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JUL 18 2014

King County Prosecutor
Appellate Unit

NO. 71096-6-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

JASON ROMERO,

Appellant.

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

The Honorable Carol Schapira, Judge

BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. Prosecutorial misconduct during closing argument violated appellant's right to a fair trial.
2. Appellant received ineffective assistance of counsel.

Issues Pertaining to Assignments of Error

Appellant was charged with second degree burglary for allegedly remaining inside a church crawl space for two days. The crawlspace contained a gardening tool, kitchen knives, and various other food items. When confronted, appellant willingly left the crawl space, did not commit or threaten any acts of violence, and voluntarily laid on the ground until arrested. During the entire incident, appellant was calm and cooperative. During closing argument, the prosecutor invited the jury to speculate appellant was armed and dangerous and posed a direct threat to those who discovered him in the crawl space. The prosecutor also encouraged jurors to reject the lesser included charge of first degree criminal trespass, telling them a trespass was temporary. Defense counsel did not object or request a curative instruction.

1. Inflammatory appeals to passion and prejudice during closing argument constitute prosecutorial misconduct that cause incurable prejudice and require reversal. Should appellant's convictions be reversed because the prosecutor, without evidence of any violent confrontation,

focused the jury to speculate that appellant posed a direct threat to those who discovered him during the alleged burglary?

2. Did the prosecutor flagrantly misstate the law, when she encouraged jurors during closing argument to reject the lesser charge of criminal trespass, telling them a trespass was only temporary?

3. Was defense counsel ineffective in failing to object to this prosecutorial misconduct?

B. STATEMENT OF THE CASE

1. Trial Testimony.

On August 23, 2013, the King County prosecutor charged appellant Jason Romero with one count of second degree burglary for an incident occurring between January 9 and 11, 2012. CP 10-11; 1RP¹ 6-7.

On January 10, 2012, Uzias Gutierrez-Hougardy went with his mother, Misty, to Living Hope Church of Nazerene to deliver food for a dinner the next evening. 1RP 120-24; 2RP 59-61. Uzias² saw a man exit the bathroom as he walked down the hallway. 1RP 125-26; 2RP 61. The man said “hi” as he walked past Uzias. 1RP 125; 2RP 61. Uzias did not

¹ This brief refers to the verbatim report of proceedings as follows: 1RP – August 29, 2013 & September 3, and 4, 2013; 2RP – September 5, 2013; 3RP – September 9 and 20, 2013 & October 18, 2013.

² Several witnesses share the same last name. This brief will refer to witnesses by their first name when appropriate to avoid confusion.

recognize the man and did not see where he went. 1RP 125. Uzias never saw the man again. 1RP 127.

After telling Misty about the exchange, Uzias went across the street to speak with church members Fred and Sylvia Schwyhart. 1RP 126-29; 2RP 61-62. Fred followed Uzias back to the church and told him no one else had permission to be inside. 1RP 126, 137; 2RP 62.

Fred and Sylvia saw several items out of place as they walked throughout the church including, blinds drawn shut, tables and chairs stacked against a classroom window, and water in the pastor's private bathroom. 1RP 138-41, 146-47, 150, 154, 175-76, 180; 2RP 7-9. In the kitchen, a pot was on the stove, the oven light was turned on, and a bowl was in the oven. 1RP 142, 156, 178-79; 2RP 9. In a classroom "forgive those who trespass," was written on a whiteboard. 1RP 178; 2RP 9. Fred did not recognize the handwriting. 1RP 140. Fred and Sylvia noticed a box containing items from other parts of the church including, fire extinguishers, candles, and mission books. 1RP 141, 176.

Fred called police. 1RP 144; 2RP 6. Police searched the church but found no one. 1RP 63-64, 157. Officer David Unger saw some damage to walls in an upstairs classroom. 2RP 10-11. Police saw no evidence of forced entry. 2RP 13.

The next day, Pastor Patrick Lyon went to the church. 2RP 79. He went directly to his office and noticed nothing out of the ordinary. 2RP 81. A short time later, Misty returned to the church and found new untidiness in the kitchen. 2RP 64. Lyon noticed a camcorder was missing from his office when Misty asked him whether he had been in the kitchen. 2RP 81-82.

During another search of the church, Lyon noticed an electrical cord hanging from a crawl space above the sound booth. 2RP 44-45, 66, 82. Maintenance custodian Ed Towle climbed a ladder to the crawl space to investigate. 2RP 45. As he did so, a man said, "I'm coming down," "please don't hurt me." 1RP 167; 2RP 45, 51, 67-68, 83, 101. Romero came out of the crawl space and then voluntarily laid on his stomach while police were called. 1RP 161-62, 166, 168; 2RP 45, 51, 69, 83-84, 101-02, 111-12. Romero was cooperative and calm. 1RP 167; 2RP 51. Romero told Misty he needed a place to stay and entered the church through an unlocked kitchen window. 2RP 71.

Police arrived and arrested Romero. 2RP 112-13. Romero continued to be calm and cooperative with police. 2RP 117. Romero told police he was scared and had been in the crawl space for about two days. 2RP 113, 116. Police found several items inside the crawl space including, blankets, kitchen knives, a gardening tool, candles, a radio,

coffee pot, dishware, food items, fire extinguisher, and backpack. 1RP 164-65; 2RP 24-25, 27, 36-37, 86-88. Romero identified the backpack as his but said the other items belonged to the church. 2RP 28-29, 113-14. The backpack contained a webcam, a computer keyboard, webcam, and a set of keys labeled "shed." 2RP 29-31. Lyon said the backpack contents belonged to the church. 2RP 48-50, 87-88. Later, the church identified one of the chapel doors and trim as being damaged from being pushed in. Nothing was taken from the church. 1RP 168; 2RP 32-33, 90-92.

On November 2, 2012, Romero did not appear at his omnibus hearing. 2RP 139-44. Based on Romero's absence, the State also charged Romero with one count of bail jumping. CP 10-11; 1RP 6-7

After hearing the above, a King County jury convicted Romero as charged. CP 49-50. The jury also returned a special verdict finding Romero committed the burglary while complaining witnesses were present in the building. CP 48; 3RP 79-81.

The trial court imposed concurrent sentences of 51 months on the burglary and 43 months on the bail jumping. The trial court also imposed a consecutive four month sentence for the special verdict finding. CP 78-85; 3RP 121, 124. Romero timely appeals. CP 86-96.

2. Prosecutorial Misconduct.

Romero did not dispute he was inside the church for about two days. Rather, Romero's defense theory was that he did not intend to commit a crime inside the church. 3RP 63. Consistent with this theory, Romero requested, and received, lesser included jury instructions for first degree criminal trespass. CP 21-23, 64-66; 3RP 6-7.

The State acknowledged the main question was whether Romero intended to commit a crime inside the church. 3RP 42. The prosecutor maintained Romero was guilty of burglary rather than criminal trespass. Rejecting the defense theory that Romero was guilty only of criminal trespass, the prosecutor stated the following during her opening closing argument:

Now the defense attorney would like you to believe that this was just a trespass; that the defendant was just trespassing. He didn't commit any crimes inside the church.

But this isn't a trespass. A trespass is temporary. A trespass is cutting through your neighbor's yard to get to the bus stop quicker. A trespass does not involve remaining unlawfully with the intent to commit crimes or actually committing crimes.

So a trespass versus a burglary, think about what we have here. This is a long-term situation. It is not temporary.

3RP 43.

The prosecutor continued by arguing the State had proven beyond a reasonable doubt that Romero had the intent necessary to support a burglary conviction. The prosecutor told the jury the following:

The last piece of evidence that I think is somewhat significant is the – is the fact that the defendant had started to collect tools and instruments that could potentially be used as weapons, and he stored these up in the crawlspace. *[sic]*

Now who knows what the defendant was hoarding, you know, four butcher knives for, or that – there is a picture that you will see of his three-pronged – it is like a mini pitchfork for you garden – you hoe the dirt with.

Who knows what the defendant was doing with those things? There was testimony that that garden pitchfork had been out in the shed previously. He had the shed keys in his backpack so we know where he got it and that the butcher knives were kept in a butcher block down in the kitchen.

We do know that they were close at hand up in his hidy-hole; that someone would come that he didn't feel should have been there. Is it reasonable to think that the defendant was going to do some gardening or needed four butcher knives up there for some, you know, legitimate reason?

It is reasonable to conclude that the defendant gathered those items in case somebody infringed on his newly found space. And again, it is just another piece of evidence of intent to commit a crime therein.

3RP 52-53.

Defense counsel did not object to the prosecutor's comments. Nor did counsel request a curative instruction.

C. ARGUMENT

PROSECUTORIAL MISCONDUCT DURING CLOSING
ARGUMENT DENIED ROMERO A FAIR TRIAL.

The prosecutor appealed to jurors' emotions and encouraged them to believe, despite evidence to the contrary, that Romero was armed and dangerous and posed a direct threat to those who discovered him during the alleged burglary. The prosecutor also misstated the law when she encouraged jurors to reject the lesser included charge of first degree criminal trespass, stating "a trespass is temporary." 3RP 43. These arguments constituted flagrant and prejudicial misconduct, and they violated Romero's right to a fair trial.

1. Introduction to Applicable Law.

A prosecutor is a quasi-judicial officer who has a duty to ensure a defendant in a criminal prosecution is given a fair trial. State v. Boehning, 127 Wn. App. 511, 518, 111 P.3d 899 (2005). Because of their unique position in the justice system, prosecutors must steer wide from unfair trial tactics. State v. Monday, 171 Wn.2d 667, 676, 257 P.3d 551 (2011).

A prosecutor serves two important functions. A prosecutor must enforce the law by prosecuting those who have violated the peace and dignity of the state by breaking the law. A prosecutor also functions as the representative of the people in a quasijudicial capacity in a search for justice.

Id.

Defendants are among the people the prosecutor represents and, therefore, the prosecutor owes a duty to defendants to see that their rights to a constitutionally fair trial are not violated. Id. When a prosecutor commits misconduct, she may deny the accused a fair trial. Id.; U.S. Const. amend. 14; Wash. Const. art. 1, § 3.

“A trial in which irrelevant and inflammatory matter is introduced, which has a natural tendency to prejudice the jury against the accused, is not a fair trial.” State v. Miles, 73 Wn.2d 67, 70, 436 P.2d 198 (1968). The prosecutor is therefore forbidden from appealing to the passions of the jury and thereby encouraging it to render a verdict based on emotion rather than properly admitted evidence. Viereck v. United States, 318 U.S. 236, 247-78, 63 S. Ct. 561, 87 L. Ed. 734 (1943); State v. Belgarde, 110 Wn.2d 504, 507-08, 755 P.2d 174 (1988).

In addition, a prosecutor who misstates the law of a case commits a serious irregularity that has the potential to mislead the jury. State v. Davenport, 100 Wn.2d 757, 763, 675 P.2d 1213 (1984); State v. Walker, 164 Wn. App. 724, 736, 265 P.3d 191 (2011); see also State v. Estill, 80 Wn.2d 196, 199, 492 P.2d 1037 (1972) (arguments concerning questions of law must be confined to the instructions given by the court).

Prosecutorial misconduct violates the defendant’s right to a fair trial and requires reversal of the conviction when the prosecutor’s

argument was improper misconduct and there is a substantial likelihood the misconduct affected the verdict. In re Pers. Restraint of Glasmann, 175 Wn.2d 696, 703-04, 286 P.3d 673 (2012). Even when there was no objection to the argument at trial, reversal is required when the misconduct was so flagrant and ill intentioned as to be incurable by instruction. Id. The focus of this inquiry is more on whether the effect of the argument could be cured than on the prosecutor's mindset or intent. State v. Lindsay, ___ Wn.2d ___, 326 P.3d 125, 134 n.4 (2014); State v. Pierce, 169 Wn. App. 533, 552, 280 P.3d 1158 (2012) rev. denied, 175 Wn.2d 1025 (2012) (citing State v. Emery, 174 Wn.2d 741, 759-61, 278 P.3d 653 (2012)). In general, arguments that have an inflammatory effect on the jury are not curable by instruction. Pierce, 169 Wn. App. at 552.

2. The Prosecutor's Argument Improperly Encouraged the Jury to Convict Based on Unsupported Evidence of Romero Being Armed and Dangerous.

The prosecutor concluded her argument as to the burglary charge with an emotional argument that was entirely irrelevant to any question properly before the jury. The argument included vague suggestions of possible weapons and the potential violence that awaited anyone who confronted Romero in the crawl space. 3RP 52-53. This argument was not supported by the evidence and was therefore prosecutorial misconduct that deprived Romero of a fair trial.

A prosecutor is an officer of the court with a duty not to seek a verdict on improper grounds. State v. Fisher, 165 Wn.2d 727, 746, 202 P.3d 937 (2009). Inflammatory appeals to the passion and prejudice of the jury are improper, as are arguments based on facts not in the record. Belgarde, 110 Wn.2d at 508. A prosecutor's latitude in closing argument is limited to arguments "based on probative evidence and sound reason." Glasmann, 175 Wn.2d at 704 (quoting State v. Casteneda-Perez, 61 Wn. App. 354, 363, 810 P.2d 74 (1991)).

It is misconduct for the State to play on the jury's fear based on hypothetical scenarios. State v. Russell, 125 Wn.2d 24, 89, 882 P.2d 747 (1994). In Russell, the prosecutor argued the defendant would go to California, would find more "naïve, trusting, foolish young people," and would kill them. Id. The court described the prosecutor's remarks as "egregious."³ The Russell court declined to reverse because the comment was not likely to inspire revulsion under the circumstances, and defense

³ Other jurisdictions have also concluded that appeals to a jury's fear of "what would have happened" are improper. See United States v. Nobari, 574 F.3d 1065, 1077 (9th Cir. 2009) (court erred in not instructing jury to disregard prosecutor's reference to what would have happened if little boy had come out of restaurant as defendants were being arrested); State v. Storey, 901 S.W.2d 886, 901-02 (Mo. 1995) (improper to refer to what brother might have done had he witnessed his sister being murdered); State v. Tyler, 346 N.C. 187, 206, 485 S.E.2d 599 (1997) (improper to refer to what defendant might have done to victim's child if child had caused a scene).

counsel utilized the comment in his own closing argument, thereby weakening the contention that it denied him a fair trial. 125 Wn.2d at 89.

This case involves a similar appeal to the jury's fear based on a purely hypothetical scenario. But the circumstances that mitigated the prejudice in Russell do not exist in this case. The comments about the danger to church members were calculated to inspire revulsion by ensuring the jury viewed this incident as a dangerous, violent crime instead of a simple burglary or criminal trespass. There was no way for defense counsel to counter the inflammatory image of what might have happened.

This case is analogous to Pierce, where the court held the inflammatory appeal to the jury's emotions could not be overcome by instruction. 169 Wn. App. at 555-56. In Pierce, the prosecutor's argument presented fictitious first-person narratives of what the defendant and the victims had been thinking before and during the murders. Pierce, 168 Wn. App. at 553. A third improper argument, about whether the victims would ever have expected the murders, was not objected to: "[n]ever in their wildest dreams . . . or in their wildest nightmare' would the Yarrs have expected to be murdered on the day of the crime." Pierce, 169 Wn. App. at 555. Despite the lack of objection below, the court found this last argument improper and, incurable by instruction in light of the other highly

inflammatory arguments. Pierce, 169 Wn. App. at 555-56. Specifically, the court concluded the argument was not relevant to Pierce's guilt and invited the jury to place themselves in the victims' shoes, which increased the prejudice. Pierce, 169 Wn. App. at 555.

Here, as in Pierce, the State focused on church members' unsuspecting state of mind. The prosecutor discussed four knives and a "mini pitchfork" found "close at hand" in the crawl space and declared, "who knows what the defendant was doing with those things?" 3RP 52-53. The prosecutor continued to speculate, stating, "It is reasonable to conclude that the defendant gathered those items in case somebody infringed on his newly found space." 3RP 53. Like the argument in Pierce, the prosecutor's argument here invited the jury to place themselves in the church member's shoes and speculate as to Romero's intentions and whether they included violence.

By focusing on what might have happened, the prosecutor invited the jury to make its decision based on facts not in evidence. Like the argument in Pierce about what might gone through the defendant's or the victim's minds, the argument in this case about what might have happened had Romero been confronted was pure speculation and entirely unsupported by the evidence. Despite the knives and gardening tool, there was no evidence Romero responded or was prepared to respond to a confrontation with

physical violence. Indeed, the evidence shows the exact opposite; when confronted, Romero crawled unarmed out of the space and voluntarily laid on the ground until police arrived. 1RP 161-62, 166, 168; 2RP 45-47, 51, 67-69, 111-12. He was calm and cooperative throughout the confrontation. 2RP 51, 117.

The State's closing argument unfairly raised the specter of a violent confrontation that did not occur and played on the jury's fears. This argument was not a response to any defense argument; on the contrary, it was part of the prosecutor's opening closing argument. The argument about "what would have happened" was designed to inspire a verdict based on fear, rather than the evidence. The outcome in this case should follow Pierce and the convictions should be reversed. 169 Wn. App. at 553-56.

3. The Prosecutor's Argument that 'A Trespass is Temporary' was an Improper Misstatement of the Law.

The prosecutor may not misstate the law to the jury. State v. Warren, 165 Wn.2d 17, 27, 195 P.3d 940 (2008). Here, the prosecutor told the jury Romero was guilty of burglary rather than trespass because, "A trespass is temporary." 3RP 43. This was a misstatement of the law.

A person is guilty of criminal trespass in the first degree if he or she knowingly enters *or remains* unlawfully in a building. RCW

9A.52.070(1); CP 65 (instruction 11) (emphasis added). The prosecutor encouraged the jury to reject the defense theory that Romero was guilty only of criminal trespass because Romero was in the church “long-term,” rather than “temporary.” 3RP 43. But how long Romero remained inside the church is irrelevant to a determination of criminal trespass. CP 65-66 (instructions 11-12); State v. Garcia, 179 Wn.2d 828, 849, 318 P.3d 266 (2014) (recognizing the act of knowingly entering or remaining unlawfully in a building without the additional intent element is criminal trespass in the first degree).

The prosecutor’s misstatement of the law trivialized the defense theory of the case. Romero did not dispute he was in the church. Rather, Romero argued he had no intent to commit a crime therein. Indeed, the State acknowledged the main question was whether Romero intended to commit a crime inside the church. 3RP 42.

The State cannot show, as it must, that the misconduct was harmless. Prosecutors, in their quasi-judicial capacity, usually exercise a great deal of influence over jurors. State v. Case, 49 Wn.2d 66, 70-71, 298 P.2d 500 (1956). Statements made during closing argument are presumably intended to influence the jury. State v. Reed, 102 Wn.2d 140, 146, 684 P.2d 699 (1984).

Jurors would be particularly tempted to follow the prosecutor's approach because her comments had the ring of truth. To a layperson, the prosecutor's description of trespass as "temporary" "cutting through your neighbor's yard to get to the bust stop quicker," sounds correct and provided a simple (albeit mistaken) way for jurors to decide guilt or innocence. 3RP 43. This increased the odds jurors would convict Romero of burglary rather than criminal trespass. This is especially true since Romero's theory of the case did not dispute he was inside the church, but rather, that he did not have the intent to commit a crime therein. Given this defense theory of the case, the fact that Romero was inside the church for several days made a conviction for criminal trespass impossible under the prosecutor's erroneous version of the law.

Some misstatements of the law can be overlooked because they are relatively minor or so obvious that even lay jurors can act without prompting on the instruction to disregard any argument not supported by the court's instructions. But some misstatements are not so easily dismissed, particularly those pertaining to the State's burden and proof requirements. See State v. Fleming, 83 Wn. App. 209, 213-14, 921 P.2d 1076 (1996), rev. denied, 131 Wn.2d 1018 (1997) (argument that jury could only acquit if it found a witness was lying or mistaken misstated the

State's burden of proof, was "flagrant and ill-intentioned," and required a new trial).

Even though the jury is presumed to follow the instructions of the trial court, prosecutorial misconduct in some circumstances can be so prejudicial that neither objection nor instruction can cure it. State v. Stith, 71 Wn. App. 14, 23, 856 P.2d 415 (1993) (prosecutor's personal assurance of defendant's guilt was flagrant misconduct requiring reversal).

Although jurors are instructed to disregard any argument not supported by the court's instructions, the problem is that the jury was in no position to determine whether the prosecutor's misstatement of the law was actually supported by the trial court's instructions. The prosecutor's arguments have a seductive attraction even though they are wrong. The harm in this case is that jurors concluded the prosecutor's misstatements of the law were consistent with the jury instructions and provided a convenient and understandable way to decide Romero's guilt.

4. Counsel was Ineffective in Failing to Object to the Misconduct.

The most obvious responsibility for putting a stop to prosecutorial misconduct "lies with the State, in its obligation to demand careful and dignified conduct from its representatives in court. Equally important, defense counsel should be aware of the law and make timely objections

when the prosecutor crosses the line. State v. Neidigh, 78 Wn. App. 71, 79, 895 P.2d 423 (1995). In the event this Court finds a proper objection or request for a curative instruction could have cured the prejudice resulting from any misconduct, then defense counsel was ineffective in failing to take such action. Strickland v. Washington, 466 U.S. 668, 685-87, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984); State v. Thomas, 109 Wn.2d 222, 229, 743 P. 2d 816 (1987); U.S. Const. amend. VI; Wash. const. art. I, § 22.

Defense counsel is ineffective where (1) his performance is deficient and (2) the deficiency prejudices the defendant. Strickland, 466 U.S. at 687; Thomas, 109 Wn.2d at 225-26.

There was no legitimate reason not to object given the prejudicial nature of the prosecutor's arguments. Romero derived no benefit from letting the jury consider the prosecutor's purely hypothetical danger scenario or misstatement of the law as it deliberated on his fate. Reasonable attorney conduct includes a duty to investigate and research the relevant law. State v. Kylo, 166 Wn.2d 856, 862, 215 P.3d 177 (2009). Defense counsel needed to protect his Romero's right to a fair trial when the prosecutor failed to honor its duty of ensuring one.

If a curative instruction could have erased the prejudice resulting from the prosecutor's misconduct, then counsel was deficient in failing to

request such instruction. No legitimate strategy justified allowing the prosecutor's prejudicial comments to fester in the juror's minds without an instruction from the court that the improper argument should be disregarded and play no role in their deliberations.

Reversal is required where, as here, defense counsel incompetently fails to object to prosecutorial misconduct and there is a reasonable probability the failure affected the outcome. State v. Horton, 116 Wn. App. 909, 921-22, 68 P.3d 1145 (2003) (reversing where defense counsel failed to object to prosecutor's improperly expressed personal opinion about defendant's credibility during closing argument). This makes sense because the purpose behind both the prohibition against prosecutorial misconduct and the right to effective assistance is to protect the defendant's right to a fair and impartial trial. Strickland, 466 U.S. at 684.

Counsel's failure to object to the prosecutor's misconduct during closing argument undermines confidence in the outcome of Romero's case. This Court should reverse his convictions.

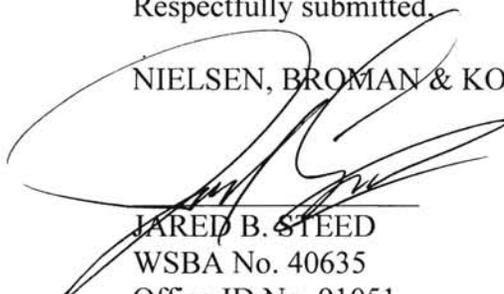
D. CONCLUSION

For the reasons discussed above, this Court should reverse Romero's convictions and remand for a new trial.

DATED this 18th day of July, 2014.

Respectfully submitted,

NIELSEN, BROMAN & KOCH



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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON)	
)	
Respondent,)	
)	
v.)	COA NO. 71096-6-I
)	
JASON ROMERO,)	
)	
Appellant.)	

DECLARATION OF SERVICE

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 18TH DAY OF JULY 2014, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY EMAIL AND/OR DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] JASON ROMERO
NO. 213011465
REGIONAL JUSTICE CENTER
620 W. JAMES STREET
KENT, WA 98032

SIGNED IN SEATTLE WASHINGTON, THIS 18TH DAY OF JULY 2014.

x *Patrick Mayovsky*

2014 JUL 18 PM 3:30

COURT OF APPEALS
STATE OF WASHINGTON