

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 8, 2020
Location: Spokane, 500 North Cedar
Video Oral Argument

9:00 a.m.

- 1) **No.: 37283-9-III**
Case Name: In re Personal Restraint of Anthony M. Millspaugh
County: Spokane
Case Summary: Anthony Millspaugh seeks to reverse prison disciplinary infractions dating back to 2004. The Department of Corrections seeks to bar review on the grounds that Mr. Millspaugh's challenges are time-barred.

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9:30 a.m.

- 2) **No.: 36994-3-III**
Case Name: Donna Zink, et vir. v. City of Mesa, et al.
County: Franklin

Case Summary: In 2003, Donna Zink was arrested when she refused to stop video recording a Mesa City Council meeting. Ms. Zink sued the city and its elected officials for: violating the Open Public Meetings Act, ch. 42.30 (OPMA), RCW, false arrest, false imprisonment, malicious prosecution, civil rights violations under 42 U.S.C. § 1983, intentional infliction of emotional distress, and negligent infliction of emotional distress. Following a bench trial, Ms. Zink prevailed in part on the OPMA claim; her other claims were dismissed at other stages prior to verdict. Both sides appeal.

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10:00 a.m.

3) No.: 37107-7-III

Case Name: State of Washington v. Preston D. Hardesty

County: Grant

Case Summary: A jury found Preston Hardesty of trafficking in stolen property. Mr. Hardesty appeals issues concerning jury selection, denial of his motion for mistrial, and the calculation of his offender score.

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10:30 a.m.

4) No.: 37284-7-III

Case Name: In re Personal Restraint of Justin C. Lewis

County: Asotin

Case Summary: After learning that his trial lawyer was not licensed to practice law in Washington State, Justin Lewis filed a personal restraint petition seeking to overturn his convictions.

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11:00 a.m.

5) **No.: 36965-0-III**

Case Name: In re Personal Restraint of Robert L. Ayerst

County: Asotin

Case Summary: After learning that his trial lawyer was not licensed to practice law in Washington State, Robert Ayerst filed a personal restraint petition seeking to overturn his convictions. Mr. Ayerst's petition also seeks review of claims of judicial bias, speedy trial, and other errors related to his jury trial.

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