

72607-2

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Court of Appeals
Division I
State of Washington

72607-2

NO. 72607-2-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

SIRAJ HASSAN HAJISOMO,

Appellant.

APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE ELIZABETH J. BERNS

BRIEF OF RESPONDENT

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A. ISSUES PRESENTED

1. A defendant's request to represent himself must be made unequivocally in order to be considered, and trial courts are required to indulge every reasonable presumption against a waiver of the right to counsel. In this case, the trial court declined to rule on the defendant's initial request to proceed pro se because it was equivocal, and did not readdress it after the defendant indicated at the next hearing that he was in the process of hiring private counsel. Did the trial court properly exercise its discretion in declining to grant the defendant's equivocal initial request to proceed pro se?

2. In exercising its discretion to grant or deny a motion for a continuance, a trial court may consider many factors, such as surprise, diligence, redundancy, due process, materiality, and maintenance of orderly procedure. The defendant requested a one-week continuance in the middle of the second day of trial to allow defense counsel to investigate potential witnesses that the defendant had just disclosed to her, despite repeated earlier requests by counsel for that information. Given the lack of any suggestion that the late disclosure was due to anything other than

the defendant's own dilatoriness, did the trial court properly exercise its discretion in denying the motion?

B. STATEMENT OF THE CASE

1. PROCEDURAL FACTS.

The State charged the defendant, Siraj Hassan Hajisomo, with one count of residential burglary and a special allegation that the victim of the burglary was present in the residence during the crime. CP 24. A jury found Hajisomo guilty as charged and found the special allegation proven. CP 47-48. The trial court imposed a low-end standard range sentence of three months on work release or electronic home detention, with 30 days converted to community service. CP 53, 55. Hajisomo timely appealed. CP 61.

2. SUBSTANTIVE FACTS.

In September of 2013, the Hill family lived in an apartment complex in Tukwila, Washington. 8RP¹ 79. The family consisted of Keith Hill, Sr., his wife, his daughter and her son, and Hill's two teenage sons, Peter Rodriguez and K.H. 8RP 79. The Hill family was not acquainted with Hajisomo, but had frequently seen him

¹ The 11 volumes of the report of proceedings will be referred to as 1RP (May 21, 2014), 2RP (May 28, 2014), 3RP (June 2, 2014), 4RP (August 7, 2014), 5RP (Supplemental August 7, 2014), 6RP (August 11, 2014), 7RP (Supplemental August 11, 2014), 8RP (August 12, 2014), 9RP (Supplemental August 12, 2014), 10RP (August 14, 2014), and 11PR (October 17, 2014).

coming and going from the apartment directly across the hall from their apartment. 8RP 52-53, 68, 82-83.

One morning, Hill was exiting his apartment around 6:45 a.m. to drive his daughter to work when he observed Hajisomo exiting the apartment across the hall. 8RP 80. The two men headed toward opposite ends of the hallway, but Hill turned around to look at Hajisomo when he realized that Hajisomo had stopped not far from the door to Hill's apartment, which Hill had left ajar in the expectation that his daughter would be exiting right behind him. 8RP 80. Hill asked Hajisomo if there was a problem, and Hajisomo said no. 8RP 80. Hajisomo then turned to exit through the door at the closer end of the hallway, and Hill continued toward the far end of the hallway, which led to his parking spot. 8RP 80-81.

However, when Hill looked back again, he saw that Hajisomo had now paused on the other side of the far exit door, peeking through it to watch Hill. 8RP 81. Hill returned to his apartment to collect his daughter, and then left again with his daughter right behind him. 8RP 81. This time, Hajisomo appeared to have left the hallway, as he was no longer visible. 8RP 86.

Shortly thereafter, 16-year-old K.H. was in his bedroom getting ready for school when he saw Hajisomo walk into the Hills'

apartment. 8RP 50-52. Although K.H. had seen Hajisomo in the past coming out of the apartment across the hall, he initially could not see Hajisomo clearly that morning, and assumed that he was a friend of K.H.'s brother. 8RP 51-53. Hajisomo was carrying a bottle of Patrón tequila, and offered K.H. a drink, which K.H. declined. 8RP 53-54. Hajisomo walked toward the living room, and K.H. then heard scuffling sounds from that direction. 8RP 54. When K.H. looked out from his room, the front door was wide open, Hajisomo was gone, and K.H.'s brother Peter Rodriguez was standing in the living room. 8RP 54-55.

Rodriguez had been sleeping on the living room couch and was awakened by Hajisomo walking into the home. 8RP 69. When Rodriguez opened his eyes, Hajisomo was standing next to the Hill family's entertainment center, with a bottle of Patrón in one hand and an object in the other hand that Rodriguez could not see clearly. 8RP 73-74. When Hajisomo ran out of the apartment, Rodriguez chased him but eventually lost sight of him in a stairwell. 8RP 74. When he returned to his apartment, Rodriguez discovered that the family's Xbox, which had been sitting on top of the entertainment center the night before, was now missing. 8RP 75-76.

When Hill returned home 15 minutes later, he learned what had happened and called the police. 8RP 86-88. After speaking to the victims, officers went to the apartment across the hall, and could hear yelling and arguing going on inside. 8RP 31, 33. They knocked on the door, and were allowed to come inside by a man who did not match the description that the Hill family had given. 8RP 34-35. Two other people were visible in the apartment, and after approximately eight minutes a fourth person, later identified as Hajisomo, emerged from the bathroom. 8RP 35-36, 39. Officers immediately observed that Hajisomo matched the description of the burglar. 8RP 37. Officers also observed a Patrón bottle on the living room coffee table.

Hajisomo told officers that he did not know anything about the burglary, and that he had been in the apartment since the previous evening. 8RP 39. Although Hajisomo claimed that he was extremely intoxicated and had just been throwing up in the bathroom, the officer had not heard any sounds of vomiting prior to Hajisomo's emergence from the bathroom, and Hajisomo exhibited no signs of extreme intoxication; he did not slur his words, appear unsteady on his feet, or have any difficulty conversing with the officer. 8RP 42, 45. Hill identified Hajisomo as the person he had

seen in the hallway that morning, and Rodriguez and K.H. both identified him as the man they had seen inside their apartment. 8RP 58, 77, 89. Hajisomo was then arrested. 8RP 40.

Several months later, Hajisomo was present when one of his friends or family members paid Hill \$400 as restitution for the stolen Xbox, which had never been recovered. 8RP 90-91. Afterward, Hajisomo shook Hill's hand and apologized. 8RP 91-92.

At trial, Hill, Rodriguez, K.H., and Tukwila police officer James Sturgill testified to the above facts. 8RP 28-47, 49-60, 66-93. Hajisomo testified on his own behalf, but called no other witnesses. 10RP 8, 20. He testified that he must have done what the Hill family said he had done, but claimed that he had been so intoxicated that he "couldn't function," and had no memory of anything that occurred between the previous evening and when he "woke up" in a police holding cell the next day. 10RP 11-13.

However, despite that claim, Hajisomo testified to the precise amount of alcohol he had consumed that night, including the fact that no one else helped him drink the bottle of Patrón and the fact that his last drink was at 6:00 a.m. 10RP 10-13. He also described being "dragged out of" his friend's apartment after the police arrived. 10RP 18. And although on direct he merely stated

that he “would assume” that his family “probably” tried to correct his mistake and that they “probably” paid some sort of restitution to the victims, on cross-examination Hajisomo admitted that, as Hill had testified, he was present when the restitution was paid and had shaken Hill’s hand and apologized. 10RP 13, 18-19.

Additional facts are presented below in the sections to which they pertain.

C. ARGUMENT

1. THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION IN DECLINING TO GRANT HAJISOMO’S EQUIVOCAL REQUEST TO PROCEED PRO SE.

Hajisomo contends that the trial court failed to rule on his initial, timely request to proceed pro se until he made a second, untimely request on the second day of trial, thereby committing reversible error. This claim should be rejected. The trial court properly exercised its discretion in requiring Hajisomo to speak to his new counsel before the trial court ruled on his equivocal request to proceed pro se, and in not explicitly ruling on the request after it became clear at the next hearing that Hajisomo did not wish to represent himself. Even if the failure to explicitly rule on the request is viewed as a denial, such denial was a proper exercise of

the trial court's discretion because Hajisomo's initial request to proceed pro se was equivocal.

a. Relevant Facts.

On May 21, 2014, two and a half months before trial, Hajisomo's first appointed counsel notified the trial court that her client had a motion to discharge counsel. When the court asked Hajisomo what his motion was, he said, "[T]hat would be me representing myself." The following exchange then occurred:

Court: And what are your reasons for wanting to do that?

Defendant: I just feel the need to speak for myself. Just going through a lot and just kind of really need to get this - - get this taken care of because I can't afford for something like this to ruin my life because I'm at a good point in life where I need to be (inaudible, soft-spoken). And so I just - - I just need somebody to talk to, somebody I could trust, get comfortable with, somebody I can - - you know, somebody I can - - that's not understanding me, so I would prefer someone else, not that [defense counsel] person. [Defense counsel] is a great attorney, don't get me wrong, but I feel I need to have somebody that understands (inaudible, soft-spoken).

Court: Okay. So you're actually asking for a different attorney. You're not asking to represent yourself; is that correct?

Defendant: Actually, I want to represent myself, but I'm - - because I might be short on cash and so I'm not thinking about getting an

attorney. I'm just not sure. I haven't decided. That's the thing.

Court: Okay. So - -

Defendant: Nothing decided all the...
...way, but I need an attorney, but I'm - -
I'm more comfortable representing myself.

Court: All right. So those are two very different things. Right?

Defendant: Yeah.

Court: Really different. Either you have an attorney or you don't have an attorney.

Defendant: Okay.

Court: And so - -

Defendant: Well, I'll just - - I'll just represent myself. I'll go with representing myself.

Court: Okay. So it's not that easy, Mr. Haji-Somo. The Court has a lot of concerns when people ask about representing themselves [sic].

Defendant: I understand.

Court: Because there's a lot at stake, and that's some of what you spoke about.

Defendant: Right.

Court: So that's why I'm asking is it really a request to represent yourself or are you wanting to have a different attorney. Just so I'm clear, and then I'm going to hear from [defense counsel], and then I'm going to come back and ask you - -

Defendant: Okay.

Court: - - some more questions.

Defendant: It's - - it's a request. It's more of a request.

Court: To . . .

Defendant: To represent myself.

Court: Okay.

Defendant: Yeah.

Court: All right. Okay. [Defense counsel]?

1RP 7-9. Defense counsel then stated that her understanding from talking with Hajisomo was that his objection was specifically to her representing him, and that he had not decided whether he wanted to represent himself or wanted a different attorney. 1RP 9.

Defense counsel asked Hajisomo to clarify his position if she was incorrect about that, but the record does not indicate that he expressed any disagreement. 1RP 9.

After defense counsel finished describing the communication breakdowns between herself and her client, which largely revolved around the fact that Hajisomo was not receptive to defense counsel's advice, the court turned back to Hajisomo, saying:

Court: All right. Mr. Haji-Somo, the request before the Court this morning is to discharge your attorney. There's still the question around whether you're wanting to have a different attorney appointed to you or someone else that you can speak with to see if you can have a better connection or whether you're really wanting to be pro se. I'm a little bit concerned about you really knowing which of those it is.

Defendant: Uh-huh.

Court: And again, there's so much at stake here.

Defendant: Right.

1RP 11. The court asked Hajisomo whether he thought there were communication problems with his counsel, and he agreed, detailing

his dissatisfaction with the frequency of counsel's communications and concluding, "I'm not trying to work with someone that's like that. I want somebody who's going to keep me updated"

1RP 11-13.

The trial court granted the motion to discharge current defense counsel, but noted that Hajisomo had repeatedly referenced wanting to have an attorney he felt he could talk to, and indicated that she was going to appoint new counsel. 1RP 14. The court stated, "I'm not going to make a decision on whether you're going pro se at this point. I think you need to be able to speak with someone, and we're going to need to confirm new counsel and give you the opportunity to do that." 1RP 14.

After Hajisomo failed to appear at the initial hearing for confirmation of new counsel, new counsel was confirmed at a hearing on June 2, 2014. 2RP 3; 3RP 5. Hajisomo's new counsel informed the court that Hajisomo had made clear to her that he did not want appointed counsel, and was in the process of hiring private counsel. 3RP 5. At no point did Hajisomo contradict his counsel's representation or indicate that he wished to proceed pro se. 3RP 5-7.

Trial began on August 7, 2014, with pre-trial motions, discussion about ongoing negotiations, and voir dire with an initial jury panel. 4RP 14, 70. Trial continued on August 11, 2014; the morning was taken up with additional motions, including a defense request for a one-week continuance that was denied, and the court took a recess at one point to allow Hajisomo time to talk to his attorney about a new plea offer the State had just extended, which Hajisomo ultimately rejected. 6RP 6-14. After lunch, a substitute prosecutor informed the trial court that the assigned prosecutor had fallen sick over lunch, and that the new prosecutor would be standing in for the hardship portion of voir dire only. 6RP 17. Defense counsel indicated that she did not object to the substitution for that limited portion of voir dire. 6RP 17-18.

Partway through the afternoon, just as a supplemental panel of potential jurors was about to be brought into the courtroom, defense counsel alerted the trial court that Hajisomo wanted to make a motion to proceed pro se. 6RP 23. The trial court asked Hajisomo why he wanted to go pro se, and why he was making his request "this late." 6RP 23. Hajisomo's response is largely incomprehensible in the record due to several portions being inaudible, but from what little is audible and the trial court's

response, it appears that Hajisomo was upset that defense counsel had agreed to the substitution of a new prosecutor for the hardship portion of the supplemental panel's voir dire. 6RP 23-24. The trial court denied the request to proceed pro se on the grounds that it was untimely. 6RP 25. The trial court also expressed concern, based on questions Hajisomo had asked the court earlier in the pretrial proceedings, that Hajisomo did not understand the consequences of making such a request. 6RP 25.

b. The Trial Court Properly Exercised Its Discretion In Denying Hajisomo's Equivocal Initial Request To Proceed Pro Se.

A criminal defendant has a constitutional right to waive the assistance of counsel and represent himself. U.S. Const. amend. VI; Wash. Const. art. I, § 22; Faretta v. California, 422 U.S. 806, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975). The unjustified denial of this right requires reversal. State v. Stenson, 132 Wn.2d 668, 737, 940 P.2d 1239 (1997). However, a request to proceed pro se must be both timely and unequivocal in the context of the record as a whole. Id. at 737, 741-42. If the request meets both those criteria, the trial court must then determine whether the defendant is making a voluntary, knowing, and intelligent decision. State v. Madsen, 168 Wn.2d 496, 504, 229 P.3d 714 (2010).

Because a request to proceed pro se is a waiver of the constitutional right to counsel, and because such a waiver has a potentially detrimental impact on both the defendant and the administration of justice, trial courts “are required to indulge in every reasonable presumption against a defendant’s waiver of his or her right to counsel.” Id. at 503-04 (internal quotation marks omitted). Accordingly, a trial court’s denial of a request for pro se status is reviewed for abuse of discretion. Id. at 504. A trial court abuses its discretion only when no reasonable judge would have reached the same conclusion. State v. Emery, 174 Wn.2d 741, 765, 278 P.3d 653 (2012).

Here, the trial court properly found that Hajisomo’s initial request to proceed pro se was equivocal. Although he occasionally mentioned wanting to represent himself, he repeatedly focused on his desire to have an attorney with whom he could communicate better than he could with his initial assigned counsel. 1RP 7 (“I just need somebody to talk to I would prefer someone else I need to have somebody that understands”). At one point, Hajisomo mentioned that he was interested in representing himself in order to save the money that he would have to spend to retain private counsel, but concluded, “I’m just not sure. I haven’t decided

yet.” 1RP 7. Defense counsel also confirmed that her understanding from talking to Hajisomo was that he had not yet made up his mind whether he truly wanted to represent himself or simply wanted a new attorney, and Hajisomo did not respond when she asked him on the record to correct her if she was mistaken.

1RP 9.

The trial court noted Hajisomo's equivocation several times. 1RP 7-8, 11. When the court explicitly stated its concern that Hajisomo was not sure whether he wanted to proceed pro se or wanted different counsel, Hajisomo agreed. 1RP 11. Shortly thereafter, he again noted his desire for an attorney who would keep in closer contact with him than he believed his current counsel had done. 1RP 13. After granting Hajisomo's motion to discharge current counsel, the trial court stated that it was declining to rule on the motion to proceed pro se at that time, and that Hajisomo should consult with his new attorney to determine whether he truly wanted to represent himself.² 1RP 14.

² The trial court told Hajisomo, "You referenced having someone that you can talk with, having better communication, and so two things: One is I'm going to grant the request to discharge [defense counsel]. I'm not going to make a decision on whether you're going pro se at this point. I think you need to be able to speak with someone, and we're going to need to confirm new counsel and give you the opportunity to do that." 1RP 14.

It was not improper to require Hajisomo to consult with a new attorney, with whom communication had not broken down, before waiving his right to counsel. Cf. Madsen, 168 Wn.2d at 506 (trial court did not err by deferring motion to proceed pro se). This was particularly true in light of the very equivocal nature of Hajisomo's request to represent himself. When Hajisomo next appeared in court with his new counsel, not only did he fail to renew his request, but his new counsel explicitly told the court that Hajisomo was in the process of retaining private counsel. 3RP 5. The trial court thus had every reason to believe that Hajisomo no longer wished to represent himself, and did not err by failing to rule on a request that Hajisomo appeared to have abandoned.

Furthermore, even if this Court were to determine that the trial court erred in deferring its ruling or in failing to subsequently issue a timely explicit ruling despite Hajisomo's failure to renew the motion, such error was harmless. The improper failure to rule on a motion is equivalent to a denial of the motion.³ Because the trial court had properly found Hajisomo's request to be equivocal, it

³ Indeed, in light of the court's comments on the equivocal nature of Hajisomo's request, the trial court's statement that it was declining to immediately rule on Hajisomo's initial request to proceed pro se could arguably be interpreted as an intentional denial of the request on the grounds that it was equivocal, with an invitation to renew the motion after speaking with new counsel. 1RP 14.

would have been an abuse of discretion to then grant him pro se status. See Madsen, 168 Wn.2d at 504 (request must be unequivocal, and courts must indulge every reasonable presumption against waiver of right to counsel). Thus, denial was the only proper result, and any error in declining to rule on the motion rather than explicitly denying it was harmless.

Because the trial court's refusal to grant Hajisomo's initial request to proceed pro se was proper, and because Hajisomo does not claim that his second request alone warranted allowing him to proceed pro se,⁴ Hajisomo's right of self-representation was not violated.

2. THE TRIAL COURT PROPERLY EXERCISED ITS DISCRETION IN DENYING HAJISOMO'S UNTIMELY REQUEST FOR A CONTINUANCE.

Hajisomo contends that the trial court deprived him of his constitutional right to present a defense when it denied his request, made on the second day of trial, for a one-week continuance to allow defense counsel to investigate witnesses that Hajisomo had just told her about for the first time. This claim should be rejected. The trial court properly exercised its discretion in denying

⁴ Hajisomo does not challenge the trial court's ruling that his second request to proceed pro se, made on the afternoon of the second day of trial, was untimely. 6RP 25; Brief of Appellant at 5-10.

Hajisomo's request because it was untimely and due entirely to his own dilatory conduct, and Hajisomo cannot show that the result of the trial would likely have been different had the motion been granted.

a. Relevant Facts.

During motions in limine on the first day of trial, defense counsel informed the State and the trial court that the defense did not plan to call any defense witnesses beyond the defendant. 4RP 10. On the morning of the second day of trial, the parties were engaged in continued plea negotiations, and the trial court granted Hajisomo a recess so that he could speak further with his attorney about a new offer the State had recently made. 6RP 6-10. Shortly before 11:15 a.m., defense counsel informed the court that Hajisomo had rejected the State's offer. 6RP 11, 14.

Defense counsel then stated that Hajisomo had just informed her for the first time that there were witnesses he wished to call in his defense, and asked for a one-week continuance to allow her to obtain the witnesses' names and contact information and interview them. 6RP 11-12. Defense counsel disclosed that she had previously, on multiple occasions, asked Hajisomo whether there were witnesses that he wished her to call, and each time he

had indicated that there were not. 6RP 11. She did not make a proffer of what Hajisomo believed the witnesses would say if called to testify, but stated that the witnesses “would be necessary to further [the] defense” that Hajisomo now wanted her to pursue. 6RP 13.

The State opposed the motion, arguing that the case had been pending for months, that Hajisomo had made a choice not to disclose the witnesses to his attorney until the second day of trial, and that it was not even clear whether Hajisomo was able to provide names or contact information for the witnesses. 6RP 12. The trial court denied the motion as untimely, explaining that it was the second day of trial, with pretrial motions and a significant portion of jury selection already complete, and that there was no indication that the witnesses were newly discovered by Hajisomo or that the facts of the case had changed since the trial began the previous week. 6RP 13-14.

b. The Trial Court Properly Exercised Its Discretion In Denying The Motion For A Continuance.

The erroneous denial of a continuance may deprive a defendant of a fair trial and due process of law in some circumstances. State v. Downing, 151 Wn.2d 265, 274, 87 P.3d

1169 (2004). Whether an erroneous denial rises to the level of a violation of the defendant's constitutional right to due process requires a case-by-case inquiry. Id. at 275. Even where the defendant has acted diligently and is not the cause of his need for a continuance, the error is not necessarily constitutional. Id.

The decision to grant or deny a motion for a continuance rests within the sound discretion of the trial court. Id. at 272. In exercising its discretion, a trial court may consider many factors, such as "surprise, diligence, redundancy, due process, materiality, and maintenance of orderly procedure." Id. at 273 (citing State v. Eller, 84 Wn.2d 90, 95, 524 P.2d 242 (1974)). A trial court's grant or denial of a motion for continuance will not be disturbed on appeal unless the appellant makes a clear showing that the trial court abused its discretion and that the result of the trial would likely have been different had the continuance been granted. Id. at 272; Eller, 84 Wn.2d at 95.

Here, the trial court's denial of the motion for a continuance was based on the untimeliness of the request and the fact that such untimeliness was due to the defendant's lack of diligence in failing to previously inform his counsel of his proposed witnesses.

1RP 14. In light of the fact that Hajisomo waited until the second

day of trial to inform defense counsel of his proposed witnesses, despite repeated earlier requests for that information, and the lack of any evidence that there was good cause for his failure to disclose the witnesses earlier, Hajisomo has failed to make the required showing that the trial court manifestly abused its discretion in denying the continuance. The trial court's denial of the continuance was not error, let alone constitutional error.

Furthermore, because the record is silent as to what the witnesses would have said if called to testify, Hajisomo cannot make the required showing that the outcome of the trial would likely have been different had the continuance been granted. He asserts that the continuance would have allowed him to call witnesses who would have corroborated the argument defense counsel presented at trial, which was that he was too intoxicated to form the required intent. Brief of Appellant at 13. However, nothing in the record indicates that the defense theory Hajisomo wanted defense counsel to pursue and believed the witnesses would support was the voluntary intoxication theory argued at trial after the continuance was denied.

To the contrary, defense counsel's comment to the trial court that "from what I now perceive as being my client's line of defense,

I believe these witnesses would be necessary to further that defense” suggests that the defense Hajisomo believed the witnesses would support was different from the planned defense of voluntary intoxication. 6RP 13. Additionally, there is no evidence in the record that, had the continuance been granted, defense counsel would have located the witnesses or found their testimony sufficiently credible or helpful to call them at trial. Cf. In re Pers. Restraint of Davis, 152 Wn.2d 647, 742, 101 P.3d 1 (2004) (decision whether to call a particular witness is matter of trial tactics). There is even less evidence in the record that the testimony of Hajisomo's proposed witnesses would have been sufficient to create reasonable doubt regarding Hajisomo's intent to steal the Xbox, in light of the testimony by State witnesses regarding Hajisomo's actions during the burglary and his ability to move and converse normally with officers afterward without exhibiting any signs of intoxication. 8RP 42, 47, 74.

Because Hajisomo has failed to show that the trial court abused its discretion in denying the continuance and that the result of the trial would likely have been different had the continuance been granted, his claim fails.

D. CONCLUSION

For all of the foregoing reasons, the State respectfully asks this Court to affirm Hajisomo's conviction.

DATED this 27th day of October, 2015.

Respectfully submitted,

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Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to Travis Stearns, the attorney for the appellant, at travis@washapp.org, containing a copy of the BRIEF OF RESPONDENT, in State v. Siraj Hassan Hajisomo, Cause No. 72607-2, in the Court of Appeals, Division I, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Dated this 27 day of October, 2015.



Name:

Done in Seattle, Washington