

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
Feb 05, 2016, 11:52 am  
BY RONALD R. CARPENTER  
CLERK

No. 92873-8

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

RECEIVED BY E-MAIL

(Court of Appeals No. 45484-0-II)

---

**STATE OF WASHINGTON,**

Respondent,

vs.

**JONAH MICHAEL JOHNSON,**

Petitioner.

---

STATE'S RESPONSE TO PETITION FOR REVIEW

---

Petition from the Washington Court of Appeals, Division II

---

JONATHAN MEYER  
Lewis County Prosecuting Attorney

By:

  
Deputy Prosecuting Attorney  
WSBA No. 42315

Lewis County Prosecutor's Office  
345 W. Main Street, 2nd Floor  
Chehalis, WA 98532-1900  
(360) 740-1240



ORIGINAL

**TABLE OF CONTENTS**

TABLE OF AUTHORITES ..... ii

I. IDENTITY OF RESPONDING PARTY ..... 1

II. RELIEF REQUESTED..... 1

III. GROUNDS FOR MOTION ..... 1

IV. FACTS ..... 1

V. ARGUMENT ..... 1

VI. CONCLUSION ..... 2

TABLE OF AUTHORITIES

**Washington Cases**

*State v. Johnson*, No. 45484-0-II (Jan. 5, 2016)..... 1, 2

**Other Rules or Authorities**

RAP 13.4..... 1

RAP 13.4(d)..... 1

**I. IDENTITY OF RESPONDING PARTY**

Respondent, the State of Washington, by and through Deputy Prosecuting Attorney Eric Eisenberg, answers the petition for review.

**II. RELIEF REQUESTED**

The Court should deny review in this matter. The decision below conflicts with no prior decisions and presents no significant question of law or issue of substantial public interest.

**III. GROUNDS FOR MOTION**

RAP 13.4(d) allows a party to answer a petition for review.

**IV. FACTS**

The State respectfully refers the Court to the opinion below, *State v. Johnson*, No. 45484-0-II (Jan. 5, 2016), which sets forth all of the important facts with citations to the record.

**V. ARGUMENT<sup>1</sup>**

The Court will accept review of a case only if the decision below conflicts with a decision of the Supreme Court or another Court of Appeals opinion, or raises a significant question of law or issue of substantial public interest. RAP 13.4. The opinion below does none of these things.

---

<sup>1</sup> The State's argument here is limited to the issue of denying review. Please see the State's briefing in the court below for a more thorough exposition of the legal issues.

The opinion below is unpublished. *State v. Johnson*, No. 45484-0-II (Jan. 5, 2016) (hereafter, "Slip. Op.") at 1. Its holding is fact specific: the proof here sufficed for a jury to convict. *Id.* at 4-5. The analysis boils down to the long-known proposition that a court defers to the jury on issues of credibility. *See id.* at 3 (citing basic sufficiency of the evidence jurisprudence). Even the sexiest portion of the opinion, dealing with "true threats," is a straightforward application decade-old precedent. There is simply nothing new or jurisprudentially interesting going on here.

The opinion below is unpublished because it is grist of the mill. The Court should deny the petition for review.

## VI. CONCLUSION

Mr. Johnson seeks review of an unpublished opinion finding sufficient evidence for his conviction. The opinion below applies existing law in a straightforward manner, neither conflicting with any published decisions nor raising any issues of particular importance. The Court should decline to accept review.

RESPECTFULLY submitted this 5th day of February, 2016.

JONATHAN MEYER  
Lewis County Prosecuting Attorney

by:   
ERIC EISENBERG, WSBA #42315  
Attorney for Respondent

I, the undersigned, certify under penalty of perjury under the laws of the State of Washington that on Feb. 5, 2016 I emailed a copy of this Response to counsel for the petitioner, Peter Tiller, at the following email address: Slong@tillerlaw.com .

Signed on Feb. 5, 2016 in Chehalis, WA,



---

Eric Eisenberg

## OFFICE RECEPTIONIST, CLERK

---

**To:** Eric Eisenberg  
**Cc:** 'slong@tillerlaw.com'  
**Subject:** RE: State v. Jonah Johnson, Response to Petition for Review

Received on 02-05-2016

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Eric Eisenberg [mailto:Eric.Eisenberg@lewiscountywa.gov]  
**Sent:** Friday, February 05, 2016 11:44 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** 'slong@tillerlaw.com' <slong@tillerlaw.com>  
**Subject:** State v. Jonah Johnson, Response to Petition for Review

Dear Clerk,

Attached for filing, please find the State's Response to Mr. Johnson's Petition for Review. Mr. Johnson's Petition for review was filed in the Court of Appeals yesterday, so this Court has not yet assigned a cause number to the petition. You may not yet have received the file or Mr. Johnson's petition from the Court of Appeals. I apologize for any inconvenience this may cause you.

Because no cause number has yet been assigned, the State's Response has a blank for a cause number. The RAPs do not make clear whether one must wait a certain amount of time before filing a response to a petition for review. Please let me know if there is some other procedure you would prefer that I follow.

Best,

*Eric Eisenberg*  
Deputy Prosecuting Attorney  
Lewis County Prosecutor's Office  
345 W. Main Street, Second Floor  
Chehalis, WA 98532-1900  
(360) 740-1241



This email and any attachments may be confidential and/or protected by legal privilege. If so, and you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of this email or any attachment is prohibited. If you have received this email in error, please notify us immediately by returning it to the sender and deleting this copy from your system. Thank you for your cooperation.