

# 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, September 11, 2019**  
**Location: Spokane, 500 North Cedar**

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**9:00 a.m.**

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**1) No.: 36114-4-III**

**Case Name: Tatum Acevedo v. Anthony J. Jordan, et al.**

**County: Spokane**

**Case Summary:** Tatum Acevedo sought to vacate a nonparent custody order on the grounds that it did not comply with the Indian Child Welfare Act (ICWA). The superior court ruled that the ICWA did not apply to nonparent custody proceedings and denied Ms. Acevedo's motion. Ms. Acevedo appeals.

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**2) No.: 35476-8-III**

**Case Name: State v. Donna Rebecca Perry, aka Douglas Robert Perry**

**County: Spokane**

**Case Summary:** In 2014, based on newly tested DNA evidence, the State charged Donna Perry (formerly Douglas Perry) with the 1990 cold case murders of three women. During the proceedings below, the parties litigated the admissibility of Perry's statements to law enforcement, whether to sever the counts for trial, whether there was

sufficient evidence of a common scheme or plan, and whether the trial court should have informed the jurors that this was not a death penalty case. The State prevailed on each issue. Ms. Perry appeals.

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**3) No.: 36091-1-III**

**Case Name: Rod L. Smith and Becky R. Smith v. Dwight Goehner and Carol Goehner**

**County: Chelan**

**Case Summary:** The Goehners own an irrigation line that runs across the Smiths' property. When the Goehners replaced the line, a dispute ensued over the nature of the parties' agreement concerning the line. The dispute resulted in litigation involving questions of trespass, easement modification, and evidence admissibility. The Goehners prevailed on each disputed issue. The Smiths appeal.

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