

# 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 9, 2020**  
**Location: Spokane, 500 North Cedar**  
**Video Oral Argument**

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**9:00 a.m.**

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- 1) **No.: 37237-5-III**  
**Case Name: In re Personal Restraint of Damien A. Wilson**  
**County: Yakima**  
**Case Summary:** Damien Wilson seeks review of the administrative revocation of his prison-based drug offender sentencing alternative. Mr. Wilson raises multiple challenges to the Department's authority to adjudicate the administrative violation, and also challenges the sufficiency of the evidence used to sustain the violation.

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**10:00 a.m.**

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- 2) **No.: 37129-8-III**  
**Case Name: Confed. Tribes & Bands of the Yakama Nation v. Okanogan County**  
**County: Okanogan**

**Case Summary:** The Confederated Tribes and Bands of the Yakama Nation voluntarily dismissed an environmental and land use planning lawsuit against Okanogan County after reaching a settlement agreement with the County. Believing the County to have breached its agreement, the Yakama Nation filed a CR 60 motion, seeking to reinstate its lawsuit and enforce the settlement through contempt proceedings. The superior court denied the motion to reinstate the lawsuit. The Yakama Nation appeals.

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**10:30 a.m.**

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- 3) **No.: 36222-1-III**  
**Case Name: Colton Behr, et ux. v. Christopher G. Anderson, et al.**  
**County: Spokane**

**Case Summary:** Colton Behr brought suit for medical negligence after he suffered severe complications following a surgery. Some defendants were dismissed at summary judgments and others were dismissed voluntarily. Judgment as to the remaining defendants was entered against Mr. Behr as a matter of law and following a defense jury verdict. Mr. Behr appeals the trial court's summary judgment rulings, the denial of his requested remedy as a discovery sanction against some of the defendants, dismissal of one defendant through judgment as a matter of law, and various evidentiary rulings and jury instructions.

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**11:00 a.m.**

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- 4) **No.: 37124-7-III**  
**Case Name: State of Washington v. Haven M. Scabbyrobe**  
**County: Yakima**

**Case Summary:** A jury convicted Haven Scabbyrobe of theft of a motor vehicle. Ms. Scabbyrobe appeals, arguing her trial counsel was ineffective for failing to move to suppress evidence of the victim's identification of Ms. Scabbyrobe as the perpetrator.

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