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No. 92475-9

THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

DONALD LEE,

Petitioner.

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

SUPPLEMENTAL BRIEF OF PETITIONER

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 ORIGINAL

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A. INTRODUCTION

The Court of Appeals ruled that the trial court impermissibly limited Donald Lee's cross-examination of the complaining witness by restricting questions about her credibility in a case where the credibility of her allegations was the central contested issue. The teenage complainant alleged she had sex with Mr. Lee, an adult. She also conceded that she had falsely accused another person of rape but the trial court barred Mr. Lee from eliciting that her false complaint to police involved the similar allegation of rape.

Although the Court of Appeals properly held this restriction on cross-examination was wrong, and the State has not challenged this part of the Court of Appeals ruling, it applied the more forgiving harmless error test used to assess evidentiary errors and affirmed his conviction. Yet courts uniformly hold that restrictions on cross-examining one's accuser violate the Confrontation Clause and require reviewing courts to use the more rigorous constitutional harmless error test. Under the stringent constitutional harmless error test, reversal is required.

B. ISSUES PRESENTED FOR REVIEW

1. The Confrontation Clause guarantees a defendant the right to conduct a meaningful cross-examination of the witnesses against him. When a trial court erroneously restricts a defendant's right to cross-

examination, it commits constitutional error and the State must prove the error was harmless beyond a reasonable doubt. Should this Court reverse where the trial court erroneously precluded Mr. Lee from eliciting that the complaining witness's prior false complaint involved a false allegation of rape, and the conflicting evidence at trial and jury's acquittal on several charges prevents a finding of harmlessness?

2. A claim of error may be raised for the first time on appeal if the error is "manifest" and affects a constitutional right. An error is manifest where the error is so obvious from the record that it warrants review.

Where the State's negligence delayed Mr. Lee's arraignment and trial for years, but no objection was raised in the trial court, should this Court find the excessive delay is manifest error and reverse because it violated Mr. Lee's constitutional right to a speedy trial and the State's negligence is undisputed and apparent from the record?

C. STATEMENT OF FACTS

1. **Substantive Facts**

J.W. was fifteen years old when she informed police she had engaged in consensual sex with an adult man named Rick. RP 53, CP 1. J.W. said she received a phone call from Rick in the summer of 2008 and that he asked her provocative questions, gave her his phone number, and

invited her to meet him in person. RP 53, 56-7. She called him back, they talked for half an hour, and J.W. agreed to meet. RP 58-59.

J.W. later claimed the man named Rick was actually Donald Lee. RP 61. She testified that for roughly three months in 2008 Mr. Lee picked her up from summer school every day and they repeatedly had sex. RP 71, 82. However, conflicting evidence was presented at trial.

J.W. lived only one block from Mr. Lee's mother, and Mr. Lee acknowledged they had met once, when J.W. stopped him outside his mother's home while he was working on a car and asked if he was still married to his ex-wife. RP 260-61. J.W. claimed to have been inside his mother's home to visit Mr. Lee the summer they were in a relationship, but could not describe the fact it was distinctly decorated in a Betty Boop theme, complete with purple furniture. RP 117. She also claimed to have had sex with Mr. Lee in an ex-girlfriend's bedroom, but did not know the home was unusually decorated with wolves, including a large depiction of a wolf on the bedspread. RP 71, 111, 169, 175.

J.W. produced an unaddressed note, signed "R," that she said Mr. Lee gave her. RP 84. Mr. Lee admitted writing the note, but testified J.W. was not the intended recipient and that he thought the note was in storage at his ex-wife's house. RP 269, 340. In addition, J.W. alleged Mr. Lee picked up her up everyday in a black Camaro, but Mr. Lee's ex-

girlfriend testified that while she did lend Mr. Lee her black Camaro in 2008, he did not have access to it on a daily basis. RP 167, 181.

Finally, J.W. testified Rick had one tattoo on his chest or shoulder and one tattoo on his arm. RP 72. The evidence at trial, however, showed Mr. Lee did not have any tattoos. RP 272.

2. Procedural Facts

Mr. Lee's trial took place in 2013, four years after J.W. made the report to police. CP 1, RP 13. Although Mr. Lee was initially arrested on allegations of third degree rape on October 9, 2009, and held on \$50,000 bail, no information was filed and he was released on October 13, 2009. CP 1-2, 4-5, RP 2.

The City of Kelso initially investigated the allegations against Mr. Lee, but transferred the case to the Cowlitz County sheriff's office after determining it was out of the city's jurisdiction. RP 187. Although the sheriff's office received a report from the Kelso police department in March 2009, the case "fell through the cracks." RP 200-01. The State did not file an information against Mr. Lee until four years later, in March 2013, after a newly assigned detective sergeant rediscovered the case. CP 6; RP 199. The information charged Mr. Lee with five counts of rape of a child in the third degree, and alleged an aggravating factor that the offense was part of an ongoing pattern of sexual abuse of the same victim under

the age of eighteen years manifested by multiple incidents over a prolonged period of time. CP 6-8. Mr. Lee's trial commenced on December 18, 2013. RP 13.

Prior to trial the defense moved to cross-examine J.W. about the fact that in June of 2008, shortly before she allegedly began her relationship with Mr. Lee, she had reported to police she had been raped by someone else and then later admitted this was a lie. RP 20; CP 15-17. The trial court permitted Mr. Lee to cross-examine J.W. only as to the fact that she had once made a false allegation, but denied Mr. Lee's request to question J.W. about the fact the false accusation was rape. RP 34.

The jury convicted Mr. Lee of two counts of third degree rape of a child. CP 51, 53. It found him not guilty of the remaining counts, and did not find the aggravating factor. CP 52, 54-60. Mr. Lee was sentenced to 34 months in prison on count I, with 26 months of community custody, and 26 months in prison on count II, with 34 months of community custody. CP 67. The court imposed \$2,041.69 of discretionary costs. CP 65. The Court of Appeals affirmed Mr. Lee's convictions and declined to instruct the trial court to consider Mr. Lee's ability to pay his legal financial obligations. Slip Op. at 2.

D. ARGUMENT

1. **The trial court violated Mr. Lee’s confrontation rights when it prevented him from cross-examining the complaining witness about the fact her prior false report to police involved an allegation of rape.**

a. The Confrontation Clause guarantees a defendant the right to conduct a meaningful cross-examination of adverse witnesses, and this right must be zealously guarded.

“The right to confront and examine adverse witnesses is guaranteed by both the federal and state constitutions.” *State v. Darden*, 145 Wn.2d 612, 620, 41 P.2d 1189 (2002); *Davis v. Alaska*, 415 U.S. 308, 315, 94 S.Ct. 1105, 39 L.Ed.2d 347 (1974); U.S. Const. amend. VI; Const. art. I, § 22. The Confrontation Clause guarantees the right to physical confrontation but, even more importantly, it guarantees the right to conduct a meaningful cross-examination of witnesses, allowing a defendant to test a witness’s “perception, memory, and credibility.” *Darden*, 145 Wn.2d at 620. This right must be “zealously guarded,” as when it is violated, the integrity of the fact-finding process is in question. *Id.*

The right, of course, is not absolute. *State v. Jones*, 168 Wn.2d 713, 720, 230 P.3d 576 (2010). “Defendants have a right to present only relevant evidence, with no constitutional right to present *irrelevant* evidence.” *Id.* (citing *State v. Gregory*, 158 Wn.2d 759, 786 n.6, 147 P.3d

1201 (2006)) (emphasis original); *see also Washington v. Texas*, 388 U.S. 14, 16, 87 S.Ct. 1920, 18 L.Ed.2d 1019 (1967). Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the act more probable or less probable than it would be without the evidence.” ER 401. This threshold is very low, and even minimally relevant evidence is admissible. *Jones*, 168 Wn.2d at 720. In addition, “the more essential the witness is to the prosecution’s case, the more latitude the defense should be given to explore fundamental elements such as motive, bias, credibility, or foundational matters.” *Darden*, 145 Wn.2d at 619.

Once the evidence is found to be relevant, exclusion is only permitted if the State shows “the evidence is so prejudicial as to disrupt the fairness of the fact-finding process at trial.” *Darden*, 145 Wn.2d at 622. Any attempt to limit meaningful cross-examination must be justified by a compelling State interest, which must then be balanced against the defendant’s need for the evidence. *Darden*, 145 Wn.2d at 622; *State v. Hudlow*, 99 Wn.2d 1, 15-16, 659 P.2d 514 (1983); *State v. McDaniel*, 83 Wn. App. 179, 187, 920 P.2d 1218 (1996).

Only if the State’s interest outweighs the defendant’s need for the evidence may the trial court exclude relevant evidence. *Id.* However, when the evidence is of high probative value, there is no State interest

“compelling enough to preclude its introduction consistent with the Sixth Amendment and [Article I, section 22]. *Hudlow*, 99 Wn.2d at 16 (citing *Davis*, 415 U.S. at 308; *Chambers v. Mississippi*, 410 U.S. 284, 93 S.Ct. 1038, 35 L.Ed.2d 297 (1973); *People v. Redmon*, 112 Mich. App. 246, 255, 315 N.W.2d 909 (1982)).

- b. As the Court of Appeals correctly found, the trial court abused its discretion when it prevented Mr. Lee from cross-examining the complaining witness about her prior false accusation of rape.

In Mr. Lee’s case, there is no question the trial court improperly limited his ability to cross-examine J.W. The Court of Appeals correctly ruled the trial court abused its discretion and the State did not seek review of this ruling. Slip Op. at 10. Further, the reasoning of the Court of Appeals was sound.

Mr. Lee sought to elicit, through cross-examination of the complaining witness, that she had previously accused someone else of rape and later admitted this accusation was false. CP 15-17, RP 20. In support of his pretrial motion, Mr. Lee provided the court with a copy of a police report showing J.W. and her mother had telephoned the police on June 11, 2008, and claimed J.W. had been raped approximately two weeks earlier. CP 17. This report also revealed J.W. and her mother called

police the next day so that J.W. could confess the allegation was false. CP 17.

At the motion hearing, the trial court expressed uncertainty about whether this evidence was admissible, telling the parties, “[s]o, you know, part of me says, under ER 608, it comes in, but under the rape shield statute, part of me says it should not come in.” RP 29. Ultimately, the court resolved this perceived conflict by allowing Mr. Lee to cross-examine J.W. about the fact she made a false accusation to police about another person, but denying him the opportunity to elicit that the false accusation was rape. RP 33. The trial court decided this struck “a relatively fair balance between those two competing interests or statutes or rules.” CP 33.

It is undisputed that the trial court’s ruling constituted an abuse of discretion. Slip Op. at 10; Resp. to Petition for Review at 10. Under ER 608(b), a party may cross-examine a witness about specific instances of prior conduct “for the purpose of attacking or supporting the witness’ credibility.” The rape shield statute, however, prohibits an attack on the alleged victim’s credibility through the admission of evidence of the alleged victim’s prior sexual behavior. RCW 9A.44.020(2).

“The rape shield statute was created for the purpose of ending an antiquated common law rule that ‘a woman’s promiscuity somehow had

an effect on her character and ability to relate the truth.” *Jones*, 168 Wn.2d at 723. The statute was designed to prevent defendants from attempting to impeach a woman’s credibility based solely on the fact she had previously engaged in sexual acts. *Id.* At its core is the enlightened understanding that “such evidence is usually of little or no probative value in predicting the victim’s consent to sexual conduct on the occasion in question.” *Id.* (quoting *State v. Hudlow*, 99 Wn.2d at 9). Thus, while the rape shield statute corrected prior misogynistic common law, it did not alter the relevancy analysis. A woman’s past sexual acts remain admissible if they are actually relevant, unless the State’s interest in applying the rape shield law is compelling. *Jones*, 168 Wn.2d at 723; *Hudlow*, 99 Wn.2d at 11.

When the evidence sought to be admitted is a *false* allegation of rape, as in Mr. Lee’s case, the rape shield statute does not apply. *State v. Demos*, 94 Wn.2d 733, 735-36, 619 P.2d 968 (1980); *State v. Harris*, 97 Wn. App. 865, 872, 989 P.2d 553 (1999). In *Demos*, the court suggested a false allegation was not barred by the rape shield statute but did not directly reach the issue because the evidence failed to demonstrate the prior rape allegation was actually false. *Id.* at 736. Relying on *Demos*, the Court of Appeals in *Harris* declared, “[g]enerally, evidence that a rape victim has accused others is not relevant and, therefore, not admissible,

unless the defendant can demonstrate that the accusation was false.” 97 Wn. App. at 872. Like in *Demos*, the court in *Harris* did not find the evidence showed a false accusation had actually been made. *Id.* at 872.

Courts in other jurisdictions have directly reached this issue and concluded the rape shield statute does not bar the admission of a complaining witness’s false complaints of rape. *See, e.g., State v. Baker*, 679 N.W.2d 7, 10 (Iowa 2004); *State v. West*, 95 Hawai’i 452, 458, 24 P.3d 648 (2001); *State v. Walton*, 715 N.E.2d 824, 826 (Ind. 1999). As the Supreme Court of Hawai’i stated in *West*:

Courts that have addressed the admissibility of statements by complainants of unrelated sexual assaults in which the complainant was a victim have uniformly held that evidence of false statements of unrelated sex assault are not excluded by the rape shield statute because they are not evidence of sexual conduct.

95 Hawai’i at 457-58 (emphasis added).

The Supreme Court of Indiana offered a similar analysis, explaining its reasoning as follows:

In presenting such evidence, the defendant is not probing the complaining witness’s sexual history. Rather, the defendant seeks to prove for impeachment purposes that the complaining witness has previously made false accusations of rape. Viewed in this light, such evidence is more properly understood as verbal conduct, not sexual conduct.

Walton, 715 N.E.2d at 826.

In Mr. Lee's case, there is no question the complaining witness made a false allegation of rape. CP 17. Thus, as the Court of Appeals properly held, to exclude this evidence was error. Slip Op. at 10.

c. The trial court's restriction on Mr. Lee's cross-examination was constitutional error and requires reversal.

i. *The error violated Mr. Lee's confrontation rights.*

Despite finding the trial court abused its discretion, the Court of Appeals concluded, without discussion, that the trial court's error did not violate Mr. Lee's confrontation rights. Slip Op. at 11. Applying the standard used for a mere evidentiary error, it determined reversal was unwarranted. Slip Op. at 10-11 (citing *State v. Halstien*, 122 Wn.2d 109, 127, 857 P.2d 270 (1993)). The State argues the court was correct to find no constitutional violation occurred because, although Mr. Lee was erroneously denied the right to elicit the false allegation involved rape, he was given the opportunity to cross-examine J.W. about the false complaint generally. Resp. to Petition for Review at 7. This claim fails to appreciate what is required under the Confrontation Clause. *Davis v. Alaska*. 415 U.S. at 318.

In *Davis*, the defendant was prevented from cross-examining a key witness for the State about the fact he was on probation for burglary at the same time he accused the defendant of having stolen a safe. *Id.* at 310-11.

The safe was found on the witness's property and the defense was only permitted to ask questions indirectly related to the witness's history, such as whether the witness was concerned the police might think he was to blame for the crime. *Id.* at 311-12.

The United States Supreme Court reversed, rejecting the lower courts' interpretation of the Confrontation Clause and finding that these indirect references did not satisfy the Sixth Amendment. *Id.* at 315. The court explained that defendants must be given the opportunity not just to test a witness's perceptions and memory, but also discredit the witness, and that "[c]ross-examination is the principal means by which the believability of a witness and the truth of his testimony are tested." *Davis*, 415 U.S. at 315-16. When a trial court's ruling constrains a defendant's ability to perform this task, reversal is required. *Id.* at 318.

Washington courts have reached the same conclusion in similar circumstances. For example, in *Darden*, this Court found the defendant's confrontation rights were violated when the trial court erroneously prevented the defendant from eliciting an officer's precise location during a surveillance operation, even though the defendant was permitted to ask more general questions about where the officer was positioned and what he was able to observe. 145 Wn.2d at 617-18, 626.

In *State v. Perez*, the Court of Appeals found the trial court violated the defendant's confrontation rights when it allowed him to question the witness about the witness's drug use on the day in question but prohibited him from asking the witness whether he was under the influence at trial. 139 Wn. App. 522, 524, 161 P.3d 461 (2007). Similarly, in *McDaniel*, the Court of Appeals held that a trial court's refusal to allow the defendant to cross-examine the alleged victim about the fact she lied in a deposition about her drug use and was on probation for a related charge violated the defendant's confrontation rights, even though the trial court allowed other witnesses to testify they had observed her using drugs. 83 Wn. App. at 182-83, 188.

The court stated in *McDaniel*:

Absent a compelling State interest in excluding the evidence that outweighs the fundamental constitutional right of confrontation, the defense was entitled to explore the possibility that, given [the witness]'s admitted willingness to lie under oath when it suited her purposes before, she may have been doing it again in the criminal prosecution, for whatever reasons might serve her purposes there.

83 Wn. App. at 186-87. Here, Mr. Lee was entitled to put before the jury evidence showing that J.W. had lied to police about rape before, so that they could consider this when determining whether her complaints against Mr. Lee were credible. The trial court's exclusion of this evidence denied

Mr. Lee his right to confrontation. U.S. Const. amend. VI; Const. art. I, § 22.

ii. *The trial court's error was not harmless.*

Constitutional error is presumed prejudicial and the State bears the burden of proving the error harmless beyond a reasonable doubt. *Chapman v. California*, 386 U.S. 18, 24, 87 S.Ct. 824, 17 L.Ed.2d 705 (1967). The Court must reverse unless it is “convinced beyond a reasonable doubt that any reasonable jury would have reached the same result without the error.” *Jones*, 168 Wn.2d at 724 (quoting *State v. Smith*, 148 Wn.2d 122, 139, 59 P.3d 74 (2002)). To evaluate whether a constitutional error is harmless, this Court looks only at the untainted evidence to determine whether that evidence is “so overwhelming that it necessarily leads to a finding of guilt.” *McDaniel*, 83 Wn. App. at 187; *see also State v. DeLeon*, ___ Wn.2d ___, 2016 WL 2586679 at *5 (No. 91185-1, May 5, 2016) (applying the untainted evidence test and reversing).

The State has not met this high burden here. The complaining witness’s testimony at trial was the only evidence against Mr. Lee, and it was alternately harmful and helpful to the defense. On the one hand, J.W. had a note that Mr. Lee agreed that he wrote and signed “R,” which seemed to corroborate her story, though Mr. Lee testified he had not given

her the letter and believed it was in storage. RP 84, 269, 340. On the other hand, J.W. testified that Rick had two tattoos, one on his chest or shoulder and one on his arm, but the evidence at trial showed Mr. Lee did not, in fact, have any tattoos. RP 72, 272. J.W. also testified she had visited the homes of Mr. Lee's mother and ex-girlfriend, yet could not describe any of the distinctive characteristics of these homes. RP 116-17.

The jury's verdict indicated it did not fully accept J.W.'s testimony. The State charged Mr. Lee with five counts of third degree rape of a child and alleged an aggravating factor, but the jury acquitted Mr. Lee of three of the counts and did not find the aggravating factor. CP 6-8, 51-60. Based on the inconsistencies in J.W.'s testimony at trial and the jury's verdict, the State cannot show, beyond a reasonable doubt, that any reasonable jury would have reached the same result without the error. *Jones*, 168 Wn.2d at 724. This Court should reverse.

2. The significant delay in bringing Mr. Lee to trial was a manifest constitutional error that should be considered by this Court under RAP 2.5(a)(3).

While this Court will not typically consider an issue raised for the first time on appeal, a claim of error may be raised for the first time if it is a "manifest error" affecting a constitutional right. RAP 2.5(a)(3); *State v. Kirkman*, 159 Wn.2d 918, 926, 155 P.3d 125 (2007). In order to satisfy RAP 2.5(a)(3), the defendant must have identified a constitutional error

and the record must “show how the alleged error actually affected the defendant’s rights at trial.” *Kirkman*, 159 Wn.2d at 926-27.

Mr. Lee argued the delay in bringing him to trial violated his Sixth Amendment right to a speedy trial, but the Court of Appeals declined to review his claim, finding the error was not manifest. Slip Op. at 6. A showing of actual prejudice is what makes the error “manifest” and permits appellate review. *Id.* at 927. In order to demonstrate “actual prejudice,” the defendant must make a plausible showing “that the asserted error had practical and identifiable consequences in the trial of the case.” *Kirkman*, 159 Wn.2d at 935; *State v. O’Hara*, 167 Wn.2d 91, 99, 217 P.3d 756 (2009).

An error is “identifiable” when the trial court record is “sufficient to determine the merits of the claim.” *O’Hara*, 167 Wn.2d at 99. “If the facts necessary to adjudicate the claimed error are not in the record on appeal, no actual prejudice is shown and the error is not manifest.” *State v. McFarland*, 127 Wn.2d 322, 333, 899 P.2d 1251 (1995).

As this Court has repeatedly stated, any harmless error analysis should be performed after a court finds the requirements of RAP 2.5(a)(3) are satisfied, and the harmless error analysis should not be confused with the finding of a “manifest” error. *O’Hara*, 167 Wn.2d at 99 (citing

McFarland, 127 Wn.2d at 333; *State v. Scott*, 110 Wn.2d 682, 685, 757 P.2d 492 (1988)). In *O'Hara*, this Court explained:

The determination of whether there is actual prejudice is a different question and involves a different analysis as compared to the determination of whether the error warrants a reversal. In order to ensure the actual prejudice and harmless error analyses are separate, the focus of the actual prejudice must be on whether the error is so obvious on the record that the error warrants appellate review.

167 Wn.2d at 99-100.

Here, the error is obvious on the record. Mr. Lee was arrested in October 2009 and held on \$50,000 bail. CP 1-2; RP 2. Although his arraignment was initially set for several days later, he was not arraigned on charges until April 2013 and did not go to trial until December 2013, over four years after his initial arrest. RP 10, 13. While Mr. Lee was not formally charged in 2009, he faced a similar threat and resulting anxiety in the following years after being arrested, held on bail, and then released. *See Doggett v. United States*, 505 U.S. 647, 651, 112 S.Ct. 2686, 120 L.Ed.2d 540 (1992); *State v. Corrado*, 94 Wn. App. 228, 232, 972 P.2d 515 (1999).

At trial, witnesses explained that the delay was a result of the State's negligence. A patrol officer with the city of Kelso testified she initially investigated the report but quickly determined the alleged

incidents had not occurred within the city limits. RP 185-6. She forwarded the case to the Cowlitz County sheriff's office. RP 187.

A detective sergeant with Cowlitz County testified that after he was promoted to that position in 2012 he was reviewing old files and realized J.W.'s complaint was not assigned to anyone in the unit. RP 199. The detective sergeant agreed with the prosecutor's assessment that the case "kind of fell through the cracks." RP 200. Two detectives had performed some investigative work on the case on a temporary basis but by April 2010 the case had been forgotten. RP 201. Cowlitz County did not resume its investigation until May 2012, causing a delay of at least two years because of its own negligence. RP 201.

This testimony, which details the State's negligent delay of Mr. Lee's case, satisfies the "manifest" error requirement, as it provides the necessary facts in the record to adjudicate Mr. Lee's claim of constitutional error. *McFarland*, 127 Wn.2d at 333. This Court should review Mr. Lee's claim under RAP 2.5(a)(3) and reverse.

E. CONCLUSION

Mr. Lee respectfully asks this Court to reverse the Court of Appeals first, because his confrontation rights were violated when the trial court erroneously restricted his cross-examination of the complaining witness and second, because the negligent delay of his trial presents a manifest, constitutional error.

Further, as explained in Mr. Lee's opening brief and petition for review, this Court should order the trial court to consider whether Mr. Lee has the ability, or likely future ability, to pay the \$2,041.69 in discretionary legal financial obligations imposed on him by the court at sentencing.

DATED this 15th day of June, 2016.

Respectfully submitted,



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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

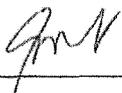
STATE OF WASHINGTON,)	
)	
RESPONDENT,)	
)	NO. 92475-9
v.)	
)	
DONALD LEE,)	
)	
PETITIONER.)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 15TH DAY OF JUNE, 2016, I CAUSED THE ORIGINAL **SUPPLEMENTAL BRIEF OF PETITIONER** TO BE FILED IN THE **WASHINGTON STATE SUPREME COURT** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

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[X] DONALD LEE	(X)	U.S. MAIL
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SIGNED IN SEATTLE, WASHINGTON THIS 15TH DAY OF JUNE, 2016.

X _____ 

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