

No. 91531-8

**FILED**

32015-4-III

May 29, 2014

COURT OF APPEALS

Court of Appeals

Division III

State of Washington

DIVISION III

OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT

v.

CURTIS G. STUMP, APPELLANT

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APPEAL FROM THE SUPERIOR COURT

OF SPOKANE COUNTY

HONORABLE HAROLD D. CLARKE

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BRIEF OF RESPONDENT

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I.

APPELLANT'S ASSIGNMENTS OF ERROR

The defendant has not listed any assignments of error. The defendant lists the following issues as "potential" issues.

1. Was the information adequate to charge all the essential elements of possession of a controlled substance?
2. Was the evidence sufficient to prove the defendant knowingly possessed a controlled substance?
3. Does the record show that the defendant was coerced into a false confession to ownership of the drugs by way of threats from the police officers?
4. Was the defendant properly sentenced?

II.

ISSUES PRESENTED

The State is unable to ascertain any actual issues.

III.

STATEMENT OF THE CASE

For the purposes of this appeal, the State accepts the defendant's version of the Statement of the Case.

#### IV.

#### ARGUMENT

##### A. THE APPEAL IS WITHOUT MERIT AND SHOULD BE DISMISSED.

The defendant has filed an *Anders* brief asserting that he is unable to find any issues upon which to base an appeal. *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 498 (1967).

The State has reviewed this case and cannot find any viable issues. It is true that if the trier of fact had believed the defendant's version of the events, he would not have been convicted. However, while the defendant claimed that the police officers "threatened him" by telling him that if he did not admit to ownership of the controlled substance, the police would charge the drugs to the front seat passenger, the defendant's girlfriend. Interestingly, the defendant did not present any testimony or evidence to support his claims, other than the defendant's bald statements. Two police officers testified otherwise. The trier of fact did not accept the defendant's fanciful statements regarding his admission to possessing the heroin. CP 5-6.

The relevant inquiry on a challenge to 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. *State v. Luna*, 71 Wn. App. 755, 862 P.2d 620 (1993). In this case, the officers testified that the defendant got out of the car with the heroin in his hand and then dropped the heroin or threw it. The defendant denied acting as the police testified, but it was up to the trier of fact to decide the truth. The evidence was clearly sufficient. Likewise, the information was sufficient. CP 1.

As for any sentencing issues, the defendant does not note any specifics and the State cannot see any obvious errors. CP 13-26. The defendant was sentenced under DOSA provisions. Attacking his sentencing would expose the defendant to potential increases in incarceration time.

V.

#### CONCLUSION

For the reasons stated, the conviction of the defendant should be affirmed and the defense counsel's request to withdraw should be granted.

Dated this 29<sup>th</sup> day of May, 2014.

STEVEN J. TUCKER  
Prosecuting Attorney

  
Andrew J. Metts #19578  
Deputy Prosecuting Attorney  
Attorney for Respondent

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION III

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	NO. 32015-4-III
v.	)	
	)	CERTIFICATE OF MAILING
CURTIS G. STUMP,	)	
	)	
Appellant,	)	

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I certify under penalty of perjury under the laws of the State of Washington, that on May 29, 2014, I e-mailed a copy of the Respondent's Brief in this matter, pursuant to the parties' agreement, to:

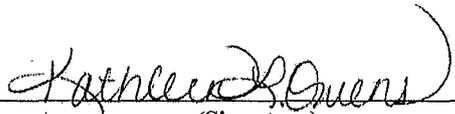
Jan Trasen  
wapofficemail@washapp.org

and mailed a copy to:

Curtis G. Stump  
627 E. Olympic  
Spokane, WA 99207

5/29/2014  
(Date)

Spokane, WA  
(Place)

  
(Signature)

**SPOKANE COUNTY PROSECUTOR**

**May 29, 2014 - 4:11 PM**

**Transmittal Letter**

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**Comments:**

No Comments were entered.

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Sender Name: Kathy Owens - Email: [kowens@spokanecounty.org](mailto:kowens@spokanecounty.org)