

WASHINGTON STATE COURT OF APPEALS DIVISION THREE

CASE SUMMARIES FOR ORAL ARGUMENT

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.

Date of Hearing: Tuesday, December 3, 2019
Location: Spokane, 500 North Cedar

9:00 a.m.

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- 1) **No.: 36581-6-III**
Case Name: Brandi Alexandra Edmondson v. Sarina Joy Pirkey
County: Douglas
Case Summary: Brandi Edmondson petitioned for modification of two nonparental custody orders under RCW 26.09.260. Ms. Edmondson supported the motion with 12 affidavits. The lower court excluded the affidavits as not meeting the requirements of the statute. Ms. Edmondson appeals.

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- 2) **No.: 36069-5-III**
Case Name: State of Washington v. Santiago Santos
County: Yakima
Case Summary: A jury convicted Santiago Santos of murder in the second degree, and the lower court imposed an upward exceptional sentence based on

aggravators that Mr. Santos argued were not supported by sufficient evidence. At trial, the court excluded certain evidence offered by Mr. Santos and admitted his statements to law enforcement following a CrR 3.5 hearing. The court also declined to instruct the jury on Mr. Santos's version of the diminished capacity defense and declined to instruct the jury on self-defense. Mr. Santos appeals.

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3) No.: 36572-7-III

Case Name: Deborah Phifer v. Department of Labor & Industries

County: Yakima

Case Summary: Following a concerning phone call with Fred Phifer, Mr. Phifer's L&I claims manager summoned police to his residence on suspicion that he was actively contemplating suicide. The police interaction worsened Mr. Phifer's dormant post-traumatic stress disorder. Deborah Phifer, on behalf of her husband's estate, brought a negligence suit against the Department of Labor and Industries based on these events. The lower court dismissed the lawsuit on summary judgment, holding that the Department did not owe a duty under these circumstances. Mrs. Phifer appeals.

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