FILED
SUPREME COURT
STATE OF WASHINGTON
9/12/2018 4:14 PM
BY SUSAN L. CARLSON
CLERK

NO. 95603-1

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

MICHAEL HENDERSON,

Respondent.

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

RESPONDENT'S ANSWER TO BRIEF OF AMICUS CURIAE (WAPA)

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A. INTRODUCTION

Washington Association of Prosecuting Attorneys (WAPA)'s brief as amicus curiae suffers from several flaws. First, WAPA claims the structure of the criminal code no longer supports an excusable homicide defense. But when the legislature adopted the comprehensive criminal code in 1975, it specifically preserved the defense of excusable homicide. And it has failed to alter it since. The legislature could have withdrawn or qualified the defense but it did not. It continues to apply.

Second, WAPA ignores criminal defendants' constitutional right to control their defense. It is not for the prosecutor to decide whether to deprive the jury of an applicable defense instruction by claiming it provides a name for an acquittal. The defendant is entitled to make this decision.

Third, even if a defense negates an element of the offense, trial courts must provide a jury instruction describing the defense if requested and supported by some evidence. Excusable homicide is no different.

Fourth, excusable homicide by definition can be premised on "any lawful act." The self-defense statute defines a lawful act. The conduct need simply satisfy the self-defense statute to qualify, contrary to WAPA's musings about unlawful conduct.

Fifth, if a prosecutor is concerned with an excusable homicide instruction the trial court provides, the prosecutor can propose instructions that define the gaps WAPA alleges. Denying the defense instruction is an improper result.

Finally, WAPA agrees a lawful use of non-deadly force instruction should have been provided at Henderson's trial. Yet, the trial prosecutor argued against it and none was provided.

For all these reasons, reversal is required.

B. ARGUMENT IN ANSWER TO AMICUS

1. The legislature explicitly codified and retained excusable homicide while making other changes to the criminal code, evidencing the continued availability of the defense.

Amicus' legislative interpretation is not true to the statute or its legislative history. WAPA inaccurately argues the "statutory scheme was . . . abandoned in 1975." Amicus Br., p.3. In fact, while the legislature largely revised the criminal code in 1975, it maintained excusable homicide, which the legislature authorized as early as 1909. *Compare* Laws of 1975, 1st Ex. Sess., ch. 260 § 9A.16.030 (enacting RCW 9A.16.030 providing for excusable homicide as a defense to all homicides) *with* RCW 9.48.150 (1909); Bill Analysis Form, S.S.B. 2092, p.2 (Feb. 28, 1975) (noting 1975 and 1909 provisions on excusable homicide are

"identical");[1] *accord* Amicus Br., p.4 (recognizing excusable homicide was maintained by the legislature throughout other amendments to the statute).

During the 1975 amendment process, the legislature explicitly created a new statutory provision, ensuring excusable homicide was maintained as a defense to all homicides. Laws of 1975, 1st Ex. Sess., ch. 260 § 9A.16.030; *see* Bill Report, E.S.S.B. 2092 (Apr. 30, 1975) ("Purpose of Bill and Effect on Existing Law: . . . Prescribes the conditions under which homicide is justifiable or excusable."); Bill Analysis Form, S.S.B. 2092, p.1 (Feb. 28, 1975) (noting bill "retains the present excusable and justifiable homicide provisions" in order not to "take away existing rights of self defense").

The 1975 amendments codified excusable homicide as a defense to any homicide in Washington. RCW 9A.16.030 (1975). The statute read,

> HOMICIDE - WHEN EXCUSABLE. Homicide is excusable when committed by accident or misfortune in doing any lawful act by lawful means, with ordinary caution and without any unlawful intent.

Id. In 1979, the legislature amended RCW 9A.16.030, but only to change the phrase "with ordinary caution and" to "without criminal negligence,

[1] The cited portions of legislative history are attached as an appendix.

or." Laws of 1979, Ex. Sess., ch. 244 § 8. Following the 1979 amendments, RCW 9A.16.030 provides,

> HOMICIDE - WHEN EXCUSABLE. Homicide is excusable when committed by accident or misfortune in doing any lawful act by lawful means, without criminal negligence or any unlawful intent.

RCW 9A.16.030.

The legislature has not changed RCW 9A.16.030 since the 1979 amendments. *See* RCW 9A.16.030. Even when the legislature amended the felony murder statute to explicitly include an assault predicate, the legislature maintained the availability of excusable homicide as a defense to felony murder. Laws of 2003, ch. 3 (amending second degree felony murder statute to explicitly include assault as a predicate offense while not enacting any changes to excusable homicide defense). While WAPA might wish the legislature had "abandoned" excusable homicide, in reality, the legislature retained it in 1975 as in subsequent amendments.

WAPA claims excusable homicide "no longer meshes" with the murder statutes. Amicus Br., p.3. But WAPA's argument runs directly contrary to the legislature's actions and intent. The 1975 amendments created a comprehensive new criminal code following a years-long drafting, debate, and review process. *State v. Wilbur*, 110 Wn.2d 16, 19, 21, 749 P.2d 1295 (1988). As part of this new, comprehensive code, the

legislature explicitly authorized the excusable homicide defense. RCW 9A.16.030 (1975). The legislature retained the 1909 excusable homicide law in its new 1975 criminal code. Thus, the legislature believed it "meshed" with its new criminal code, and it has retained the defense through to today. RCW 9A.16.030.

In sum, excusable homicide is a statutorily authorized defense. RCW 9A.16.030.

2. WAPA ignores that criminal defendants have the constitutional right to broadly control their own defense.

A "defendant has a constitutional right to at least broadly control his own defense." *State v. Jones*, 99 Wn.2d 735, 740, 664 P.2d 1216 (1983) (emphasis in original). "The Sixth Amendment places th[e] important strategic decision [of whether to present a chosen defense] squarely in the hands of the defendant, not the prosecutor or the trial court." *State v. Coristine*, 177 Wn.2d 370, 378, 300 P.3d 400 (2013); *accord Jones*, 99 Wn.2d at 740. Amicus WAPA overlooks defendant's constitutional rights in characterizing an excusable homicide instruction as adding nothing, "confusing," and "unhelpful." *See* Amicus Br., pp.2, 8-9, 10, 14, 15.

"In order to further the truth-seeking aim of a criminal trial and to respect individual dignity and autonomy, the Sixth Amendment gives the

accused the right to present a defense. Consistent with this right, the Sixth Amendment requires deference to the defendant's strategic decisions." *Coristine*, 177 Wn.2d at 375 (holding "Instructing the jury on an affirmative defense over the defendant's objection violates the Sixth Amendment by interfering with the defendant's autonomy to present a defense."). The defendant has the right to decide the defense he or she chooses to mount. *Jones*, 99 Wn.2d at 740 (quoting *United States v. Laura*, 607 F.2d 52, 56 (3d Cir. 1979)).

The Sixth Amendment right to present a defense is personal to the defendant. *Faretta v. California*, 422 U.S. 806, 819, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975). The "core of the *Faretta* right" is that the "defendant is entitled to preserve actual control over the case he chooses to present to the jury." *McKaskle v. Wiggins*, 465 U.S. 168, 178, 104 S. Ct. 944, 79 L. Ed. 2d 122 (1984).

"Presenting one's own defense also affirms individual dignity and autonomy." *Coristine*, 177 Wn.2d at 376 (citing *McKaskle*, 465 U.S. at 176-77; *Portuondo v. Agard*, 529 U.S. 61, 76, 120 S. Ct. 1119, 146 L. Ed. 2d 47 (2000) (Stevens, J., concurring)). Respect for a defendant's "freedom as a person" mandates affording defendants the fundamental right to make decisions about the course of his or her defense. *Jones*, 99

Wn.2d at 742 (quoting *Frendak v. United States*, 408 A.2d 364, 376 (D.C. 1979)).

Just as the court must honor the intelligent and voluntary choice of a competent defendant to forgo an insanity defense, *Jones*, 99 Wn.2d at 746, so too must the court accept a defendant's choice to instruct the jury on an available defense—even if the prosecutor believes the instruction is confusing.

"The defendant," and not the prosecution or the court, "will bear the personal consequences of a conviction." *Faretta*, 422 U.S. at 834. Even if a defendant conducts his or her own defense "ultimately to his own detriment, his [or her] choice must be honored out of 'that respect for the individual which is the lifeblood of the law.'" *Id*. (quoting *Illinois v. Allen*, 397 U.S. 337, 350-51, 90 S. Ct. 1057, 25 L. Ed. 2d 353 (1970) (Brennan, J., concurring)).

The "deprivation of" a defendant's right to control his or her defense "is error even if the trial court's instructions in the law are a model of accuracy." *Coristine*, 177 Wn.2d at 381.

Further, contrary to the prosecutors' argument, excusable homicide does add something—it legally excuses the accidental death that results from the lawful act of self-defense. Without it, the jury may feel the predicate act was lawful but it still must account for the death. An

excusable homicide instruction is the jury's edict from the court that an accidental death resulting from lawful self-defense is not a crime. While providing "the name for an acquittal" may be "nothing" for the State, it could be everything to the jury and thus to the defendant. *See* Amicus Br., pp.2, 5-6.

WAPA cannot dictate how a defendant defends the prosecution's charges. *See* Amicus Br., p.11 (arguing the "solution" is not "to introduce" excusable homicide, but "to focus on the elements of the charged crime"). The constitution prohibits it. If WAPA believes excusable homicide instructions add confusion and provide no guidance, this state's prosecutors do not need to offer excusable homicide instructions. Amicus Br., pp.2, 14. But, defendants must also make that choice for themselves. If the defendant believes the instruction adds more to the case than it detracts, and it is supported by some evidence, then the defendant can request and the court should provide the instructions.

The State elected to charge Henderson with felony murder. And he is entitled to choose for himself the defense he wishes to mount to that charge.

3. WAPA ignores that courts must provide instructions on a requested defense that denies an element of the charge.

Amicus theorizes that excusable homicide adds nothing to the jury instructions in this case because it simply negates the elements of the charge. Amicus Br., pp.2, 6, 9, 10. A defendant is entitled to jury instructions that instruct the jury on his or her theory of defense, even if the defense "simply" negates an element, because the jury needs the instruction to know how and whether it can use the evidence supporting defendant's theory. *E.g.*, *State v. Stevens*, 158 Wn.2d 304, 310, 143 P.3d 817 (2006) (although jury was instructed State had to prove intent, trial court erred by declining to instruct on involuntary intoxication, which would instruct jury on how or whether to consider evidence supporting defense theory); *State v. Griffin*, 100 Wn.2d 417, 420, 670 P.2d 265 (1983) (error to fail to provide diminished capacity instruction to apprise jury of the effect it had upon formation of criminal intent, although jury was instructed State had to prove intent); *State v. Conklin*, 79 Wn.2d 805, 489 P.2d 1130 (1971) (reversing conviction for failure to provide intoxication instruction, although instruction was provided on burden for

specific intent, because without instruction, jury was not "informed as to the effect of intoxication upon the formation of criminal intent").[2]

Thus, WAPA's argument that, in its view, excusable homicide adds nothing to what is contained in the to convict instruction, does not determine the outcome in this case. Henderson was entitled to an instruction on excusable homicide because it was an available defense supported by some evidence, even if acquittal could also be premised on the jury finding the State did not satisfy one of the elements in the to convict. *See State v. Theroff*, 95 Wn.2d 385, 389, 622 P.2d 1240 (1980); *State v. Staley*, 123 Wn.2d 794, 803, 872 P.2d 502 (1994).

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[2] In a footnote in *State v. W.R., Jr.*, the Court stated that, in a prosecution for rape by forcible compulsion, it "is not necessary to add a new instruction on consent simply because evidence of consent is produced." 181 Wn.2d 757, 767 n.3, 336 P.3d 1134 (2014). The court's note is dictum, as *W.R.* was a juvenile tried by the bench—jury instructions were irrelevant—and the only issue in *W.R.* was whether the trial court erroneously placed the burden on the defendant to disprove consent. *Id*. at 761. Moreover, unlike consent, the legislature specifically provided defendants with an excusable homicide defense. RCW 9A.16.030. Thus, the case for a specific instruction is stronger here than it would be in a forcible rape case.

4. Contrary to WAPA's interpretation of unlawful conduct, a person acting in self-defense commits a lawful act sufficient to excuse an accidental killing.

WAPA proposes an overly broad construction of the term "unlawful" for purposes of excusable homicide. Amicus Br., pp.4-6. The proper definition derives from the statutes themselves.

RCW 9A.16.030 provides the defense of excusable homicide as any "homicide committed by accident or misfortune in doing any lawful act by lawful means, without criminal negligence, or without any unlawful intent." By the statute's plain terms, "any lawful act" can predicate the accidental homicide.

One such lawful act is self-defense. RCW 9A.16.020 defines the lawful act of self-defense. The use of force is "not unlawful . . . Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person . . . in case the force is not more than is necessary." RCW 9A.16.020(3).

By this statute's plain terms, the use of force is lawful when the force is not more than necessary and is used by a party about to be injured. *Id*. No more is required to render the act of self-defense lawful. *State v. Acosta*, 101 Wn.2d 612, 617, 683 P.2d 1069 (1984) ("a person acting in self-defense acts lawfully"); *State v. Jeffrey*, 77 Wn. App. 222, 226, 889

P.2d 956 (1995) (one can claim self-defense even while unlawfully possessing a weapon).

For example, the legislature does not require that the party be in lawful possession of any implement used in his or defense. RCW 9A.16.020(3). *Cf. State v. Brightman*, 155 Wn.2d 506, 510, 524-25, 122 P.3d 150 (2005) (excusable homicide defense available where defendant claimed to be committing unlawful act of purchasing a controlled substance at time of accidental killing). Rather, the legislature simply defines self-defense as a lawful act.

Thus, under the defense of excusable homicide set forth by the legislature and the definition of self-defense also set forth by the legislature, an act of self-defense is a lawful act and constitutes "any lawful act" that satisfies the excusable homicide defense. Neither the jury nor this Court need look any further.

5. Prosecutors can propose instructions to fill the definitional gap that WAPA alleges without infringing on defendants' right to have the jury instructed on their defense.

WAPA argues Henderson's requested instructions would be confusing to the jury because the jury was not instructed on criminal negligence. Amicus Br., pp.6, 7-8, 9-10. WAPA's alleged concerns are easily resolved, without sacrificing Henderson's defense.

As discussed, criminal defendants bear the constitutional right to request a defense instruction. Moreover, this Court approves of instructions that provide the jury with broader information than it needs under the facts of a given case. *State v. France*, 180 Wn.2d 809, 815-20, 329 P.3d 864 (2014) (no error where instruction included definitions of a threat that did not apply under the facts of the case). Jury instructions are not problematic simply because they include phrases or definitions beyond what the jury must consider in a particular case.

Thus, an excusable homicide instruction without further definitional instructions does not create a trial error. *See State v. Scott*, 110 Wn.2d 682, 690-91, 757 P.2d 492 (1988) (courts are not constitutionally compelled to provide definitional instructions). However, if the State believes terms should be further defined, the prosecutor can request such instructions. *See id*. at 692 (while not constitutionally required, trial courts need not refuse requested definitional instructions). In fact, this Court has regularly approved the use of definitional instructions. *See, e.g.*, *State v. Tyler*, __ Wn.2d __, 422 P.3d 436, 439-42 (2018) (definitional instructions that accurately convey the law may be used to inform or clarify for the jury and do not create additional burden for State); *State v. Johnson*, 180 Wn.2d 295, 306-08, 325 P.3d 135 (2014) (not error to provide instruction on generic definition of recklessness; jury instructions adequate when read

as a whole). Thus, in response to defense-proposed instructions on excusable homicide and the corresponding lawful use of force, the State could propose instructions defining criminal negligence or any other "gap" the prosecutor believes should be filled for the jury.

Here, the trial prosecutor did not request an instruction on criminal negligence or manslaughter and did not argue the issue would create confusion. However, if, on remand, Henderson requests excusable homicide instructions, the State can propose definitional instructions it believes will aid the jury in determining whether the defense is satisfied. The same is true in any other case in which the issue arises. This is not a matter this Court needs to decide and is not a reason to deny Henderson the right to have the jury instructed at all.

6. WAPA concedes an instruction on self-defense to a non-deadly injury would have been proper, yet the trial prosecutor argued against it and Henderson was denied it.

WAPA concedes, "In this kind of case [such as *Brightman*], the jury instructions must clearly define the applicable self-defense standard." Amicus Br., p.11 (emphasis added). WAPA argues the jury should be instructed on any available defenses to the underlying felony for a felony murder charge, including the lawful use of non-deadly force. Amicus Br., p.13.

Henderson proposed non-deadly self-defense instructions. CP 38-40 (WPIC 17.02). He argued self-defense in response to a reasonable apprehension of a simple injury met the State's assault charge and Henderson's display of a weapon theory. RP (6/2/16) 820, 23-24, 827, 829-30. Yet, the trial prosecutor offered the deadly force self-defense instructions at WPIC 17 and argued that it was the only appropriate self-defense standard. RP (5/31/16) 617-21; RP (6/2/16) 828. Thus, it is disingenuous, at best, for WAPA to now argue Henderson was entitled to the very instructions the trial prosecutor prevented from reaching the jury.

Henderson's jury was not instructed on non-deadly self-defense. Rather, the jury was instructed that, to acquit on a self-defense theory, it must find "the slayer reasonably believed that the person slain intended to inflict death or great personal injury" and "reasonably believed that there was imminent danger of such harm being accomplished." CP 60. "Great personal injury" was defined as an injury that the slayer reasonably believed, in light of all the facts and circumstances known at the time, would produce severe pain and suffering if it were inflicted upon either the slayer or another person." CP 61.

Contrary to Amicus' position, "These instructions [did not] properly frame[] the issues that the jury had to decide." Amicus Br., p.7. It is possible the jury found Henderson committed a second degree assault

that was unlawful only because the force he used was excessive—resulting in a killing. But, if the jury had been allowed to consider whether the use of non-deadly force in self-defense was lawful, and that the resulting killing was excusable if accidental, it might have reached a different result.

In short, under WAPA's concession that non-deadly force is a defense to felony murder as charged, the instructions provided were deficient. Reversal is required.

C. CONCLUSION

WAPA's arguments seek to circumvent the plain statutory language and the legislature's intent. WAPA's arguments also do not comport with a defendant's constitutional right to control his or her defense. WAPA's arguments do not overcome the Court of Appeals' opinion that Michael Henderson's trial court improperly denied an instruction on the defense of excusable homicide. The Court should affirm the Court of Appeals and remand for a new trial.

DATED this 12th day of September, 2018.

Respectfully submitted,

s/ Gregory Link
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Washington Appellate Project

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APPENDIX

BILL ANALYSIS FORM

BILL NO. S.S.B. 2092 DATE: February 28, 1975

SPONSOR Judiciary Committee (originally sponsored by Senators Francis, Woody and Jones

SHORT TITLE enacting a new criminal code for crime against persons

REPORTED BY: COMMITTEE ON Judiciary

ANALYZED BY Bill Gales

(1) Should the present law on the permissible use of force be retained?

Present law lists situations where the use of force is permissible, most of them involving actions by public officials. The provision applying to citizens permits the use of force "to prevent an offence against [the] person, or a malicious trespass, or other malicious interference with real or personal property". Use of force resulting in death is afforded a defense in more limited situations.

The bill retains the existing law in this area without modifications (see 9A.16.010 -.050). It also retains the present excusable and justifiable homicide provisions.

Evaluation: Present law was retained because of a concern that the language in S.B. 2092 would take away existing rights of self defense. Case law on these sections, however, significantly qualify the broad right to use force as set out in present law.

(2) Comparison of remaining substantive sections of the bill with present law:

see following page:

SSB 2093	RCW	Change from present law
9A.08.030 (criminal liability of corporations and persons acting or under a duty to act in their behalf)	-	New provision.
9A.12.010 (insanity)	-	Adopts pure M'Naughten rule using "or" instead of "and" between the two parts of the rule.
9A.16.010 (definitions)	-	New definition of "necessary".
9A.16.020 (use of force - when lawful)	9.11.040 (force, when lawful)	Identical
9A.16.030 (homicide - when excusable)	9.48.150 (homicide, when excusable)	Identical
9A.16.040 (justifiable homicide by public officer)	9.48.160 (justifiable homicide by public officer)	Identical
9A.16.050 (homicide - by other person - when justifiable)	9.48.170 (homicide by other person - when justifiable)	Identical
9A.16.060 (duress)	9.01.112 (duress as a defense) 9.01.113 (duress of married woman no defense)	Defense not available in two new situations: (1) when crime charged is manslaughter (already not available for murder charge) (2) if actor intentionally or recklessly places himself in the situation.
9A.16.070 (entrapment)	-	Consistent with case law on entrapment.
9A.16.080 (action for being detained on mercantile establishment premises for investigation - "reasonable grounds" as defense)	9.01.116 (action for being detained on mercantile establishment premises for investigation - "reasonable grounds" as defense)	Identical
9A.16.090 (intoxication)	9.01.114 (intoxication no defense)	Identical
9A.20.010 (classification and designation of crimes) 9A.20.020 (authorized sentences of offenders)	9.01.020 (classification of crimes)	Present law: (a) Felony - imprisonment in the state penitentiary The bill: Class A felony - not less than 20 years, not more than

BILL REPORT

HOUSE OF REPRESENTATIVES
Olympia, Washington

Bill No.: ESSB 2092

Companion Measure No.

Crime vs persons code
Brief Title From Status of Bills

Senators Francis, Woody, Jones
Sponsor

4-30-75
Date

Reported by Committee on Judiciary

Mooney 3-4826
Staff Contact (Name & Tel. No.)

Committee Recommendation: Majority DPA (10)

Minority

Majority Report Signed By: Minority Report Signed By:
(Complete only if a Minority Report is filed)

* * * * * * * *

Purpose of Bill and Effect on Existing Law: Prescribes the conditions under which force toward another person may be used or offered. Prescribes the conditions under which homicide is justifiable or excusable. Creates 5 classes of crimes and prescribes the penalties for each. Allows the court to order a defendant to pay an amount in lieu of a fine that may be used for restitution to victim. Repeals specified laws. Takes effect July 1, 1976.

EFFECT OF COMMITTEE AMENDMENT: Incorporates the various criminal code revision sections of four senate bills as those bills were read into the House Judiciary Committee and adds thereto the following amendments: (1) Effective date is changed from July 1, 1977 to 1976; (2) Sec. 9A.08.020 (6) (Complicity) dealing with proof is amended to make clear that it applies to all complicity matters under this section; (3) 9A.16.020 (6) language change to modernize and conform with HB 393 which was passed by the House; (4) New Sec. 9A.48.100 adds definition of physical damage which includes damage to computer software; (5) Adds clarifying language (9A.56.010 (5); (6) In Chapt. 9a.56 relating to theft, increases dividing line between gross misdemeanor an felony from $100 to $250; (7) 9A.56.160 adds specifications as a Class C felony, of possession of stolen firearms; (8) Corrects terminology from misdemeanor to felony 9A.76.180 (9) Adds new sections to Chapter 9A.88 proscribing prostitution, promoting prostitution, permitting prostitution and indecent liberties. (New sections 98.88.100; (10) Adds repealers of provisions in chapters 9.79.040-130, the content of which is either now incorporated in the replacement chapter of SHB 208, or is considered inappropriate.

Fiscal Impact:

Principal Proponents:

Bill Stephens, Wash. State Bar Assn.
Michele Pailthorp, ACLU
Marco Magnano, Bar Assn.
Pat Aitken, Asst. Chief Deputy, Criminal Division
Law & Justice Committee

Principal Opponents:

Attachments:

Comments: (Continue on Reverse)

2092

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	
Petitioner,	)	
	)	NO. 95603-1
v.	)	
	)	
MICHAEL HENDERSON,	)	
	)	
Respondent.	)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 12TH DAY OF SEPTEMBER, 2018, I CAUSED THE ORIGINAL **RESPONDENT'S ANSWER TO BRIEF OF AMICUS CURIAE (WAPA)** 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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SIGNED IN SEATTLE, WASHINGTON THIS 12TH DAY OF SEPTEMBER, 2018.

X_____

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WASHINGTON APPELLATE PROJECT

September 12, 2018 - 4:14 PM

Transmittal Information

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Appellate Court Case Number:	95603-1
Appellate Court Case Title:	State of Washington v. Michael David Henderson
Superior Court Case Number:	15-1-05587-5

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