

# WASHINGTON STATE COURT OF APPEALS DIVISION THREE

## CASE SUMMARIES FOR ORAL ARGUMENT

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The following summaries are drawn from briefs and lower court judgments. The summaries have not been reviewed for accuracy by the judges and are intended to provide a general idea of facts and issues presented in the cases. The summaries should not be considered official court documents. Facts and issues presented in these summaries should be checked for accuracy against records and briefs, available from the Court, which provide more specific information.

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**Date of Hearing: Wednesday, December 7, 2011**  
**Location: Spokane, 500 N. Cedar**

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**9:00 a.m.**

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1) **No.: 29055-7-III**

**Case Name: State of Washington v. Lewis A. Lawrence**

**County: Whitman**

**Case Summary:** The superior court found Lewis Lawrence mentally competent to stand trial for charges of three counts of attempted first degree murder and permitted him to represent himself at trial. The jury convicted Lawrence as charged and also found he was armed with a firearm while committing the crimes. The court imposed consecutive 300-month prison sentences for each count, including 60-month firearm enhancements. Lawrence appeals his convictions and 900-month sentence.

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- 2) **No.: 30221-1-III**  
**Case Name: Rebecca E. Desmon, et al v. Washington State Department of Licensing**  
**County: Spokane**  
**Case Summary:** As part of a federally-mandated process of auditing third-party administrators of the Commercial Driver's License test, the Department of Licensing randomly selected school bus driver Rebecca Desmon to retake her licensing exam. Desmon failed the retest and the Department canceled her license. An administrative hearing officer and the Spokane County Superior Court each affirmed the Department's action. Desmon appeals.

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**10:00 a.m.**

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- 3) **No.: 28462-0-III**  
**Case Name: State of Washington v. Jose G. Chavez-Romero**  
**County: Franklin**  
**Case Summary:** Jose Chavez-Romero was arrested and charged with second degree child rape involving a 13-year-old female. When the State was unable to locate a witness during the 60-day speedy trial period, the court granted its request, over defense objection, to release Chavez-Romero on his own recognizance and continue trial within a 90-day speedy trial period. Immigration and Customs Enforcement then immediately detained Chavez-Romero, resulting in his failure to appear in court and resetting of his trial date. The court denied Chavez-Romero's motion to dismiss for speedy trial violation. A jury convicted him of third degree child rape. He appeals.

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11:00 a.m.

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4) **No.: 29150-2-III**

**Case Name: Bhisham Saini, et ux, et al v. Parminder Singh Gillon, et ux**

**County: Kittitas**

**Case Summary:** Bhisham Saini and Parminder Singh Gillon formed PNS, Inc., for the purpose of running a gasoline station/convenience store operation in Cle Elum. Two years into the business, Saini individually and the PNS corporate entity sued Gillon. The court dismissed on summary judgment (as derivative of the corporate claims) all of Saini's individual claims for breach of contract, breaches of fiduciary duties of good faith and loyalty, wrongful diversion of corporate assets, and conversion. After a bench trial, the court ruled in Gillon's favor on PNS's similar claims against him. Saini appeals.

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5) **No.: 29549-4-III**

**Case Name: Ronald J. Cogdell, et ux v. 1999 O'Ravez Family, LLC**

**County: Stevens**

**Case Summary:** In the 1990s, Cogdell subdivided realty into four 20-acre parcels and built a home without having the land surveyed. O'Ravez purchased two of those parcels from Cogdell. A survey commissioned by O'Ravez revealed the Cogdell home, in-ground pool, and well were all on O'Ravez's land. The superior court ordered that O'Ravez grant Cogdell an easement, but ruled a damage award was precluded by discharge of Cogdell's debts in Chapter 7 bankruptcy proceedings. O'Ravez successfully appealed. *See Cogdell v. 1999 O'Ravez Family Land LLC*, 153 Wn. App. 392, 220 P.3d 1254 (2009). On remand, the trial court ordered Cogdell ejected from the O'Ravez land and that Cogdell pay nearly \$65,000 in damages. Cogdell appeals.

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- 6) **No.: 28985-1-III, consolidated with 28986-9-III**  
**Case Name: State of Washington v. Taylor Ross Landrum**  
**County: Benton**

**Case Summary:** Taylor Landrum was charged in separate informations with attempted indecent liberties (reported in 2006), and second degree rape (reported by a different claimed victim in 2008). The rape information was later amended to include four counts of first degree solicitation of perjury based upon Landrum's offers to compensate a fellow jail inmate to discredit the victim. Over defense objection, the court found evidence of the sex crimes cross-admissible and joined all charges for a single trial. Landrum was convicted as charged. The court imposed an overall sentence of 440+ months, including consecutive terms of 160 months for the attempted indecent liberties and 280 months with a life maximum for the rape. The court, on its own motion, also sealed the juror questionnaires. Landrum appeals.

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