEG's birthday was in November 2005, then AEG would not have been four years old until November 15, 2009, several months after the family moved back from California. The court's findings do not resolve this apparent conflict.

But if the court is not adopting as facts the assertions contained in the testimony summarized in the findings, then the trial court has utterly failed to enter findings that set out "the factual basis for each conclusion of law." *Banks*, 149 Wn.2d at 43. Only a handful of findings contain assertions of fact rather than recitation of the contents of the witnesses' testimony and hearsay statements. (Findings 1.2, 1.20, 1.26, 1.27, 1.39, 1.43-1.45) None of these findings begins to satisfy the requirements described in *Banks* and *Jones*.

The purpose of a rule requiring "written findings of fact and conclusions of law is to enable an appellate court to review the questions raised on appeal." *State v. Head*, 136 Wn.2d at 622. An oral opinion "

‘has no final or binding effect unless formally incorporated into the findings, conclusions, and judgment.’ ” *Id.* (quoting *State v. Mallory*, 69 Wn.2d 532, 533–34, 419 P.2d 324 (1966)).

It is well settled that “ ‘ “ ‘this court can read the testimony, it cannot weigh the evidence nor enter findings of fact.’ ” ’ ” *State v. Parker*,<sup>2</sup> 81 Wn. App. 731, 737-38, 915 P.2d 1174 (1996) (quoting *State v. BJS*, 72 Wn. App. 368, 372, 864 P.2d 432 (1994) (quoting *State v. Fellers*, 37 Wn. App. 613, 616, 683 P.2d 209 (1984)). Here, as in *Parker*, “[t]he court’s oral decision and the written findings of fact entered immediately thereafter do not satisfy the requirements of JuCR 7.11<sup>3</sup> . . . .” 81 Wn. App. At 737. An appellate court should not have to comb an oral ruling to determine whether appropriate “findings” have been made, nor should a defendant be forced to interpret an oral ruling in order to appeal his or her conviction. 136 Wn.2d at 624.

The court’s oral ruling intimates that, in finding the evidence sufficient to support finding Mr. Mendoza guilty of the offense charged in Count 1, the court relied on AEG’s detailed descriptions of events

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<sup>3</sup> **(d) Written Findings and Conclusions on Appeal.** The court shall enter written findings and conclusions in a case that is appealed. The findings shall state the ultimate facts as to each element of the crime and the evidence upon which the court relied in reaching its decision. The findings and conclusions may be entered after the notice of appeal is filed. The prosecution must submit such findings and conclusions within 21 days after receiving the juvenile’s notice of appeal.

JuCR 7.11

surrounding the alleged sexual contact and her repeated assertions that such contact occurred at her grandmother's home. (RP 507-10, 515-17, 526) The court discounted AEG's assertion that it occurred while she was living in her grandmother's house, apparently in light of the evidence that she was no longer living in her grandmother's home by January 2010. (RP 518-19) The court also apparently discounted AEG's testimony that the events at her grandmother's house occurred while she was four years old. The court made no express findings, either oral or written, as to these factual issues.

The court found Mr. Mendoza not guilty of the offense charged in Count 2, which the court apparently concluded must have happened, if at all, during the two months Mr. Mendoza was living in AEG's family home. (RP 515, 522, 525)

A prosecuting attorney required to prepare findings and conclusions will necessarily need to focus attention on the evidence supporting each element of the charged crime, as will the trial court. That focus will simplify and expedite appellate review. This case demonstrates the need for that focus.

136 Wn.2d at 622-23.

If this court does not agree that the evidence in the record is insufficient to support Mr. Mendoza's conviction, the matter should be remanded to the trial court for the entry of sufficient written findings such

that this defendant will not be “forced to interpret an oral ruling in order to appeal his . . . conviction.” 136 Wn.2d at 62.

E. CONCLUSION

Appellant asks the court to reverse and dismiss his conviction and sentence because the evidence is insufficient to support the court’s verdict. Alternatively, the court should remand the case for entry of written findings sufficient to permit meaningful appellate review. Prior to such remand, the court should reverse the trial court’s ruling admitting into evidence AEG’s statements during the forensic interview, thereby ensuring that written findings will be based on admissible evidence.

Dated this 22nd day of July, 2015.

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Attorney for Appellant

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON,

DIVISION III

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	No. 32902-0-III
	)	
vs.	)	CERTIFICATE
	)	OF MAILING
VALENTIN MENDOZA,	)	
	)	
Appellant.	)	

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I certify under penalty of perjury under the laws of the State of Washington that on July 22, 2015, I served a copy of the Appellant's Brief in this matter by email on the following party, receipt confirmed, pursuant to the parties' agreement:

David Trefry  
David.Trefry@co.yakima.wa.us

I certify under penalty of perjury under the laws of the State of Washington that on July 22, 2015, I mailed a copy of the Appellant's Brief in this matter to:

Valentin Mendoza  
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Ephrata, WA 98823

Signed at Spokane, Washington on July 22, 2015.

  
Janet G. Gemberling  
Attorney at Law