Supreme Court No. _____
Court of Appeals, Division Two No. 49055-2-II

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

STEPHANIE RAENE KEEN,

Petitioner.

PETITION FOR DISCRETIONARY REVIEW

Kristen V. Murray, WSBA No. 36008
Attorney for Petitioner

HART JARVIS MURRAY CHANG PLLC
2025 First Ave, Ste. 830
Seattle, WA 98121
(206) 735-7474
kmurray@hartjarvischang.com

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATUTES AND OTHER AUTHORITIES

I. IDENTITY OF PETITIONER

Stephanie Keen, Petitioner in this Court and Appellant in the Court of Appeals, asks this Court to accept review of the decision designated in Part II.

II. DECISION FOR REVIEW

Petitioner seeks review of the attached decision by the Court of Appeals filed on August 29, 2017 affirming the Superior Court's denial of Ms. Keen's motion to suppress. Appendix A.

III. ISSUE PRESENTED FOR REVIEW

Does the decision by the Court of Appeals upholding the trial court's denial of Ms. Keen's motion to suppress conflict with this Court's decisions in *State v. Brock*, 184 Wn.2d 148, 355 P.3d 1118 (2015) and *State v. Bryd*, 178 Wn.2d 611, 310 P.3d 793, 796 (2013)? Was evidence presented to support a finding Ms. Keen actually possessed the purse at or immediately prior to her arrest? If Ms. Keen did not have actual and exclusive possession of the purse at or immediately preceding the time of her arrest, was the search of her purse unlawful? Did the trial court err in denying Ms. Keen's motion to suppress evidence?

IV. WHY REVIEW SHOULD BE GRANTED

This Court should grant review in this case under RAP 13.4(b)(1), (3) and (4). The Court of Appeals decision upholding the trial court's

denial of Ms. Keen's motion to suppress conflicts with this Court's decision in *State v. Brock*, 184 Wn.2d 148, 355 P.3d 1118 (2015) and *State v. Bryd*, 178 Wn.2d 611, 310 P.3d 793, 796 (2013). Additionally, whether a search falls under the search incident to arrest exception of the warrant requirement involves a significant question of law under the constitution of the State of Washington and of the United States. Finally, this is a matter of public interest applicable to many cases and should be decided by means of a published decision. This Court should accept review to resolve this conflict.

V. STATEMENT OF THE CASE

A. Procedural History

Ms. Keen was charged in Lewis County Superior Court No. 15-1-00532-21 with one count of possession of methamphetamine in violation of RCW 69.50.4013 and 69.50.206(d)(2) for conduct alleged to have occurred on September 26, 2015. CP 1-3. The defense filed a motion to suppress evidence and a hearing was held on February 3, 2016. CP 4-13. At the conclusion of the hearing, the trial court denied the defense motion to suppress. 2/3/16 RP 50. After the denial of the defense motion to suppress, Ms. Keen opted to waive her right to a jury trial and requested a stipulated facts trial. 3/17/16 RP 2-3. After reviewing the stipulated facts,

the trial court found Ms. Keen "guilty beyond a reasonable doubt of possession of methamphetamine." 3/18/16 RP 7.

Ms. Keen filed a timely Notice of Appeal on June 10, 2016. CP 39-47. After considering the briefing of the parties, the Court of Appeals affirmed her conviction on August 29, 2017. Appendix A.

B. Suppression Hearing

At the suppression hearing, the State presented the testimony of City of Centralia Officer Tracy Murphy. 2/3/16 RP 5. Officer Murphy testified that he was dispatched to the Chevron Station located at 1050 Harrison Avenue in Centralia on September 26, 2015. Dispatch informed the officer "Stephanie Keen was on the line reporting that someone was chasing her, a subject by the name of Allen, and was shooting at her." 2/3/16 RP 5-6. While driving to the scene, the officer learned that Ms. Keen had been dropped off by the sheriff's office approximately seven minutes prior to his dispatch to the location. 2/3/16 RP 6.

The officer arrived on the scene and noted the business was operating normally. "I was expecting to see chaos, and everything was calm and appeared normal." 2/3/16 RP 6-7. "[I]t was apparent that what she was reporting and what she was claiming was not the truth, was not what was going on." 2/3/16 RP 19.

Officer Murphy spoke with the store clerk who told him Ms. Keen "had ran into the men's bathroom and locked herself in there." 2/3/16 RP 8. The officer approached the men's bathroom and directed Ms. Keen to open the door. 2/3/16 RP 8. According to the officer, Ms. Keen refused.

> The first time I asked her to open the door, she responded no, that she wouldn't open the door, and then I asked her a couple more times, and I told her, "This is the police. You need to open the door," a couple more times, and she still refused to open the door.

2/3/16 RP 9. The officer then asked the store clerk for a key to open the door. 2/3/16 RP 9.

The officer testified that he was unable to open the door with the store key. "So when I put the key in, as I was turning I could feel resistance on the inside as if somebody was holding onto the deadbolt throw, whatever you call it, the key on the inside. *** It just didn't work." 2/3/16 RP 9. Officer Murphy then used his multi-tool to open the door. "I could feel the resistance, and I could feel her right up next to the door, so I knew she was right there holding it. And I was able to overpower her and get the deadbolt open[.]" 2/3/16 RP 9-10. The officer testified he had to use force to enter the bathroom. "I attempted to push the door open, but she was – had her body up against it and was holding it closed." 2/3/16 RP 10. After a couple of attempts, Officer Murphy "shoved the door open". 2/3/16 RP 10.

Ms. Keen was immediately taken into custody once the officer entered the bathroom.

> [A]s the door flew open and I followed after the door to go in, she was, you know, falling backwards, because I shoved the door open pretty hard. So she goes falling, you know. Her arms are up, and she's getting shoved backwards by the door. I come right in, and I'm charging her, telling her to get on the ground just as I'm grabbing ahold of her, and she says, "Okay, okay." And once I got my hands on her, she just immediately went to the ground, where I was able to secure her in handcuffs.

2/3/16 RP 10. According to the officer, Ms. Keen told him to "look at the bullet holes in the wall, they were shooting at her through the wall." 2/3/16 RP 12. The officer noted there were no holes in the walls and nothing to indicate that somebody had been shooting at Ms. Keen. 2/3/16 RP 12.

Officer Murphy testified he arrested Ms. Keen because he had to use force to enter the bathroom. "I had to use force, so that ends up for me, yes, you're getting arrested." 2/3/16 RP 24. The officer further testified he intended to arrest Ms. Keen for obstruction prior to forcing the door open.

> Yeah, at that point where I was forcing the door open and I was going in and, you know, I'm trying to turn the door and she's not letting me turn the door, at that point, I mean, I charged in there to get her under control because I knew she was getting arrested.

2/3/16 RP 25.

The officer noticed a purse on the ground in the bathroom near Ms. Keen. "There was a purse that I at the time assumed was hers, because it was on the ground right next to her when I was hooking her up, and a bottle of water." 2/3/16 RP 11. The officer testified the purse was "less than a foot" and "[w]ithin six inches probably" from Ms. Keen. 2/3/16 RP 11. He further testified the purse was on the ground. The officer never saw Ms. Keen have the purse in her hands, on her person or around her shoulder. 2/3/16 RP 26.

The officer seized the purse and water bottle as he removed Ms. Keen from the bathroom. 2/3/16 RP 11. Ms. Keen was then taken outside and placed in the backseat of the officer's vehicle. 2/3/16 RP 13-14. The purse was placed on the trunk of the car. 2/3/16 RP 14. The officer searched Ms. Keen's purse and found suspected methamphetamine. 2/3/16 RP 15. He then advised Ms. Keen she was under arrest for possession of methamphetamine. 2/3/16 RP 15.

When asked why he took the purse from the bathroom, the officer testified:

> Because she was being arrested, and it was her – I mean, I assumed it was her property. It was in the bathroom. She was the only one there. She's a female in a men's bathroom. I just – I assumed that the purse belonged to her.

2/3/16 RP 14. The officer further testified he intended to transport the purse to the jail along with Ms. Keen. "The purse was going with her. It was her property." 2/3/16 RP 14 The officer was then asked why he searched the purse. According to Officer Murphy, "I was looking for weapons, and then I wanted to get her ID. *** I wanted to positively identify her as the name that was presented, because I needed her information for the booking sheet, the arrest referral and citation." 2/3/16 RP 14.

The officer testified he frisked Ms. Keen while in the bathroom and did not find any weapons. 2/3/16 RP 30. The officer agreed Ms. Keen had no access to the purse once she was handcuffed in the bathroom. "So – right. I have her. I have the purse. I escort her immediately out to my car, put her in the car, shut the door, open the purse." 2/3/16 RP 30. Ms. Keen was handcuffed when she was escorted out of the bathroom and still in handcuffs when placed in the back of Officer Murphy's car. 2/3/16 RP 32.

Officer Murphy testified he searched the purse incident to arrest. 2/3/16 RP 31. "I was going through and searching the purse. Like I said, initially what I was looking for was I wanted to get her ID, I wanted to get her – look for weapons. *** It's going to be an incident-to-arrest search." 2/3/16 RP 30-31. The officer never asked Ms. Keen to identify herself.

2/3/16 RP 32. When asked if the purse was searched for officer safety, the officer testified:

> Well, it's not just that. She's going to jail. I can't – the jail doesn't accept it. I have to get any weapons out of that purse. *** So, I mean, yes, it's an officer safety issue, but she's in handcuffs in the back of my car. I have to search that purse and remove any contraband or anything that's dangerous, illegal, because it can't go to the jail.

2/3/16 RP 31.

The officer testified it was initially his plan to transport Ms. Keen to the hospital for a mental health evaluation.

> When I arrested her, my impression was that she was under the influence of a drug, but there was also a possibility that she could have mental health issues, based on the information that I received from dispatch that the sheriff's office had dealt with her a few times in the past couple of days having hallucinations, paranoia, yet they found everything unfounded in their call logs.

2/3/16 RP 14-15. The officer further testified:

> My plan was to transport her to the hospital for a mental health evaluation. If the mental health professional deemed that she was a danger and was going to be committed for the 72-hour hold, then she would have been referred for obstructing. If the mental health professional said no, she's fine, it's not a mental issue, it just makes sure that my case for obstructing is going to be – you know, that won't be an issue down the road.

2/3/16 RP 15. The officer never took Ms. Keen to the hospital for an evaluation, however, because "once I found the meth in her purse, it was obvious to me that it wasn't a mental issue, it was you know, her drug use that's causing the issue." 2/3/16 RP 16. He then transported Ms. Keen

to the jail. 2/3/16 RP 16. The purse was placed in Ms. Keen's property at the jail. 2/3/16 RP 16.

Once the testimony concluded, the State argued the search of the purse was lawful as a search incident to arrest.

> The state submitted a brief back in November. *** So I argued both community caretaking and search incident to arrest, and I think after hearing Officer Murphy's testimony, we're really looking at a search incident to arrest here.

2/3/16 RP 33. The State then argued any personal items that go to the jail with an arrestee are considered part of their person and therefore subject to a lawful search.

> And just before this incident occurred, the state Supreme Court decided *State v. Brock*, and in that particular case, there's a great deal of analysis, but personal items that go to the jail with an arrestee are considered part of the arrestee's person, and they are in the arrestee's possession, and officers just have authority to search what's going to go to the jail with an arrested person.

2/3/16 RP 33-34. The defense argued the search of the purse was not a lawful search incident to arrest. "The searches do not extend to all articles in an arrestee's constructive possession but only those personal articles in the arrestee's actual and exclusive possession at or immediately preceding the time of arrest." 2/3/16 RP 42. During its rebuttal, the State argued that *Brock* represented a change in law from the Court's prior decision in *State v. Byrd*.

> So *Brock* by virtue of law makes that very, very close proximity, that purse that was with her, part of her person. That's what *Brock* changes. It says these items that would go with them are part of their person. The distinction is not whether they're six inches away. *** Clearly its part of her person. Officer Murphy picked it up because he knew he was going to take that to the jail with the defendant. It was the defendant's purse, and it was part of her person under *Brock*.

2/3/16 RP 47-48. After hearing the testimony presented and argument from counsel, the trial court denied the defense motion to suppress evidence. 2/3/16 RP 49.

C. Trial Court's Denial of Motion to Suppress

Relying on this Court's decision in *State v. Brock*, the trial court found the search of the purse justified as a search incident to arrest.

> I find that there was probable cause here for the arrest. She was under arrest, and the search here, since these were items that were going with, under *Brock* clearly that applies to this case. Those are items that can be searched. *** I agree that *Brock* changed the law. It changed the standards for those searches. It was a significant change.

2/3/16 RP 49-50.

VI. ARGUMENT & AUTHORITY

The Court of Appeals Decision Affirming the Trial Court's Denial of Ms. Keen's Motion to Suppress Conflicts with this Court's Decisions in *Brock* and *Byrd*.

In affirming Ms. Keen's conviction, the Court of Appeals held circumstantial evidence showed she was in actual possession of the purse

immediately before her arrest. However, no evidence was presented by the State that Ms. Keen actually possessed the purse prior to her arrest. There were insufficient facts to support the Court of Appeals holding and, as such, the court erred in finding the search justified as a search incident to arrest.

Warrantless searches and seizures are "per se" unreasonable under both the state and federal constitutions. *State v. Walker*, 136 Wn.2d 678, 682, 965 P.2d 1079 (1998); *State v. Chrisman*, 100 Wn.2d 814, 818, 676 P.2d 419 (1984); *Coolidge v. New Hampshire*, 403 U.S. 443, 91 S.Ct 2022 (l97l). This Court has warned that "[w]here the police have ample opportunity to obtain a warrant, we do not look kindly on their failure to do so." *State v. Leach*, 113 Wn.2d 735, 744, 782 P.2d 1035 (1989)(quoting *United States v. Impink*, 728 F.2d 1228, 1231 (9th Cir. 1984). A warrantless search is thus presumed unlawful unless the State proves that it falls within one of the narrowly drawn and jealously guarded exceptions to the warrant requirement. *State v. Williams*, 102 Wn.2d 733, 736, 689 P.2d 1065 (1984). This rule is a strict one. *State v. Parker*, 139 Wn.2d 486, 496, 987 P.2d 73 (1999). The government bears the heavy burden of establishing an exception to the warrant requirement by clear and convincing evidence. *State v. Garvin*, 166 Wn.2d 242, 250, 207 P.3d 1266 (2009).

A search incident to a lawful arrest is a recognized exception to the warrant requirement. *State v. Boursaw*, 94 Wn. App. 629, 632, 976 P.2d 130 (1999). The exception authorizes warrantless searches in two distinct circumstances. "The search incident to arrest embraces not one but two analytically distinct concepts under Fourth Amendment and article I, section 7 jurisprudence." *State v. Bryd*, 178 Wn.2d 611, 617, 310 P.3d 793, 796 (2013); *State v. Brock*, 184 Wn.2d 148, 154, 355 P.3d 1118 (2015).

The first circumstance is when "a search may be made of the area within the control of the arrestee." *Byrd*, 178 Wn.2d at 617 (quoting *United States v. Robinson*, 414 U.S. 218, 224, 94 S.Ct. 467 (1973)). The only legitimate purpose of such a search is to look for weapons and to prevent the destruction of evidence. *Chimel v. California*, 395 U.S. 752, 763, 89 S.Ct 2034 (1969); *State v. McKenna*, 91 Wn. App. 554, 560-61, 958 P.2d 1017 (1998). To be lawful, such searches must be supported by articulable objective concerns for officer safety and evidence preservation. "A valid search . . . requires justification grounded in either officer safety or evidence preservation – there must be some articulable concern that the arrestee can access the item in order to draw a weapon or destroy evidence." *State v. Brock*, 184 Wn.2d at 154; *State v. Byrd*, 178 Wn.2d at 617.

The second circumstance is when a warrantless search may be made of the person arrested and their personal effects by virtue of the lawful arrest.

"Unlike items in the immediately surrounding area, the officer does not need to articulate any objective safety or evidence preservation concerns before validly searching the item." *State v. Brock*, 184 Wn.2d at 155.

> In *Robinson*, the Court held that under "the long line of authorities of this Court dating back to *Weeks* [*v. United States*, 232 U.S. 383, 34 S.Ct. 341, 58 L.Ed. 652 (1914)]" and "the history of practice in this country and in England," searches of an arrestee's person, including articles of the person such as clothing or personal effects, require "no additional justification" beyond the validity of the custodial arrest.

State v. Byrd, 178 Wn.2d at 617–18 (quoting *United States v. Robinson*, 414 U.S. 218, 224, 94 S.Ct. 467 (1973)). The *Byrd* court explained:

> Because this exception is rooted in the arresting officer's lawful authority to take the arrestee into custody, rather than the "reasonableness" of the search, it . . . satisfies article I, section 7's requirement that incursions on a person's private affairs be supported by "authority of law."

Id. at 618. Where an arrest is lawful, there is authority to search. *State v. Grande*, 164 Wn.2d 135, 139, 187 P.3d 248 (2008). However, this Court has been clear, that for the search of an arrestee's personal effects to be justified, the arrestee must have had "actual possession of it at the time of the lawful custodial arrest." *State v. Byrd*, 178 Wn.2d at 621; *State v. Brock*, 184 Wn.2d at 154. *See also State v. MacDicken*, 179 Wn.2d 936, 319 P.3d 31 (2014). "Many courts, including Washington courts, draw a bright line between these two prongs of the search incident to arrest exception with the 'time of arrest' rule." *State v. Byrd*, 178 Wn.2d at 621.

In *Byrd*, this Court cautioned that the scope of the time of arrest rule is narrow and explicitly held that it "does not extend to all articles in an arrestee's constructive possession, but only those personal articles in the arrestee's actual and exclusive possession at or immediately preceding the time of arrest." *Id.* at 623. "Searches of the arrestee's person incident to arrest extend only to articles 'in such immediate physical relation to the one arrested as to be in a fair sense a projection of his person.'" *Id.* (quoting *United States v. Rabinowitz*, 339 U.S. 56, 78, 70 S.Ct 430 (1950). This Court further held that broadening the rule to include "articles within the arrestee's reach but not actually in his possession exceeds the rule's rationale and infringes on territory reserved to *Gant* and *Valdez*." *Id.* In *Brock*, this Court was clear that "whether a particular personal item constitutes part of the arrestee's person, as opposed to just part of the surrounding area, turns on whether the arrestee had 'actual and exclusive possession at or immediately preceding the time of arrest.'" *Id*. at 154 (quoting *State v. Byrd*, 178 Wn.2d at 623). The time of arrest rule does not extend to personal items in an arrestee's *constructive* possession.

Here, Ms. Keen was not in actual and exclusive possession of the purse at or immediately preceding the time of her arrest. At the suppression hearing, the officer testified he never saw Ms. Keen have the

purse in her hands, on her person or around her shoulder. 2/3/16 RP 26. When he entered the bathroom to arrest her, the purse was on the ground approximately six inches from her. 2/3/16 RP 11. No testimony was presented that Ms. Keen was seen entering the business with the purse or seen taking the purse into the bathroom. There was simply no evidence before the trial court that Ms. Keen actually possessed the purse. At best, she constructively possessed it.

Because Ms. Keen did not actually possess the purse at or immediately preceding the time of her arrest, the officer's search of the purse could *only* be justified as a search incident to arrest if it were supported by articulable concerns regarding access to weapons or destruction of evidence. However, in this case, there was no evidence to support such concerns.

Officer Murphy conceded Ms. Keen had no access to the purse once she was handcuffed in the bathroom. 2/3/16 RP 30, 31. This dispels the notion that a search was required to ensure officer safety or evidence preservation. Upon the officer's entry into the bathroom, Ms. Keen was immediately handcuffed. 2/3/16 RP 10. The officer seized the purse found on the floor and escorted Ms. Keen to his patrol car. 2/3/16 RP 13-14. She was placed in the backseat of the officer's vehicle and the purse was placed on the trunk of the car. 2/3/16 RP 13-14. *See State v.*

MacDicken, 179 Wn.2d 939, 941, 319 P.3d 31 (2014) (Searches justified by concerns of officer safety or preservation of evidence are "limited to those areas within reaching distance at the time of the search."); *Arizona v. Gant*, 556 U.S. 332, 129 S.Ct. 1710 (2009).

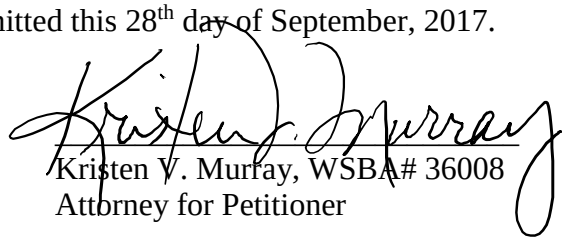
The warrantless search of the purse cannot be justified as a search incident to arrest and was unlawful. The State failed to prove that an exception to the warrant requirement justified the search in this case. Accordingly, all evidence obtained from the search should have been suppressed. *Wong Sun v. U.S.*, 371 U.S. 471, 83 S.Ct. 407 (1963)("The exclusionary rule has traditionally barred from trial physical, tangible materials obtained either during or as a direct result of an unlawful invasion."); *State v. Duncan*, 146 Wn.2d 166, 176, 43 P.3d 513 (2002) ("The exclusionary rule mandates the suppression of evidence gathered through unconstitutional means."); *State v. Ladson*, 138 Wn.2d 343, 359, 979 P.2d 833 (1999) ("When an unconstitutional search or seizure occurs, all subsequently uncovered evidence becomes fruit of the poisonous tree and must be suppressed.") Without the evidence obtained from the unlawful search of the purse, the State cannot prove every element of the charge of possession of methamphetamine. In such a circumstance, Ms. Keen's conviction must be reversed and her case remanded for dismissal of the charges with prejudice. *State v. Armenta*, 134 Wn.2d 1, 17-18, 948

P.2d 1280 (1997) (concluding dismissal appropriate where unlawfully obtained evidence forms the sole basis for the charge.)

VII. CONCLUSION

For the reasons articulated above, this Court should exercise its authority and accept Discretionary Review in Ms. Keen's case

Respectfully submitted this 28th day of September, 2017.



Kristen V. Murray, WSBA# 36008
Attorney for Petitioner

PROOF OF SERVICE

I hereby certify that on September 28, 2017, I filed the Petition for Review via Electronic Filing for the Court of Appeals for Division II and caused to be delivered via E-mail the same to:

Ms. Sara Beigh
Lewis County Prosecuting Attorney
345 W. Main Street, 2nd Floor
Chehalis, WA 98532
Sara.Beigh@lewiscountywa.gov
appeals@lewiscountywa.gov

I further certify that I caused to be delivered via United States Postal Service the same to:

Ms. Stephanie Keen
10115 51st Ave. NE, Unit #2
Marysville, WA 98270

Dated September 28, 2017.

Kristen V. Murray, WSBA # 36008
Attorney for Petitioner

APPENDIX A

Filed
Washington State
Court of Appeals
Division Two

August 29, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. STEPHANIE RAENE KEEN, Appellant.	No. 49055-2-II UNPUBLISHED OPINION

SUTTON, J. — Stephanie Raene Keen appeals her bench trial conviction for unlawful possession of a controlled substance (methamphetamine) and the trial court's imposition of discretionary legal financial obligations (LFOs). She argues that the trial court erred when it denied her motion to suppress the search of her purse and that the trial court failed to adequately inquire into her ability to pay the discretionary LFOs.[1] We hold that the trial court did not err when it concluded that the search of Keen's purse was lawful under *State v. Brock*[2] and affirm Keen's conviction. But we reverse the LFOs imposed and remand to the trial court for

[1] Keen also requests that we decline to impose appellate costs. Under RAP 14.2, a commissioner or clerk of this court has the ability to determine whether appellate costs should be imposed based on the appellant's ability to pay and prior determinations regarding indigency. Accordingly, a commissioner of this court will consider whether to award appellate costs if the State files a cost bill and the defendant objects to it.

[2] *State v. Brock*, 184 Wn.2d 148, 355 P.3d 1118 (2015).

reconsideration of discretionary LFOs consistent with our Supreme Court's opinion in *State v. Blazina*.[3]

FACTS

I. BACKGROUND FACTS[4]

On September 26, 2015, Keen called law enforcement from a gas station and reported that a man was chasing and shooting at her. Officer Tracy Murphy responded to the call. En route, Officer Murphy was advised that shortly before Keen called, a Lewis County deputy sheriff had dropped Keen off near the gas station and that she had been delusional at that time.

When Officer Murphy arrived at the gas station, the cashier told him that she had helped Keen call 911 and that Keen had then locked herself in the men's restroom. Officer Murphy knocked on the restroom door and identified himself, but Keen refused to open the locked door. When Officer Murphy tried to unlock the door, Keen held the lock shut from the inside. Officer Murphy was eventually able to unlock the door and, despite Keen's efforts, force his way into the restroom.

Once inside the restroom, Officer Murphy found Keen alone. Keen's purse was six inches away from her, between her and the wall. Officer Murphy did not observe Keen wearing the purse, but he believed the purse was hers because she was the only other person in the men's restroom.

---

[3] *State v. Blazina*, 182 Wn.2d 827, 838-39, 344 P.3d 680 (2015).

[4] The background facts are based on the trial court's unchallenged findings of fact from the CrR 3.6 hearing, which are verities on appeal. *State v. Reid*, 98 Wn. App. 152, 156, 988 P.2d 1038 (1999) (quoting *State v. Broadaway*, 133 Wn.2d 118, 131, 942 P.2d 363 (1997)).

Officer Murphy ordered Keen to the ground, handcuffed her, and arrested her for obstructing a law enforcement officer. Officer Murphy put Keen in the back seat of his patrol car and placed her water bottle and purse on top of the car's trunk. The officer then searched the purse and found a baggie containing methamphetamine.

After discovering the methamphetamine, Officer Murphy believed that Keen was under the influence of methamphetamine rather than suffering from mental health issues, and he advised Keen that she was under arrest for possession of methamphetamine. Medical aid confirmed that Keen did not need medical assistance, and Officer Murphy took her to the Lewis County Jail and booked her for unlawful possession of methamphetamine.

II. PROCEDURE

A. DENIAL OF MOTION TO SUPPRESS

The State charged Keen with unlawful possession of a controlled substance (methamphetamine). Keen moved to suppress the evidence found during the search of her purse.

Keen argued, inter alia, that (1) the search was not a lawful search incident to arrest because the purse was not in her actual, physical possession when she was arrested, (2) the search was not a lawful search incident to arrest because the real reason for the search was to search for evidence of a crime, and (3) the search was not a lawful "weapons frisk" because there were no specific and articulable facts supporting a reasonable belief that she was armed and dangerous. Clerk's Papers (CP) at 8-9. The State responded that the search was either a valid community caretaking search, a lawful search for weapons, or a lawful search incident to arrest.

During the suppression hearing, Officer Murphy testified that he had removed the purse from the restroom when he took Keen to his patrol car because he "assumed it was her property"

since she was the only one in the restroom with the purse and it was a men's restroom. Report of Proceedings (RP) (Feb. 3, 2016) at 14. He further testified that he had intended to take the purse to the jail with Keen because it was "her property." RP (Feb. 3, 2016) at 14. And he asserted that when he searched the purse he "was looking for weapons" and for her identification, which he needed "to positively identify her." RP (Feb. 3, 3016) at 14.

Officer Murphy admitted, however, that when he first arrested Keen, he had initially intended to take her to the hospital to determine whether she was having mental health issues or whether her behavior was drug related before taking her to jail. He testified,

> My plan was to transport her to the hospital for a mental health evaluation. If the mental health professional deemed that she was a danger and was going to be committed for the 72-hour hold, then she would have been referred for obstructing. If the mental health professional said no, she's fine, it's not a mental issue, it just makes sure that my case for the obstructing is going to be—you know, that won't be an issue down the road.

RP (Feb. 3, 2016) at 15. But after he found the methamphetamine in her purse and spoke to the medical aid people who had responded to the scene, he determined that he could take her straight to jail.

The trial court denied the motion to suppress and issued written findings of fact and conclusions of law. In addition to the facts set out above, the trial court found:

> 1.30 Officer Murphy searched the purse because he was going to take the purse with [Keen] to the hospital for a mental health check and then on to the jail to be booked for obstructing a law enforcement officer if she was not put on a 72-hour civil commitment hold.

CP at 23.

The trial court also entered the following conclusions of law:

> 2.2 Officer Murphy had probable cause to believe that [Keen] was committing the crime of obstructing a law enforcement officer (RCW 9A.76.023).
>
> 2.3 Officer Murphy's arrest of [Keen] was lawful and supported by probable cause.
>
> 2.4 The purse was in [Keen's] actual possession at the time of the arrest.
>
> 2.5 Under [*Brock*], personal items that will go to the jail with the arrested person are in the arrestee's possession.
>
> 2.6 Because the purse was in [Keen's] possession at the time of the arrest and was to be transported with [Keen] to the jail, Officer Murphy had lawful authority to search the purse incident to that arrest.
>
> 2.7 *Brock* is a change in the law, in this respect, from the prior ruling in *State v. Byrd*, 178 Wn.2d 611[, 310 P.3d 793] (2013). *Brock* is controlling under the circumstances presented to the court in this matter.
>
> 2.8 The search of the purse was lawful and the items found, including without limitation the methamphetamine, are admissible.

CP at 24.

B. BENCH TRIAL ON STIPULATED FACTS AND SENTENCING

Keen subsequently waived her right to a jury trial, and the case proceeded to a bench trial based on stipulated facts. The trial court found Keen guilty as charged.

At sentencing, the State requested the following LFOs: (1) a $500 victim assessment fee, (2) a $200 criminal filing fee, (3) $1,200 in court appointed attorney fees, (4) a $1,000 fine, (5) a $100 crime lab fee, (6) a $100 DNA collection fee, and (7) $1,000 in "jail costs." RP (May 25, 2016) at 4. Defense counsel discussed Keen's substance abuse and possible mental health issues, noted she had been in treatment, and acknowledged that Keen had several driving while under the influence (DUI) arrests and two DUI convictions in 2016. The trial court then directly questioned Keen about her ability to "work and earn an income." RP (May 25, 2016) at 7.

Keen stated that she was not currently working and that she had attempted to apply for Social Security benefits but had recently decided not to pursue benefits. When the trial court asked her if she anticipated returning to work, she responded, "Absolutely." RP (May 25, 2016) at 7. Defense counsel stated that he thought Keen would be "able to pay," and requested that the trial court require $25 per month payments. RP (May 25, 2016) at 7.

The trial court sentenced Keen under the "first-time offender" waiver and found that Keen had a chemical dependency that contributed to the commission of the offense. RP (May 25, 2016) at 8. It imposed 10 days of jail time with credit for 3 days of time served, and 12 months of community custody.

The trial court also imposed a total of $2,800 in LFOs and fines. This included: (1) a $500 victim assessment fee, (2) a $200 criminal filing fee, (3) $900 in court appointed attorney fees, (4) a $1,000 fine, (5) a $100 crime lab fee, and (6) at $100 DNA collection fee. It specifically declined to impose the "jail fee" or the full amount of attorney fees that the State had requested. RP (May 25, 2016) at 9. The court set the monthly payments at $25 a month, with the payments starting 90 days from the sentencing date. On the judgment and sentence, the trial court checked the box stating that it had inquired into Keen's ability to pay the LFOs and that it had determined she had the ability to pay the LFOs.

Keen appeals her conviction and the discretionary LFOs.[5]

[5] Keen sought review at public expense. The trial court granted the request.

ANALYSIS

Keen argues that the trial court erred when it denied her motion to suppress and that the trial court failed to make an adequate inquiry into her ability to pay before imposing discretionary LFOs. We affirm the conviction, but we reverse the LFOs imposed and remand to the trial court for reconsideration of discretionary LFOs.

I. DENIAL OF SUPPRESSION MOTION

Keen challenges the trial court's denial of her suppression motion. She argues that (1) substantial evidence does not support the trial court's finding of fact 1.30, (2**)** the trial court erred when it concluded that she had actual possession of the purse under *Brock*, and (3) the trial court erred when it concluded that the search was a lawful search under *Brock* and *Byrd*.[6] We hold that finding of fact 1.30 is supported by substantial evidence. We further hold that although the trial court erred when it concluded that Keen was in actual possession of her purse at the time of her arrest, the search of the purse was still a lawful search of Keen's person incident to arrest under *Brock* because the facts establish that she had actual possession of the purse immediately preceding her arrest.

A. STANDARD OF REVIEW

When reviewing the trial court's denial of a CrR 3.6 suppression motion, we determine whether substantial evidence supports the challenged findings of fact and whether the findings of fact support the conclusions of law. *State v. Garvin*, 166 Wn.2d 242, 249, 207 P.3d 1266 (2009).

[6] Keen also argues that, assuming that the search was unlawful under *Brock*, the facts did not establish issues of officer safety or destruction of evidence. Because we hold that the search was lawful under *Brock*, we do not reach this issue.

"Evidence is substantial when it is enough 'to persuade a fair-minded person of the truth of the stated premise.'" *Garvin*, 166 Wn.2d at 249 (quoting *State v. Reid*, 98 Wn. App. 152, 156, 988 P.2d 1038 (1999)). We consider unchallenged findings of fact verities on appeal. *Reid*, 98 Wn. App. at 156. We review de novo the trial court's conclusions of law pertaining to the suppression of evidence. *Garvin*, 166 Wn.2d at 249.

B. FINDING OF FACT 1.30

Keen argues that substantial evidence does not support the trial court's finding of fact 1.30, which states:

> Officer Murphy searched the purse because he was going to take the purse with [Keen] to the hospital for a mental health check and then on to the jail to be booked for obstructing a law enforcement officer if she was not put on a 72-hour civil commitment hold.

CP 23. We disagree.

Officer Murphy testified that he intended to transport the purse to the jail with Keen because "[i]t was her property." RP (Feb. 3, 2016) at 14. He also testified that (1) his initial plan was to first transport Keen to the hospital for a mental health evaluation, (2) if she was deemed to have mental health issues and was placed on a 72-hour hold, he would have referred charges to the prosecutor's office, and (3) if she was not deemed to have mental health issues, he would have taken Keen and her belongings to the jail to book her for obstructing a law enforcement officer. And he testified that he searched the purse prior to departing with Keen to ensure that there were no weapons in the purse and to locate identification. This testimony shows that Officer Murphy searched the purse because he was intending to transport it with Keen to the hospital and he needed

to ensure it was safe to transport, and there was no evidence to the contrary. This evidence supports finding of fact 1.30 and Keen's argument fails.

C. CONCLUSIONS OF LAW

Keen next argues that the trial court erred when it concluded that the purse search was a lawful search incident to arrest under *Brock* and *Byrd* because Keen was not in actual possession of the purse at, or immediately preceding, the time of her arrest. We disagree.

1. Legal Principles

Both the Fourth Amendment to the United States Constitution and article I, section 7 of the Washington State Constitution prohibit warrantless searches unless one of the narrow exceptions to the warrant requirement applies. *State v. Rooney*, 190 Wn. App. 653, 658, 360 P.2d 913 (2015), *review denied*, 185 Wn.2d 1032 (2016). The State has the burden of establishing by clear and convincing evidence that an exception to the warrant requirement applies. *Rooney*, 190 Wn. App. at 658-59.

One exception to the warrant requirement is a search incident to arrest. *Brock*, 184 Wn.2d at 154. There are "two analytically distinct concepts" encompassed by this exception. *Byrd*, 178 Wn.2d at 617 (citing *United States v. Robinson*, 414 U.S. 218, 224, 94 S. Ct. 467, 38 L. Ed. 2d 427 (1973)). "The first of these propositions is that 'a search may be made of the area within the control of the arrestee.'" *Byrd*, 178 Wn.2d at 617 (quoting *Robinson*, 414 U.S. at 224). "[T]he second proposition of the search incident to arrest" allows for searches "'of the person of the arrestee by virtue of the lawful arrest.'" *Byrd*, 178 Wn.2d at 617 (quoting *Robinson*, 414 U.S. at 224) (emphasis omitted).

Unlike the first proposition, a search of the person of the arrestee need not be justified by concern that the arrestee could access the article to obtain a weapon or destroy evidence. *Byrd*, 178 Wn.2d at 617-18. Instead, "searches of an arrestee's person, including articles of the person such as clothing or personal effects, require 'no additional justification' beyond the validity of custodial arrest." *Byrd*, 178 Wn.2d at 617-18 (quoting *Robinson*, 414 U.S. at 235). "The authority to search an arrestee's person and personal effects flows from the authority of a custodial arrest itself." *Byrd*, 178 Wn.2d at 618 (citing *Robinson*, 414 U.S. at 232). "Washington law has long recognized the validity of searching a defendant and the property immediately within his or her control without a warrant in the process of making an arrest." *State v. Ellison*, 172 Wn. App. 710, 719, 291 P.3d 921 (2013).

2. *Byrd* and *Brock*

In recent years, our Supreme Court applied the search of a person exception to the warrant requirement in *Byrd* and *Brock*. In *Byrd*, Byrd was arrested for possession of stolen property after a police officer confirmed that the car she was riding in had stolen license plates. *Byrd*, 178 Wn.2d at 615. At the time of her arrest, she was sitting in the front passenger seat with her purse in her lap. *Byrd*, 178 Wn.2d at 615. Before removing Byrd from the car, an officer took Byrd's purse from her lap and placed it on the ground nearby. *Byrd*, 178 Wn.2d at 615. After placing Byrd in a patrol car, the officer searched the purse and discovered methamphetamine. *Byrd*, 178 Wn.2d at 615. The trial court suppressed the evidence from the purse. *Byrd*, 178 Wn.2d at 615-616.

Our Supreme Court held that the search of a person exception extends to personal property "immediately associated" with the arrestee's person and concluded that the purse in question was immediately associated with Byrd's person at the time of arrest. *Byrd*, 178 Wn.2d at 621, 623.

The court noted that the exception did not apply to all "articles within the arrestee's reach but not actually in his possession." *Byrd*, 178 Wn.2d at 623. Instead, the exception applied to "only those personal articles in the arrestee's actual and exclusive possession at *or immediately preceding* the time of arrest." *Byrd*, 178 Wn.2d at 623 (emphasis added). The court limited such searches "only to articles 'in such immediate physical relation to the one arrested as to be in a fair sense a projection of his person.'" *Byrd*, 178 Wn.2d at 623 (quoting *United States v. Rabinowitz*, 339 U.S. 56, 78, 70 S. Ct. 430, 94 L. Ed. 653 (1950) (Frankfurther, dissenting), *overruled by Chimel v. California*, 395 U.S. 752, 89 S. Ct. 2034, 23 L. Ed. 2d 685 (1969)).

More recently, in *Brock*, our Supreme Court examined the scope of the language "immediately preceding arrest." *Brock*, 184 Wn.2d at 154. In *Brock*, officers searched the backpack that Brock had been carrying when the officers approached him in a public park. *Brock*, 184 Wn.2d at 151. During their investigation, the officers took the backpack from Brock for safety purposes and put it in the passenger seat of a patrol vehicle. *Brock*, 184 Wn.2d at 151-52. After discovering that Brock was providing false information, the officers arrested him and searched the backpack. *Brock*, 184 Wn.2d at 152.

Our Supreme Court held that the backpack was part of Brock's "person" at the time of the arrest even though he was not wearing it when he was formally arrested. *Brock*, 184 Wn.2d at 158-59. In reaching this conclusion, the court noted that the underlying justification for an item being considered "part of the person" is that "there are presumptive safety and evidence preservation concerns associated with police taking custody of those personal items immediately associated with the arrestee, which will necessarily travel with the arrestee to jail." *Brock*, 184 Wn.2d at 155. The court explained:

> When the personal item is taken into custody as a part of the arrestee's person, the arrestee's ability to reach the item during the arrest and search becomes irrelevant.
>
> Rather, the safety and evidence preservation exigencies that justify this "time of arrest" distinction stem from the safety concerns associated with the officer having to secure those articles of clothing, purses, backpacks, and even luggage, that will travel with the arrestee into custody. Because those items are part of the person, we recognize the practical reality that the officer seizes those items during the arrest. From that custodial authority flows the officer's authority to search for weapons, contraband, and destructible evidence.

Brock, 184 Wn.2d at 156.

The court then further concluded that the lapse of time between Brock's actual, physical possession of the backpack and his arrest was not the determinative factor as to whether he had the backpack in his actual possession immediately preceding his arrest. *Brock*, 184 Wn.2d at 158-59. The court explained:

> Although we must draw these exceptions to the warrant requirement narrowly, we do not draw them arbitrarily; the exception must track its underlying justification. . . . [W]e draw the line of "immediately preceding" with that focus. *The proper inquiry is whether possession so immediately precedes arrest that the item is still functionally a part of the arrestee's person. Put simply, personal items that will go to jail with the arrestee are considered in the arrestee's "possession" and are within the scope of the officer's authority to search*.

Brock, 184 Wn.2d at 158 (emphasis added).

The court continued:

> Under these circumstances, the lapse of time had little practical effect on Brock's relationship to his backpack. . . . Once the arrest process had begun, the passage of time prior to the arrest did not render it any less a part of Brock's arrested person.

Brock, 184 Wn.2d at 159. Thus, *Brock* clarified that the arrestee need not be in actual, physical possession at the time of the arrest for the search of the person rule to apply and established a test

for determining whether an item was in an arrestee's actual possession immediately preceding the arrest.

3. Valid Search Incident to Arrest

Here, the trial court concluded that the purse was in Keen's actual possession at the time of her arrest. We agree with Keen that this conclusion of law is not supported by the trial court's findings. Actual possession means having physical custody of the item in question. *State v. Jones*, 146 Wn.2d 328, 333, 45 P.3d 1062 (2002). At the time of her arrest, Keen was next to, but was not in physical custody of the purse. Thus, the trial court's conclusion on this issue, and any additional conclusion flowing from this conclusion, were incorrect.

But we may affirm the trial court on any ground supported by the record. *State v. Smith*, 165 Wn. App. 296, 308, 266 P.3d 250 (2011), *aff'd* 177 Wn.2d 533 (2013) (citing *State v. Costich*, 152 Wn.2d 463, 477, 98 P.3d 795 (2004)). Although the trial court erred when it concluded that Keen was in actual possession of the purse at the time of her arrest, the search would still be proper if Keen was in actual possession of the purse immediately preceding her arrest.

Brock requires that the possession of the personal item in question must "so immediately precede[ ] arrest that the item is still functionally a part of the arrestee's person." *Brock*, 184 Wn.2d at 158. The *Brock* court further clarified that "[p]ut simply, personal items that will go to jail with the arrestee are considered in the arrestee's 'possession' and are within the scope of the officer's authority to search." *Brock*, 184 Wn.2d at 158.

Here, there was circumstantial evidence that Keen had actually possessed the purse immediately before her arrest.[7] She was found within inches of the purse inside an otherwise empty men's restroom, where one does not normally expect to find a purse. These facts would be sufficient to allow the trial court to find that Keen brought the purse into the restroom and, thus, had been in actual possession of the purse immediately before her arrest. These facts, plus Keen's immediate proximity to the purse, support the conclusion that the purse was still functionally a part of Keen's person. Thus, the State has shown that the search was proper under *Brock*,[8] and the trial court did not err when it denied Keen's motion to suppress.

II. LFOs

Keen further argues that the trial court erred when it imposed discretionary LFOs without first making an adequate inquiry into her ability to pay. She raises this issue for the first time on appeal.

Subject to exceptions not applicable here, we may decline to review issues raised for the first time on appeal. RAP 2.5(a). However, we may also exercise our discretion to reach *Blazina*-based challenges to discretionary LFOs for the first time on appeal. *Blazina*, 182 Wn.2d at 835. Here, we choose to exercise our discretion to review Keen's discretionary LFOs.

[7] To the extent Keen is arguing that the officer had to observe Keen in actual possession of the purse before the search of the person exception applies, we disagree. Although the officers in *Byrd* and *Brock* observed the arrestees in actual possession of the items later searched, neither case states that actual possession immediately before the arrest cannot also been established by circumstantial evidence. *See Brock*, 184 Wn.2d at 151-52; *Byrd*, 178 Wn.2d at 615. Nor does Keen cite to any authority requiring that the officer observe the actual possession.

[8] In light of this holding, we do not address Keen's argument that the trial court improperly "broadened" *Brock* to allow for the search of constructively possessed personal property. *See* Br. of Appellant at 19.

We review a decision to impose discretionary LFOs for an abuse of discretion. *State v. Clark*, 191 Wn. App. 369, 372, 362 P.3d 309 (2015). A trial court abuses its discretion when its decision is based on untenable grounds or untenable reasons. *Clark*, 191 Wn. App. at 372.

Before imposing discretionary LFOs, the trial court must conduct an individualized inquiry into the defendant's present and future ability to pay LFOs. RCW 10.01.160(3); *Blazina*, 182 Wn.2d at 837-38. The trial court's inquiry should consider other "important factors" such as incarceration and the defendant's other debts, including restitution. *Blazina*, 182 Wn.2d at 838. If a trial court fails to make a proper inquiry, it is basing its decision to impose LFOs on untenable grounds.

Although the trial court questioned Keen about her intent to return to work and whether she could afford to pay a small monthly amount, the trial court did little more. *Blazina* requires a more thorough inquiry. *Blazina*, 182 Wn.2d at 838. Additionally, Keen had also stated that she was not currently employed, that she had previously been seeking benefits, and that the court had previously found her indigent, circumstances also indicating the need for further inquiry. Although Keen's counsel agreed she could pay $25 a month, the trial court never inquired as to what impact this payment would have on Keen. There was nothing in the record explaining why Keen had been seeking benefits, when she had last worked, what kind of work she was able to do, how much income she expected to earn when she returned to work, the likelihood of her finding a job, her expenses, her debt load, or how her substance abuse issues and treatment might potentially impact her employability and expenses.

Under *Blazina*, the trial court's inquiry in this situation was inadequate and, thus, the trial court abused its discretion in imposing discretionary LFOs based on this record.

Accordingly, we affirm Keen's conviction, but we reverse the discretionary LFO's and remand for reconsideration of the discretionary LFOs consistent with our Supreme Court's opinion in *Blazina*.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Sutton, J.

SUTTON, J.

I concur:

Bjorgen, C.J.

BJORGEN, C.J.

MELNICK, J. (dissent) — I respectfully disagree with the majority's holding that the trial court abused its discretion by imposing discretionary legal financial obligations (LFOs) on Stephanie Raene Keen.

At Keen's sentencing hearing the State made specific recommendations to the court regarding many facets of the sentence, including LFOs. Keen also made recommendations. The court inquired about Keen's ability to pay LFOs.

Keen was currently in the third phase of a court-ordered two year intensive outpatient treatment program. The court asked her, "Is there any physical or emotional or other reason why you can't work and earn an income? Do you work?" Report of Proceedings (RP) (May 25, 2016) at 7.

Keen responded that she had been pursuing Social Security benefits but decided against it. She absolutely intended on going to back to work once this criminal case resolved itself. Keen's lawyer made the following representation to the court, "So we'd ask for—I think she's able to pay and we'd ask for $25 month." RP (May 25, 2016) at 7.

After considering all of the information, the court found Keen had the ability to work. It based this finding on Keen's statements and her attorney's representations. The court then imposed mandatory and discretionary LFOs; however, it did not impose all of the discretionary fees requested by the State.

We "review a decision on whether to impose LFOs for abuse of discretion." *State v. Clark*, 191 Wn. App. 369, 372, 362 P.3d 309 (2015). "Discretion is abused when it is exercised on untenable grounds or for untenable reasons." *Clark*, 191 Wn. App. at 372. "The trial court's factual determination concerning a defendant's resources and ability to pay is reviewed under the

'clearly erroneous' standard." *Clark*, 191 Wn. App. at 372 (quoting *State v. Bertrand*, 165 Wn. App. 393, 403-04, 267 P.3d 511 (2011)).

"A trial court abuses its discretion when its decision 'is manifestly unreasonable or based on untenable grounds or reasons.'" *Salas v. Hi-Tech Erectors*, 168 Wn.2d 664, 668-69, 230 P.3d 583 (2010) (quoting *State v. Stenson*, 132 Wn.2d 668, 701, 940 P.2d (1997)). "A trial court's decision is manifestly unreasonable if it 'adopts a view that no reasonable person would take.'" *Salas*, 168 Wn.2d at 669 (quoting *In re Pers. Restraint of Duncan*, 167 Wn.2d 398, 402-03, 219 P.3d 666 (2009)). "'A decision is based on untenable grounds or for untenable reasons if the trial court applies the wrong legal standard or relies on unsupported facts.'" *Salas*, 168 Wn.2d at 669 (quoting *Duncan*, 167 Wn.2d at 402-03).

I disagree that the trial judge adopted a view that no reasonable person would take. Keen told the trial judge she could work and she would do so after this case resolved itself. Keen's lawyer affirmatively said Keen could make $25 monthly payments. In taking into account the facts, the admissions, and the statements, the trial court exercised its discretion and did not impose all of the discretionary fees the State requested. I respectfully disagree with the majority's holding that the trial court abused its discretion in imposing discretionary LFOs.

Melnick, J.

MELNICK, J.

HART JARVIS CHANG PLLC

September 28, 2017 - 4:19 PM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	49055-2
Appellate Court Case Title:	State of Washington, Respondent v. Stephanie Keen, Appellant
Superior Court Case Number:	15-1-00532-9

The following documents have been uploaded:

- 3-490552_Petition_for_Review_20170928161815D2903724_3849.pdf
  This File Contains:
  Petition for Review
  The Original File Name was MDR - supremes.pdf

A copy of the uploaded files will be sent to:

- appeals@lewiscountywa.gov
- sara.beigh@lewiscountywa.gov
- teri.bryant@lewiscountywa.gov

Comments:

Sender Name: Kristen Murray - Email: kmurray@hartjarvischang.com
Address:
2025 1ST AVE STE 830
SEATTLE, WA, 98121-2179
Phone: 425-615-6346

Note: The Filing Id is 20170928161815D2903724