

67334-3

67334-3

NO. 67334-3-I

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,

Respondent,

v.

ANTOINE BROCK,

Appellant.

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STATE OF WASHINGTON
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APPEAL FROM THE SUPERIOR COURT FOR KING COUNTY

THE HONORABLE SUSAN J. CRAIGHEAD

BRIEF OF RESPONDENT

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TABLE OF CONTENTS

	Page
A. <u>ISSUES PRESENTED</u>	1
B. <u>STATEMENT OF THE CASE</u>	2
1. PROCEDURAL FACTS	2
2. SUPPRESSION HEARING.....	4
C. <u>ARGUMENT</u>	8
1. THE SEARCH OF BROCK'S BACKPACK WAS LAWFUL UNDER ARTICLE I, SECTION 7 OF THE WASHINGTON CONSTITUTION	8
a. Standard Of Review	9
b. Officer Olson Lawfully Searched Brock's Backpack Incident To His Arrest	9
c. Olson Lawfully Seized The Backpack	15
d. Neither <u>Patton</u> nor <u>Valdez</u> Invalidates Olson's Search.....	16
e. <u>State v. Byrd</u> Was Wrongly Decided	18
2. OLSON CONDUCTED A VALID INVENTORY SEARCH.....	21
D. <u>CONCLUSION</u>	26

TABLE OF AUTHORITIES

Page

Table of Cases

Federal:

Arizona V. Gant, 556 U.S. 332,
129 S. Ct. 1710,
173 L. Ed. 2d 485 (2009)..... 2, 3, 10, 11, 18, 19, 21, 23

Chimel v. California, 395 U.S. 752,
89 S. Ct. 2034, 23 L. Ed. 2d 685 (1969)..... 10

Illinois v. Lafayette, 462 U.S. 640,
103 S. Ct. 2605, 77 L. Ed. 2d 65 (1983)..... 22

United States v. Edwards, 415 U.S. 800,
94 S. Ct. 1234, 39 L. Ed. 2d 771 (1974)..... 15, 16, 23

United States v. Ruckes, 586 F.3d 713
(9th Cir. 2009)..... 23

Washington State:

State v. Brown, 83 Wash. 100,
145 P. 69 (1914)..... 10

State v. Byrd, 162 Wn. App. 612,
258 P.3d 686, review granted,
173 Wn.2d 1001 (2011)..... 18, 19, 20, 21

State v. Carneh, 153 Wn.2d 274,
103 P.3d 743 (2004)..... 9

State v. Cheatam, 112 Wn. App. 778,
51 P.3d 138 (2002)..... 15, 16

State v. Chesley, 158 Wn. App. 36,
239 P.3d 1160 (2010)..... 10

State v. Garcia, 35 Wn. App. 174,
665 P.2d 1381 (1983)..... 23, 25

<u>State v. Louthan</u> , 158 Wn. App. 732, 242 P.3d 954 (2010).....	22
<u>State v. O'Neill</u> , 148 Wn.2d 564, 62 P.3d 489 (2003).....	9, 14
<u>State v. Patton</u> , 167 Wn.2d 379, 219 P.3d 651 (2009).....	9, 10, 16, 17, 18
<u>State v. Smith</u> , 119 Wn.2d 675, 835 P.2d 1025 (1992).....	19
<u>State v. Smith</u> , 76 Wn. App. 9, 882 P.2d 190 (1994).....	22, 23
<u>State v. Sondergaard</u> , 86 Wn. App. 656, 938 P.2d 351 (1997).....	22
<u>State v. Valdez</u> , 167 Wn.2d 379, 219 P.3d 651 (2009).....	10, 16, 17, 18
<u>State v. Vrieling</u> , 144 Wn.2d 489, 28 P.3d 762 (2001).....	9
<u>State v. White</u> , 44 Wn. App. 276, 722 P.2d 118 (1986), <u>affirmed</u> , 150 Wn.2d 626 (2003).....	15
<u>State v. Wright</u> , 155 Wn. App. 537, 230 P.3d 1063, <u>review granted</u> , 169 Wn.2d 1026 (2010).....	10, 11, 12, 13

Constitutional Provisions

Federal:

U.S. Const. amend. IV	11, 15
-----------------------------	--------

Washington State:

Const. art. I, § 7.....	8, 9, 11, 12, 15, 16, 17
-------------------------	--------------------------

Statutes

Washington State:

RCW 9A.76.175 6

Rules and Regulations

Washington State:

CrR 3.6 2

Other Authorities

2 W. LaFave, Search & Seizure § 5.3(a) (1978) 23

<http://info.publicintelligence.net/FBI-SpokaneIED.pdf> 21

A. ISSUES PRESENTED

1. A police officer may lawfully search a defendant's personal effects incident to arrest if there is a nexus between the defendant, the crime of arrest, and the item searched. In this case, Brock was arrested for providing false information (name, birth date and social security number) to Officer Olson. Olson reasonably believed that he would find identification in Brock's backpack. Because there was a nexus between Brock, the crime of arrest, and the search of his backpack, was Olson's search incident to arrest lawful?

2. When an officer lawfully encounters evidence of a crime, he may seize the evidence. Here, when Officer Olson opened Brock's backpack, he saw two baggies of suspected narcotics and a Department of Corrections identification card. A field test on the suspected narcotics came back positive for marijuana and methamphetamine. Did Olson then have probable cause to seize and more thoroughly search Brock's backpack?

3. An officer must conduct an inventory search of a defendant's personal items before he books him into the King County Jail. The search for contraband, such as weapons, narcotics or explosives, is to safeguard the detention facility. The

search is lawful even if the officer does not create an evidence log until a later time. Although Olson thoroughly searched Brock's backpack before he booked him, Olson did not create an evidence log until later. Should the trial court have found Olson's inventory search lawful?

B. STATEMENT OF THE CASE

1. PROCEDURAL FACTS

The State charged the defendant, Antoine Brock, with ten counts of second degree identity theft, three counts of forgery and one count of possession of methamphetamine. CP 35-41. Brock moved to suppress all of the evidence, seized without a search warrant, pursuant to Arizona V. Gant, 556 U.S. 332, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009). CP 23-34. On June 13, 2011, after a CrR 3.6 hearing, the trial court ruled that the search was lawful as incident to a valid arrest and declined to suppress the evidence. CP 63.

On June 14, 2011, Brock waived his right to a jury trial and proceeded with a bench trial on stipulated facts. CP 42-45;

2RP 12-15.¹ Without objection, the State offered - and the court admitted - exhibit one, two binders of discovery.² 2RP 12-13, 17-18; CP 44. The trial court recessed to review exhibit one. 2RP 17-18.

Later that same day, Brock filed a motion for reconsideration of the court's denial of his suppression motion. CP 79-82. Brock argued that Gant limited searches incident to arrest for personal effects, not just vehicles. CP 79-82; 2RP 18-20. The trial court denied the motion. 2RP at 18-20. The court reiterated that there are "valid bases to distinguish personal effects from vehicles." 2RP 18; CP 63 (conclusion of law A).³

After the trial court asked both counsel clarifying questions, the court then said it was prepared to rule on the charged crimes. 2RP 20-30. The court said, "I have examined thoroughly, I think you can tell from my questions, the documents that were submitted

¹ The designation of the verbatim report of proceedings is 1RP - 6/13/11; 2RP 6/14/11; 3RP 6/28/11 (sentencing).

² On March 30, 2012, the State asked the superior court clerk to designate exhibit one to the Court. For the Court's convenience, the State has appended portions of the exhibit.

³ The State discusses the trial court's findings of fact and conclusions of law in section C of Respondent's Brief, infra.

as part of State's Exhibit No. 1."⁴ 2RP 30. The court found Brock guilty of all charges, except one count of identity theft (count 10). CP 96-101; 2RP 30-33.

Brock appeals his convictions, asserting that the arresting officer's search was not incident to arrest, and, thus, the trial court erred when it denied his motion to suppress the evidence seized incident to this arrest.

2. SUPPRESSION HEARING

At approximately 3:00 A.M. on May 21, 2008, Washington Department of Fish and Wildlife officer Eric Olson patrolled the Golden Gardens Park in Seattle. 1RP 6, 11. The park closes at 11:30 P.M. 1RP 12. Signage at the park's entrances provides notice of the park's hours and that violators are subject to prosecution for trespass. 1RP 12-13.

Olson parked his patrol car close to the restrooms. 1RP 20. The men's restroom door was propped open. 1RP 21. Olson saw two legs facing the toilet. 1RP 21. He waited outside for about ten minutes before the occupant - Brock - emerged. 1RP 21-23, 26.

⁴ Exhibit one included the arrest report (relevant pages attached as Appendix A) and the evidence spreadsheet (Appendix B). Significantly, the trial court had reviewed exhibit one before it considered Brock's motion for reconsideration.

Brock wore very baggy clothing and carried a backpack. 1RP 23-24. Olson told Brock that he was not permitted in the park. Brock said that he did not know the park was closed. 1RP 24-25.

Olson asked Brock to set his backpack down. 1RP 25.

Olson patted Brock down for weapons because he was patrolling alone, he did not know Brock, Brock was wearing baggy clothing and Brock's behavior in the bathroom had been suspicious - during the long wait, Olson never heard Brock urinate. 1RP 26, 61. Olson told Brock that he was not under arrest. 1RP 28. Olson asked Brock for identification because he needs to know who he is investigating. 1RP 28. Brock said that he only had a library card. 1RP 27. Brock started to get it out of his backpack; he then stopped and said, "Actually, I don't have any identification on me." 1RP 27. Olson asked Brock for his name, birth date and social security number. 1RP 27. Brock identified himself as "Dorien Halley," with a birth date of "7/19/67," and a social security number of "560-32-4581." 1RP 27. Olson repeated the information back to Brock, who confirmed its accuracy. 1RP 27-28.

Olson asked Brock to stand by his patrol car while he continued his investigation. 1RP 30. Olson carried Brock's backpack to his car. Olson had concerns about the backpack

because it was very full, had a lot of pockets, and he did not know if it contained a weapon that Brock could access. 1RP 30, 47. Olson did not know whether Brock was assaultive. 1RP 30.

As Olson returned to his patrol car, Brock told him that his driver's license had been issued in California, not Washington. 1RP 33-34. Olson tried to verify Brock's identification through a computer check, but neither state had a record of the information Brock had provided. 1RP 35. Olson then told Brock that he was under arrest for providing false information,^{5,6} he told Brock that he would not necessarily be taken to jail. 1RP 36, 39. Olson did not handcuff Brock. 1RP 39.

Olson returned to his patrol car. He knew from his pat-down that Brock did not have a wallet in his pockets. 1RP 40. Olson opened the main backpack pocket to try and find valid identification. As he did so, he kept an eye on Brock, who stood 12 to 15 feet away. 1RP 41, 45. Olson saw a purse or wallet. He opened it because he thought it was a good place for identification.

⁵ RCW 9A.76.175 provides:

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

⁶ Brock does not challenge the validity of his arrest.

1RP 41-42. In the wallet, Olson saw two baggies (one with suspected marijuana and one with suspected methamphetamine), and a Department of Corrections (DOC) identification badge with a photograph of Brock and his true name and birth date,⁷ and lots of checks and gift cards in various names. 1RP 41-42, 49-50. Olson then handcuffed Brock, searched him and placed him in his patrol car. 1RP 43.

Olson returned to his car to run a computer check on Brock. 1RP 44. He discovered that Brock had an outstanding felony arrest warrant. 1RP 44. As Olson waited for the Washington State Patrol to confirm the warrant, he did field tests on the suspected marijuana and methamphetamine, which came back positive. 1RP 44-47. Once he confirmed the warrant, Olson had no discretion; he had to transport Brock to jail and book him. 1RP 50.

Olson then more thoroughly searched the backpack. 1RP 48. Olson knew that the jail would not permit him to book Brock with the backpack unless he had searched the bag for contraband, such as weapons, drugs or explosives. 1RP 51, 70-71. Olson said that the jail required such a search because

⁷ Olson knew that the badge was authentic because he had previously worked as a DOC community corrections officer. 1RP 6-7.

otherwise, "I could bring a bomb there." 1RP 51. And Olson could not leave the backpack at the park because it would expose the Department of Fish and Wildlife to tort liability. 1RP 52.

During this second search, Olson found lots of checks, mail, and credit and debit cards in various names, more baggies with possible drugs, and a small electronic scale and glass pipe with residue. 1RP 48-49. Before Olson booked Brock on the felony warrant and for possession of methamphetamine, he inventoried the backpack's items, but he did not create a detailed evidence spreadsheet until a later time.⁸ 1RP 50-51.

C. ARGUMENT

**1. THE SEARCH OF BROCK'S BACKPACK WAS
LAWFUL UNDER ARTICLE I, SECTION 7 OF THE
WASHINGTON CONSTITUTION.**

Brock argues that Officer Olson conducted an unlawful search incident to arrest when he searched his backpack because there were no concerns about officer safety or the preservation of evidence. Brock's claim fails. Because there was a nexus between Brock, his backpack, and the crime of arrest, the search was lawful.

⁸ The chronology of Brock's arrest and this inventory search is discussed more fully in section C.2 of the Respondent's brief, infra.

a. Standard Of Review.

This Court reviews a trial court's denial of a motion to suppress to determine whether substantial evidence supports the challenged findings of fact and whether these findings support the trial court's conclusions of law. State v. O'Neill, 148 Wn.2d 564, 571, 62 P.3d 489 (2003). Brock does not challenge the trial court's findings of fact; thus, they are verities on appeal. Id. The Court reviews a trial court's conclusions of law pertaining to evidence suppression motions *de novo*. State v. Carneh, 153 Wn.2d 274, 281, 103 P.3d 743 (2004).

b. Officer Olson Lawfully Searched Brock's Backpack Incident To His Arrest.

Article I, section 7 of the Washington Constitution prohibits warrantless searches unless one of the narrow exceptions to the warrant requirement applies.⁹ Among the exceptions to the warrant requirement is a search incident to arrest. State v. Vrieling, 144 Wn.2d 489, 492, 28 P.3d 762 (2001). The exception is based on the need for officer safety and to prevent the destruction of evidence of the crime of arrest. State v. Patton, 167 Wn.2d 379,

⁹ Article I, section 7 provides: "No person shall be disturbed in his private affairs, or his home invaded, without authority of law."

386, 219 P.3d 651 (2009). The scope of a search incident to arrest may lawfully extend to “the arrestee’s person and the area within his immediate control” or those areas into which an arrestee might reach to grab a weapon or “evidentiary items.” Chimel v. California, 395 U.S. 752, 763, 89 S. Ct. 2034, 23 L. Ed. 2d 685 (1969); Arizona v. Gant, 556 U.S. 332, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009); State v. Valdez, 167 Wn.2d 379, 219 P.3d 651 (2009).

A search incident to arrest may also be justified to search for evidence relevant to the crime of arrest. Gant, 129 S. Ct. at 1719; State v. Wright, 155 Wn. App. 537, 230 P.3d 1063, review granted, 169 Wn.2d 1026 (2010); but see State v. Chesley, 158 Wn. App. 36, 46, 239 P.3d 1160 (2010) (holding the evidence of the crime exception did not independently justify the search incident to arrest). The justification for a search of the arrestee and his belongings derives from the common law:

The general rule is that, where a person is legally arrested, the arresting officer has a right to search such person, and take from his possession money or goods which the officer reasonably believes to be connected with the supposed crime, and discoveries made in this lawful search may be shown at the trial in evidence.

State v. Brown, 83 Wash. 100, 105-06, 145 P. 69 (1914).

In Gant, the United States Supreme Court defined the boundaries of a vehicle search incident to arrest under the Fourth Amendment.¹⁰ Gant was arrested for driving with a suspended license, handcuffed, and locked in the back of the patrol car. Gant, 129 S. Ct. at 1714. Officers searched his car and discovered cocaine in the pocket of a jacket on the backseat. Id. The Court concluded that searching the vehicle violated the Fourth Amendment because Gant could not have accessed his car to retrieve weapons or evidence at the time of the search and the officers had no possibility of discovering offense-related evidence. Id. at 1719-20. The Court stated that “[p]olice may search a *vehicle* incident to a recent occupant’s arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest.” Id. at 1723 (emphasis added).

Post-Gant, this Court analyzed the validity of a vehicle search incident to arrest under article I, section 7 of the Washington Constitution. See Wright, supra, 155 Wn. App. 537. An officer stopped Wright for a traffic infraction and smelled a strong odor of

¹⁰ The Fourth Amendment guarantees “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. CONST. AMEND. IV.

marijuana coming from the car. Wright, 155 Wn. App. at 542. Wright appeared nervous and hesitated to open the glove box to retrieve his registration. Id. When Wright finally opened the glove box, the officer saw a ball of money inside. Id. The officer arrested Wright for possession of marijuana, handcuffed him, and placed him under arrest. Id. Wright admitted that he had smoked marijuana earlier that day. Id. A narcotics K-9 alerted to the presence of drugs. Id. at 543. Officers searched the vehicle and recovered, among other things, two bags of marijuana. Id.

This Court determined that the officer had probable cause to arrest Wright for a drug crime. Id. at 556. The facts of Wright's arrest provided the necessary nexus between Wright, his arrest for a drug crime, and the search of his vehicle. Id. at 553. The Court said, "Because the police had probable cause to arrest Wright for possession of marijuana and to search the car for evidence of the drug crime, the search of the passenger compartment of the car incident to arrest did not violate article I, section 7." Id. at 556.

This case also provides the necessary nexus between the defendant, his arrest for providing false information to a public servant, and the search of his backpack. After Brock claimed that he was "Dorien L. Halley" with a date of birth of "7-19-67" and a

social security number ending in "4581," and after Officer Olson was unable to locate such a person in either Washington or California (where Brock claimed to have been issued an identification card), Olson arrested Brock on probable cause that he made a false statement to a public servant. 1RP 36; CP 61 (findings of fact E-H).

The search of the backpack was valid. As in Wright, the police officer here had every reason to believe that evidence of Brock's crime of arrest would be found in the area searched. Olson had already patted Brock down for weapons and knew that he did not have a wallet in his pants. 1RP 40. When Olson asked Brock if he had any identification, he said that he had a library card and started to get it out of his backpack; he then stopped and said he did not have any identification. 1RP 27; CP 61 (finding of fact E). The trial court found that Olson searched the backpack "in an effort to find valid identification." 2RP 6. Olson said that he opened the wallet because he thought it was a "good spot for identification." 1RP 41-42. Thus, here, as in Wright, there was a nexus between the defendant, his crime of arrest, and the search of his backpack.

Moreover, Olson said that when he first saw the backpack, he had safety concerns, which was one reason he carried it to his

patrol car. 1RP 47; but see CP 61-62 (finding of fact J (court found that Olson “did not articulate any officer safety reason to search the backpack.”)).¹¹ Olson said he was by himself, it was 3:00 A.M., and he did not know Brock’s identity - he only knew that Brock was not who he claimed to be. 1RP 41. The backpack was “very full.” 1RP 47. He did not know if the backpack had weapons that Brock could access. 1RP 47. After Olson had arrested Brock for providing false information, he did not handcuff him - because he knew from his pat-down that Brock was unarmed. 1RP 36-39. But he kept Brock - who was only 12 to 15 feet away from his patrol car - in his view while he searched the backpack. CP 61 (finding of fact F). So, Olson also had safety concerns that justified his search of Brock’s backpack.

The trial court correctly found that the initial search of the backpack incident to Brock’s arrest was valid. CP 63 (conclusion of law A). The Court should affirm the trial court’s denial of Brock’s motion to suppress the evidence found in his backpack.

¹¹ Based on Officer Olson’s testimony, the trial court’s contrary finding is not supported by substantial evidence. See O’Neill, 148 Wn.2d at 571. Even though Olson said that he searched the backpack incident to Brock’s arrest, he also had legitimate safety concerns.

c. Olson Lawfully Seized The Backpack.

The validity of Olson's search for Brock's identification, however, does not end the analysis. Although the trial court did not flush out the significance of Olson's seizure of the backpack, the court correctly found that, "Officer Olson's seizure of the defendant and the backpack were lawful." CP 63 (conclusion of law A).

The police may generally seize evidence of a crime when lawfully encountered. United States v. Edwards, 415 U.S. 800, 806-07, 94 S. Ct. 1234, 39 L. Ed. 2d 771 (1974);¹² State v. Cheatam, 112 Wn. App. 778, 784, 51 P.3d 138 (2002) (citing State v. White, 44 Wn. App. 276, 278, 722 P.2d 118 (1986) (holding that property seized incident to a lawful arrest may be used to prosecute the arrested person for an unrelated crime)), affirmed, 150 Wn.2d 626 (2003).¹³

The evolving events provided probable cause for Olson to seize and search the backpack. After Olson knew Brock's true identity, he ran a computer check and discovered an outstanding felony arrest warrant. 1RP 44-45; CP 62 (finding of fact L). As Olson confirmed the warrant, he did field tests on the suspected

¹² Fourth Amendment analysis.

¹³ Article I, section 7 analysis.

marijuana and methamphetamine, which came back positive. 1RP 44-48; CP 62 (finding of fact M). Olson then had probable cause to arrest Brock for possession of methamphetamine. More importantly, Olson could then lawfully seize - and search - Brock's backpack. Edwards, 415 U.S. at 806-07; Cheatam, 112 Wn. App. at 784.

For this additional reason, the Court should affirm the trial court's denial of Brock's motion to suppress the evidence found in the backpack.

d. Neither Patton nor Valdez Invalidates Olson's Search.

Citing State v. Patton and State v. Valdez, Brock contends that under article I, section 7, police may not search an arrestee's personal effects for evidence related to the offense of arrest unless there are concerns about officer safety or evidence preservation; i.e., the suspect was within reaching distance of the evidence at the time of the search. Brock overstates the holdings of Patton and Valdez, as neither case stands for such a broad limitation on searches incident to arrest.

In Patton, a deputy with a warrant for Patton's arrest observed him standing in his driveway "rummaging around" inside his parked car. Patton, 167 Wn.2d at 384. When the deputy called out to Patton that he was under arrest, Patton fled into his home, where deputies physically detained him, then cuffed and secured him in a patrol car. Id. at 384-85. The police then searched Patton's car and found methamphetamine under the driver's seat. Id. at 385. The Supreme Court stated that the circumstances "simply do not involve a search incident to arrest" in that "[n]o connection existed between Patton, the reason for his arrest warrant, and the vehicle." Id. at 394-95. The court thus held that, under article I, section 7, "the search of a vehicle incident to the arrest of a recent occupant is unlawful absent a reasonable basis to believe that the arrestee poses a safety risk or that the vehicle contains evidence of the crime of arrest that could be concealed or destroyed, and that these concerns exist at the time of the search." Id.

In Valdez, police arrested the driver on an outstanding warrant and searched his car while he was handcuffed and secured in the back of a police car. Valdez, 167 Wn.2d at 766. The court held that the search violated article I, section 7 because it "was not

necessary to remove any weapons the arrestee could use to resist arrest or effect an escape, or to secure any evidence of the crime of the arrest that could be concealed or destroyed.” Id. at 778. The court noted that the State had “not shown that it was reasonable to believe that evidence relevant to the underlying crime might be found in the vehicle.” Id.

However, here, as discussed above, there was a nexus between Brock, the crime of arrest - and the other crime for which probable cause to arrest and seize the backpack existed - and the subsequent searches. Therefore, Patton and Valdez do not apply.¹⁴

e. State v. Byrd Was Wrongly Decided.

Brock next urges this Court to apply Gant as interpreted by Division Three of this Court in State v. Byrd.¹⁵ The Court should decline to adopt the rule announced in Byrd, as that case was wrongly decided.

¹⁴ The court in Patton and Valdez did reaffirm the validity of searches predicated on officer safety concerns. Patton, 167 Wn.2d at 386; Valdez, 167 Wn.2d at 768-69. As discussed above, Olson had such concerns.

¹⁵ 162 Wn. App. 612, 258 P.3d 686, review granted, 173 Wn.2d 1001 (2011). The Supreme Court has scheduled oral argument in Byrd for May 15, 2012 (case number 86399-7).

In Byrd, Division Three dramatically expanded the Supreme Court's holding in Gant. Officers stopped Byrd's car because it had stolen license plates on it. 162 Wn. App. at 614. Byrd was in the front passenger seat with her purse on her lap. Id. Officers arrested Byrd for possessing stolen property. Id. After she was handcuffed and secured in the patrol car, officers searched her purse, where they found methamphetamine. Id. Division Three held that under Gant, the search incident to arrest exception did not allow police to search a defendant's purse following arrest, where the defendant was secured in the patrol car at the time of the search. Id. at 617.

In Byrd, Division Three wrongly extended the holding of Gant beyond searches of vehicles to include personal property. Courts have long recognized that a search incident to arrest may include those items that are immediately associated with the person. State v. Smith, 119 Wn.2d 675, 677-78, 835 P.2d 1025 (1992). The holding in Gant was limited to vehicle searches incident to arrest. The Supreme Court did not extend the holding to searches of personal effects found on defendants at the time of their arrest and neither should this Court.

Byrd also did not consider the circumstances unique to personal items like purses and backpacks. In the case of a vehicle, officers can usually leave a vehicle secured while they transport a defendant. On the other hand, officers cannot simply leave a personal item like a backpack or a purse at the scene of an arrest, particularly if they believe that the bag contains contraband, such as weapons or narcotics.

The trial court in this case, unlike the Court of Appeals in Byrd, appreciated the “significant differences between vehicles and personal effects for purposes of requiring a search warrant.” CP 63 (conclusion of law A). The court recognized that, “Unlike a vehicle, a backpack cannot be locked and towed while awaiting a search warrant.” CP 63 (conclusion of law A); 2RP 10. Olson said that if he had left the backpack at the scene it would have exposed his police department to tort liability. 1RP 52; CP 62 (finding of fact P).

Moreover, in this case, the necessity of transporting the backpack to the jail provided a risk not present in vehicle cases. Even if Olson had transported the backpack in the trunk of his

jail.¹⁷ The fact that Olson did not complete the documentation of the backpack's contents until later is inconsequential.

As discussed above, this Court reviews a trial court's conclusions of law following a suppression hearing *de novo*. The Court may affirm a trial court's decision on a different ground if the record is sufficiently developed to consider the ground fairly. State v. Sondergaard, 86 Wn. App. 656, 657-58, 938 P.2d 351 (1997); see also State v. Louthan, 158 Wn. App. 732, 743-44, 242 P.3d 954 (2010) (affirming the trial court's determination of probable cause to arrest on a ground not considered by the trial court, but developed in the record).

Courts have long recognized that officers may perform an inventory search of personal items subsequent to a lawful arrest without a warrant. Illinois v. Lafayette, 462 U.S. 640, 643-48, 103 S. Ct. 2605, 77 L. Ed. 2d 65 (1983); State v. Smith, 76 Wn. App. 9, 13, 16, 882 P.2d 190 (1994) (recognizing the exception under the federal and state constitutions). The Supreme Court's

¹⁷ When the trial court first ruled on Brock's motion to suppress, the superior court file contained the charging documents, which included the certification for determination of probable cause, the information, and the Superform (completed when Brock was booked into jail). CP 1-20. Although exhibit one (admitted for the bench trial) was not before the trial court at the suppression hearing, the court had "examined thoroughly" the discovery documents before denying Brock's motion to reconsider his motion to suppress the evidence found in his backpack. 2RP 12-18, 20-30.

decision in Gant does not preclude an inventory search of personal items. See United States v. Ruckes, 586 F.3d 713, 719 (9th Cir. 2009) (although the vehicle search was not a valid search incident to arrest under Gant, the search was admissible under the inventory exception).

Unlike a search incident to arrest or a search based on probable cause, the inventory search must serve a purpose other than discovering evidence of criminal activity. Smith, 76 Wn. App. at 14. An inventory search is justified, in part, "to safeguard the detention facility by preventing the introduction therein of objects which could be used to attempt an escape or by which harm might be done to some prisoner." State v. Garcia, 35 Wn. App. 174, 177, 665 P.2d 1381, 1383 (1983) (citing 2 W. LAFAVE, SEARCH & SEIZURE § 5.3(a), at 306-07 (1978)). Whether a substantial period of time has elapsed between the arrest and a subsequent administrative process is inconsequential. Garcia, 35 Wn. App. at 175 (citing Edwards, 415 U.S. 800, 807, 39 L. Ed. 2d 771, 94 S. Ct. 1234 (1974)).

Olson conducted an inventory search to safeguard the detention facility. Once Olson confirmed Brock's outstanding felony arrest warrant, he had to book Brock in jail. CP 62 (finding of

fact L). Olson said that the jail would not permit him to book Brock unless he had thoroughly searched the backpack. 1RP 51. Olson stated that he must search an arrestee's personal effects for contraband, including weapons, explosives, drugs or other prohibited items. 1RP 51, 70-71. Olson explained that the search was necessary because otherwise "I could bring a bomb there." 1RP 51.

Olson thoroughly searched the backpack before he booked Brock. See CP 20 (Superform) (attached as Appendix C). Olson arrested and booked Brock on May 21, 2008. CP 20. At that time, Olson listed Brock's backpack and contents as items left for Brock at jail.¹⁸ CP 20. Olson then listed the items seized and entered into evidence: several checkbooks, a scale with residue, various statements and credit cards, all of which did not belong to Brock.¹⁹ CP 20. Although Olson did not complete a detailed account of each specific item entered into evidence until some later time, the

¹⁸ Olson said that he returned many items that he had found in the backpack to Brock, including the three cell phones because he had no reason to think that they were not Brock's. 1RP 51-52.

¹⁹ Olson said that when he opened Brock's wallet to look for identification and he saw the checks, gift cards and bank statements, he suspected that they were stolen. See Appendix A (arrest report incorporated evidence spreadsheet by reference therein). See also Appendix B (Olson's evidence spreadsheet).

administrative delay is inconsequential.²⁰ See Garcia, 35 Wn. App. at 175.

The trial court may have misapprehended Olson's testimony or the applicable law. In her oral findings of fact, the trial judge said, "Subsequently (after Olson determined that he could not leave the backpack at the scene), the officer searched the backpack more thoroughly and filled out a form detailing its contents." 2RP 8. The court found that Olson "had to remove all of the contents of the backpack to ensure that no contraband was inside." CP 62 (finding of fact O). Yet, the court concluded that this was not an inventory search. The court said, "[A]t best, it was a once-over before the backpack was taken to the jail with the defendant." 2RP 11.

In reaching its erroneous conclusion, the trial court apparently focused on when Olson detailed the items that he had placed into evidence as opposed to when he seized the items. The booking form, CP 20, demonstrates that Olson did more than a "once-over" of the seized items. Olson's inventory search provides an independent basis on which the Court can affirm the trial court's

²⁰ See Appendix B (evidence spreadsheet, which details numerous items of stolen property found in Brock's wallet).

denial of Brock's motion to suppress the evidence found in his backpack.


D. CONCLUSION

This Court should affirm the trial court's denial of Brock's motion to suppress the evidence found in his backpack because Officer Olson lawfully searched the backpack incident to Brock's arrest and because an inventory search was required before Olson could book Brock into jail.

DATED this 2 day of April, 2012.

Respectfully submitted,

DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: 
RANDI J. AUSTELL, WSBA #28166
Senior Deputy Prosecuting Attorney
Attorneys for Respondent
Office WSBA #91002

APPENDIX A



WASHINGTON STATE
DEPARTMENT OF FISH AND WILDLIFE
ARREST REPORT

Officer Erik Olson (W-118)
16018 Mill Creek Boulevard
Mill Creek, WA 98012-1296
Cell# 206-459-5166

LODI
JAN 24 2011

WDFW CASE NUMBER: 08-0210
WSP CASE NUMBER: 08-00624-01

SUSPECT: BROCK, Antoine Lamont

DOB: 06-22-1967

PHYSICALS: Gender: Male, Height: 5'4", Wgt: 170, Eyes: Brn, Hair: Brn

ADDRESS: 504 Cherry Street #109, Seattle, WA 98104

CITATION / INFRACTION #: NA

VIOLATION:

RCW 9.35.020 Identity theft (104 Counts)
RCW 9A.83.020 Money Laundering (8 Counts)
RCW 9A.56.030 Theft 1st degree (1 Count)
RCW 69.50.401 Possession of Methamphetamine (1 Count)

INCIDENT DATE / TIME: 05-21-08 / 0300 hours

NARRATIVE:

On 05-21-08, at approximately 0300 hours, while on patrol in King County, in full uniform and a marked patrol vehicle, I pulled into Golden Gardens Park in North Seattle. The park closes at 2330 hours, with signs posted at each entrance specifying the closure (Refer to attached photo) I parked my patrol vehicle in the north parking lot and walked to a brick building near the beach.



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There is only one building in Golden Gardens Park. It is located in the northern part of the park and is situated next to the beach. On the west end of the building there are two restrooms. One located on the northwest corner and the other on the southwest corner. Over the years I have contacted several subjects that congregate in this area after the park closes, since you cannot see this side of the building from the parking lot.

I rounded the north corner of the building and briefly glanced inside the bathroom, which had the door propped open with the light on. The bathroom appeared empty. I continued to the south corner, which is designated as the men's bathroom. This bathroom also had the door propped open with the light on. I observed the feet of one subject in a bathroom stall. I stood outside the restroom and elected to contact the subject after he exited. After approximately 10 minutes, the subject walked out of the restroom. I observed the subject was wearing a black backpack, tennis shoes, black jeans and a sweatshirt. The subject was later identified as Antoine L. Brock.

I announced myself as a police officer and informed Mr. Brock that the park had closed at 11:30PM. Since it was 3:00AM, I informed Mr. Brock that he was not permitted to be in the park. Mr. Brock stated that he understood, but was unaware he was not permitted to be in the area. Due to the time of night and baggie clothing the subject was wearing, I informed him that I was going to pat him down for weapons. I also informed the subject that he was not under arrest. I instructed the subject to remove his backpack, which he did. After patting down Mr. Brock for weapons, I asked him if he possessed any identification. Mr. Brock stated that he did not have any official identification, but did have a library card with his identifying information affixed. I asked Mr. Brock to retrieve the library card.

Mr. Brock leaned down to remove the card from his backpack, but paused and stated that he did not have the library card with him. I asked Mr. Brock for his name, date of birth and social security number. Mr. Brock stated that his name was "Dorien L. Halley", Date of birth, "07-19-1967", with a Social Security number of "560-32-4581". I repeated the information to Mr. Brock and confirmed the spelling of his name. Mr. Brock stated that the information was correct

I instructed Mr. Brock to follow me back to my patrol vehicle. Since I had not searched the bag and did not know if it contained any weapons, I informed Mr. Brock that I would carry it. I escorted Mr. Brock to my patrol vehicle and instructed him to stand or sit on the curb. I informed Mr. Brock that he was not under arrest,



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however, I also informed him that he was not free to leave. Mr. Brock stated that he understood. As I walked back to my vehicle, Mr. Brock stated that I would not find a record for him, since he had not been issued a Washington State identification. I asked Mr. Brock if he had ever been issued an identification card from another State. Mr. Brock stated that he had been issued an identification card in California. I walked to my patrol vehicle and placed Mr. Brock's backpack on my passenger side floor. I entered the information provided by the defendant into my laptop computer, which returned with no record found for Washington and California.

I re-approached the defendant and informed him that he was under arrest for false information. I read the defendant his Miranda Rights from my department issued card, which he stated he understood. I emphasized to the defendant that it did not necessarily mean he was going to jail. The defendant was not cuffed, or searched. I returned to my patrol vehicle and searched the backpack I had placed on the passenger side floor. Immediately after opening the backpack, I observed a small coin purse. I opened the purse and observed a small clear plastic baggie containing a white crystal substance, as well as a small plastic baggie of a green vegetable matter. Based on my training and experience, I recognized the white crystal substance as methamphetamine and the green vegetable matter as marijuana. Next to the two baggies, I observed a DOC inmate identification card affixed with the defendant's picture. The card identified the defendant as Antoine L. Brock, with 06-22-1967 as a date of birth. The defendant had initially informed me that his name was Dorian L. Halley, with 07-19-1967 as a date of birth. I re-approached the defendant and reminded him that he was under arrest for false information. The defendant immediately stated that the backpack was not his. The defendant was cuffed, searched incident to arrest and placed in the rear of my patrol vehicle.

I asked the defendant why he had lied to me. The defendant stated that he did not want to talk to me any further. I did not ask the defendant any further questions throughout the contact. I entered the defendant's true name, Antoine L. Brock, into my laptop computer. My computer confirmed a DOC felony arrest warrant for the defendant. I notified WSP dispatch of the situation and asked them to confirm extradition for the warrant. I returned to the defendant's backpack and conducted a NIK test on the baggie containing a white crystal substance. The test confirmed the presence of methamphetamine.



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A thorough search of the defendant's backpack was also conducted. Within the backpack I discovered eight small baggies, four of which contained a white crystal substance, one contained a white crystal residue, two appeared to be empty with no residue and the last baggie contained a green vegetable matter. An electronic scale was also discovered. On the top of the scale I observed a white residue. A glass pipe with burnt residue was located wrapped in a paper towel. The backpack also contained several wallets, checkbooks, credit cards, and miscellaneous mail, none of which was affixed with the defendant's name. All of which had other people's names affixed to them. I recognized these articles as possible stolen property. The articles were seized as evidence. The defendant was transported to the King County Jail and booked for possession of methamphetamine with intent to deliver, in violation of RCW 69.50.401.2(b) and the DOC felony warrant.

The scale with the white residue on it, the five baggies containing a white crystal substance and the one baggie containing a green vegetable matter, were transported to the WSP crime laboratory for analysis. All of the evidence was documented, photographed and placed onto an Excel Spreadsheet. The spreadsheet is attached to this report.

Investigation case notes:

Upon completion of documenting all the evidence, the case was referred to the Seattle Police Department Fraud Unit. After no activity was generated on the case by SPD for over a year, the case was returned to WDFW for investigation.

On 07-12-09, I sent letters to several of the victims and informed them that they may be the victims of check and/or identity theft and asked them to contact me as soon as possible.

On 07-14-09, I received calls from Nida Tresnon, Grace Smith, Marc Schwarzmans, Brenda Lindgren and Nid Tresnon. I called all four subjects back and informed them of the ongoing investigation. Ms. Smith stated that she would contact Citibank to enquire about any checks that may have been cashed using the Credit Card balance transfer checks. Mr. Schwarzmans informed me that he watches his credit card balance closely and is certain no unauthorized transactions had occurred. Ms. Lindgren stated that the check in question had been stolen out of her mailbox. She expressed a great deal of irritation that she

APPENDIX B

Evidence spreadsheet for WDFW Case #08-0210

			ITEM DESCRIPTION
1	Black leather wallet		
1.2			Subway Rewards and cash card
1.3			Macy's Card
1.4	Gift Card		QFC Gift Card
1.5			QFC Advantage Card
1.6	Gift Card		American Express Gift Card
1.7			Albertsons Preferred Savings Card
1.8	Credit Card		Capital One Platinum Visa Credit Card issued to "Edward D. Howard" Exp. Date 12-25-10
1.9	Check Book		Check book issued to Mathew E. Carpenter - 5227 Leary Avenue NW Apt. 402, Seattle, WA 98107. Checks 305-325 Wells Fargo Bank
1.9b	Check Copy		Check Copy #305 written to Quality Food Center on 05-17-08 for \$121.69 - Memo: Gift Card
1.9c	Check Copy		Check Copy #306 written to QFC Market on 05-20-08 for \$129.84 - Memo: Gift Card
1.9d	Check Copy		Check Copy #307 Written to QFC Store on 05-20-08 for \$145.97 - Memo: Gift Card
1.9e	Check		Checks #308 - 325 blank
1.10	Check Book		Check book issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Check 3309 - 3320 Bank of America
1.10b	Check Copy		Check Copy #3309 - Unable to read
1.10c	Check (Nida Tresnon)		Check Copy #3310 Written to Fry's Electronic on 05-02-08 for \$190.71 - Memo: Software 4 comp.

	1.10d		Check Copy	Check Copy #3311 Written to QFC Quality food Cnt. On 05-02-08 for \$125.00 - Memo: Gift Card	
	1.10e		Check (Nida Tresnon)	Check Copy #3312 written to Quality food Center on 05-05-08 for \$128.31 - Memo: Gift Card	
	1.10f		Check (Nida Tresnon)	Check #3316 blank with "TRESNA*382YM" Written at the top	
	1.10g		Check Copy	Check Copy for #3316 written to (QFC) Quality food center on 05-07-08 for \$138.29 - Memo: Gift Card	
	1.10h		Check (Nida Tresnon)	Check Copy for #3317 written to Quality food centers on 05-07-08 for \$135.36 with "TRESNA*382YM" Written at the top	
	1.10i		Check (Nida Tresnon)	Check Copy for #3318 written to Metropolitan Market on 05-07-08 for \$148.06 with "TRESNA*122MN" Written at the top	
	1.10j		Check (Nida Tresnon)	Check Copy for #3319 Unable to distinguish who the check was written to. Believe the check was made out to Quality food center on 05-07-08.	
	1.10k		Check (Nida Tresnon)	Check Copy for #3320 written to Metropolitan Market on 05-07-08 for \$96.59 with "tresnn*382YM" written at top.	
	1.11		Deposit Slip	blank deposit tickets with the name Craig Brooke-Weiss and Blair Brooke-Weiss affixed - BECU credit union	

	1.12		Deposit Slip	blank deposit tickets with the name Craig Brooke-Weiss and Blair Brooke-Weiss affixed - BECU credit union with notes on back	
	1.13		Check Copy (Nida Tresnon)	Check Copy #3249 written to Quality Food Center on 04-16-08 for \$142.28 - Memo: Mothers Day Gift - Hand written note on top: TRESNN*122MN. Bank of America	
	1.14		Check (Nida Tresnon)	Check #3251 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Safeway on 04-16-08 for \$165.14. Handwritten note at top: TRESN*N122KL	
	1.15		Check (Nida Tresnon)	Check #3300 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Quality Food Center on 04-30-08 for \$149.15 Handwritten note at top: TRESNN*382YM	
	1.16		Check (Nida Tresnon)	Check #3250 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Hand written note at top: TRESNN*122KL	
	1.17		Check	Check #301 issued to Mathew E. Carpenter - 5227 Leary Avenue NW Apt. 402, Seattle, WA 98107. Written to QFC. - on 05-15-08 - Wells Fargo Bank	
	1.18		Check	Check #302 issued to Mathew E. Carpenter - 5227 Leary Avenue NW Apt. 402, Seattle, WA 98107. Written to QFC. - on 05-15-08 - for \$21.52 - Wells Fargo Bank - Handwritten note at top: CARPEME122MN EXP 11/12	

	1.19		Check Copy	Check Copy #3250 written to Quality Food Center on 04-16-08 for \$142.28 - Memo: Mothers Day Gift - Hand written note on top: TRESNN*122KL. Bank of America	
	1.20		Check	Check #1239 issued to Marc E. Schwarzmann 11000 132nd Avenue, NE, Redmond, WA 98052-2436 - written to (QFC) Quality Food Center for \$162.87 on 04-15-08 - Memo: Mothers Day Gift - Note at top of check: SCHWAME122MK EXP 10/12	
	1.21		Check (Nida Tresnon)	Check #3306 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Safeway on 05-03-08 for \$148.09. Memo: Cousin B-day, Handwritten note at top: TRESNN*382YM	
	1.22		Check (Nida Tresnon)	Check #3305 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Albertson on 05-02-08 for \$120.00. Memo: Gift A Work, Handwritten note at top: TRESNN*382YM	
	1.23		Check (Nida Tresnon)	Check #3314 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Walgreens Drugs on 05-07-08 for \$79.95. Memo: Gift A Work, Handwritten note at top: TRESNN*382RM	
	1.24		Check (Nida Tresnon)	Check #3315 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to (QFC) Quality food Center on 05-07-08 for \$135.29. Handwritten note at top: TRESNN*382YM	
	1.25		Check (Nida Tresnon)	Check #3290 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Quality food Center QFC on 04-27-08 for \$148.04. Handwritten note at top: TRESNN*382YM	

	1.26		Check (Nida Tresnon)	Check #3319 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Quality food Center on 05-07-08 for \$75.36. Handwritten note at top: TRESNN*382YM	
	1.27		Check (Nida Tresnon)	Check #3317 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Quality food Center on 05-07-08 for \$135.36. Handwritten note at top: TRESNN*382YM EXP 11/12	
	1.28		Check (Nida Tresnon)	Check #3310 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to FRY's Electronics on 05-02-08 for \$190.71. Memo- Software 4 comp- Handwritten note at top: 206-279-1692 TRESNN*382YM 11/12 EXP - Writing on back of check- Pay to the order of wells fargo bank for deposit only fry's electronics #30 4584 704290- Checker: 77189 - CDL: TRESNN582YM - CC: 06-11-12	
	1.29		Check (Nida Tresnon)	Check #3318 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Metropolitan Market on 05-07-08 for \$148.06. Handwritten note at top: TRESNN*122MN EXP 11/12	

	1.30			Check #315 issued to Vasiliy Mamchits 14208 SE 282nd Street, Kent, WA 98042 - Bank of America Panther Lake 095208 E.	
			Check (Vasiliy Mamchits)	Washington - Written to Safeway food Co. on 04-29-08 for \$80.09. Memo: Movies- Handwritten note at top: MAMCHVA331RM EXP 11/12	
	1.31			Check #317 issued to Vasiliy Mamchits 14208 SE 282nd Street, Kent, WA 98042 - Bank of America Panther Lake 095208 E. Washington - Written to Quality food Center on 05-05-08 for \$100.00. Memo: gift card Top-up - Handwritten note at top: MAMCHVA331RM EXP 11/12	
			Check (Vasiliy Mamchits)		
	1.32			Check #319 issued to Vasiliy Mamchits 14208 SE 282nd Street, Kent, WA 98042 - Bank of America Panther Lake 095208 E. Washington - Written to Safeway food Co. on 05-01-08 for \$113.84. Memo: gift card - Handwritten note at top: MAMCHVA331RM EXP 12/12	
			Check (Vasiliy Mamchits)		
	1.33			Check #307 issued to Vasiliy Mamchits 14208 SE 282nd Street, Kent, WA 98042 - Bank of America Panther Lake 095208 E. Washington - Written to Eagle Locksmith on 04-26-08. Memo: Key made - Handwritten note at top: MAMCHVA331RM EXP 11/12	
			Check (Vasiliy Mamchits)		

	1.34			Check #1030 issued to Craig Brooker-Weiss and Blair Brooke-Weiss - Phone: 206-920-7257 - BECU Credit Union - Written to Rite Aid on 04-02-08 for \$72.98. Memo: Moving - Handwritten note at top: WEISSCB331MK 10/12	
			Check		
	1.35			Check #1031 issued to Mark A. Terrano 13243 NE 110th CT. Redmond, WA 98052 - Chase Bank- Written to QFC on 03-18-08 for \$65.53. Handwritten note at top: TERRAMA312TK 09/12	
			Check		
	1.36			Check #3249 issued to Midnight Window Tinting, Inc. 13722 Aurora Avenue North, Phone: 206-306-9896, Seattle, WA 98133. Bank of America - Written to Employment Security Department on 03-29-08 for \$99.10.	
			Check		
	1.37			Check #1029 issued to Craig Brooker-Weiss and Blair Brooke-Weiss - Phone: 206-920-7257 - BECU Credit Union - Written to The North Face on 04-01-08 for \$162,41. Handwritten note at top: WEISSCB331MK 10/12 EXP	
			Check		
	1.38			Check #1235 issued to Marc E. Schwarzmann 11000 132nd Avenue, NE, Redmond, WA 98052-2436 - CITI Bank - Blank check - signed- Note at top of check: 206-791-4823 SCHWAME122MN EXP 10/12	
			Check		
	1.39			Receipt from K-Mart at 24800 W Valley Hwy, Kent, WA 98032. Cashier name: Carolina Purchases of \$32.70 with gift card. Receipt #0LTKPXB100JRZ3BDV. Date of purchase: 04-20-08 at 12:31PM	
			Receipt		

	1.40		Receipt	Receipt from QFC at 926 164th SE, Mill Creek, WA. Cashier name: James. Purchased gift card and item. Paid with a check totaling \$134.79. \$20 cash back. Receipt #85651551299197. Date of purchase: 05-02-08 at 5:45PM.	
	1.41		Receipt	Receipt from QFC at 22828 100th W. Edmonds, WA. Cashier name: Mandy. Purchased gift card and items totaling \$121.69. Used a check to purchase product. Receipt #8512170542510. Date of purchase: 05-17-08 at 5:24PM.	
	1.42		Receipt	Receipt from QFC at 2500 SW Barton, Seattle, WA 98126. Multiple purchases with gift card. Purchase date: 05-02-08 at 11:00PM. Receipt #82584187444222	
	1.43		Receipt	Receipt from QFC at 1801 North 45th, Seattle, WA. Multiple purchases with gift card. \$99.95 Cashier name: Melissa. Purchase date: 05-15-08 at 6:31PM. Receipt #86932361193482	
	1.44		Receipt	Partial receipt dated 04-25-08 at 6:09PM. Receipt #82553781214757. Purchase with gift card for \$69.95	
	1.45		Credit Card	Bank of America miniature credit card issued to Duangdao Chaonpoj, account #4888-9400-5069-7222, exp. 02/10	
	1.46			Safeway club card: Account #460-1277-8587	

	1.47		Check Copy	Copy of a check issued to Sea-Town for Hire. Check #1025 - Bank of America - Blank	
Loose items located in backpack					
	2		Check (Nida Tresnon)	Check #3308 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to Walgreens on 05-03-08 for \$42.50. Memo - Gift 4 Brother - Handwritten note at top: TRESNN*382YM exp 11/12	
	3		Check (Nida Tresnon)	Check #3309 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Handwritten note at top: TRESNN*382YM exp-11/12	
	4		Check (Nida Tresnon)	Check #3307 issued to Nida Tresnon 15405 125th Pl. NE (425) 408-0290, Woodinville, WA 98072 - Bank of America - Written to (QFC) Quality food Center on 05-03-08 for \$139.77. Memo - Gift 4 Bro - Handwritten note at top: TRESNN*382YM exp 11/12	
	5		Bank Statement	Bank Statement: US Bank, Date: 12-06-07, Company: Extencicare, North Auburn Reh. & Health, 2830 I Street NE, Auburn, WA 98002. Account Number: 50006666817 for \$2,996.26. Account holder: Jason V. Stadnik. Handwritten notes on statement: STADNVJ287BF.	

6	Bank Statement	Bank Statement: US Bank, Date: -1-31-08, Company: Extencicare, North Auburn Reh. & Health, 2830 I Street NE, Auburn, WA 98002. Account Number: 50006666817 for \$1,424.37. Account holder: Jason V. Stadnik.
7	Prescription	Prescription from Auburn Regional Medical Center. Issued to Vladimir Stadnik on 02-22-08 for "Mag oxide 400mg, Norvasc 5mg, Percocet 7.5/325 mg, Ensure 1 Can. DEA #: BN6022088 NOTES: Date has been altered.
8	Receipt	Receipt from Valley Medical Center. Patient Name: Stadnik, Vladimir. Date: 03-06-08, Account number: 804565 for \$25.00. Receipt Number: 649631
9	ATM Card	Bank of America ATM Card. Account Number: 5613 5762 4013 3626, Issued to Haranthorn Pongprasert, Expires: 11/09
10	ATM Card	BECU ATM Card. Account Number: 582068970800744799, Issued to Duangdao Chaonpoj, Expires: 02/11
11	Check Card	Bank of America Platinum Check Card. Account Number: 4426 2479 0533 4418, Issued to Arturo Losoya Jr. Expires: 11/08
12	Credit Card	Macy's, Account Number: 48 710 256 953 0, Issued to Duangdao Chaonpoj
13	Health Insurance Card	Basic 10+, Group Name: Extencicare Health Services. Employee Name: Jason Stadnik, Group Number: 04EXT01
14	Hospital discharge papers	Discharge paper for Valdimir Stadnik, Date: 02-02-08

15	Check Copy (Craig Brooke-Weiss and Blair Brooke-Weiss)	Check Copy 1085. Unable to completely read. Written to QFC.	
16	Check Copy (Craig Brooke-Weiss and Blair Brooke-Weiss)	Check Copy 1086. Unable to completely read. Written for \$158.75	
17	Check Copy (Craig Brooke-Weiss and Blair Brooke-Weiss)	Check number 1087 Written to Quality food Drugs (QFC). Memo: Gift 4 Raffle @ work. Handwritten notes at top: WEISSCB331 EXP 10/12	
18	Check Copy (Craig Brooke-Weiss and Blair Brooke-Weiss)	Check number 1088 Written to QFC. Handwritten notes at top: WEISSCB122MN exp 03/09	
19	Check Copy (Craig Brooke-Weiss and Blair Brooke-Weiss)	Check Copy 1030. Written to Rite Aid on 04-02-08 for \$72.98 Memo at bottom: Moving, Handwritten notes at top: WEISSCB331MX.	
20	Receipt	Fry's Electronics Store #30. Address: 800 Garden Avenue, North, Renton, WA 98055. Receipt #: 5550686. Purchase amount: \$65.38. Paid with \$70 Cash on 05-03-08. Item Purchased Checksoft 2007 and Maxell CD-R 700.	Checksoft software appeared to have been returned on 05-06-08 according to notes on receipt.
21	Receipt	QFC Address: 1531 NE 145th, Seattle, WA. Receipt #858 2 67 541477. Purchased items totaling \$145.97, including the purchase of a gift card. Paid with a check on 05-20-08 at 0859 hours.	Refer to item #1.9d and item #1.77
22	Receipt	M Street Grocery, Address: 801 Madison Street, Seattle, WA 206-254-0805, Gift Card activation receipts: Receipt #23605175, Activated gift card #6039537000146221235, Date: 02-13-08 at 10:11, Checker name: Jennifer #301 for \$50.00.	

	23		Receipt	M Street Grocery, Address: 801 Madison Street, Seattle, WA 206-254-0805, Gift Card activation receipts: Receipt #23605868, Activated gift card #5896295343009009, Date: 02-13-08 at 10:11, Checker name: Jennifer #301 for \$20.00.
	24		Receipt	M Street Grocery, Address: 801 Madison Street, Seattle, WA 206-254-0805, Receipt: 02-13-08 at 10:11, Checker name: Jennifer #301 for \$70 - Gift Card, Paid with a check.
	25		Deposit Slips	6 deposit slips for Crai Brooke-Weiss and Blair Brooke-Weiss for account number 3575873366
	26		Prescription	Prescription from Lijo K. Thomas, MD, for Vladimir J. Stadnik, DOB: 01-06-1972, Address: 26830 115th Place SE, Kent, WA 98030. Drugs prescribed: Bentyl 10 MG capsules. DEA#: BT9012131
	27		Deposit Slip	Deposit slips for Matthew E. Carpenter for account number 8887067026
	28		Receipt	2 page Exchange receipt for CheckSoft 2007 software. Fry's store #30 at 800 Garden Avenue, North, Renton, WA 98055. Exchange date: 05-06-08 at 1352 hours. Amount of purchase exchanged: \$49.99.
	29		Receipt	Activation Status Receipt for gift card ending in 2186 for \$25, Authorization number 877965. Activation date: 05-20-08 at 8:54 AM Receipt number 858 2 67 541477

	30		Misc. notes	8 pieces of miscellaneous notes not thoroughly documented	
	31		Credit Card statement	Capital One Credit Card statement for Bennett W. Smith. Account number 5178-0572-7230-0018	
	32		Insurance quarterly report	Employer's quarterly report for industrial insurance (Worker's Compensation) Midnight Window Tinting Inc. 13728 Aurora Avenue North, Seattle, WA 98133. UBI number: 602-143-723	
	33		Social Security Statement	Social Security Statement for Alejandro Lopez, 3016 1st Avenue, Apt. 304, Seattle, WA 98121-1056, Last four of SSI: 0664.	
	34		Check (Grace A. Smith)	Check number #1237, Issued to Grace A. Smith 10259 NE 118th Place, Kirkland, WA 98034-6615, Written to QFC Quality Food Center for \$122.08. Unable to read memo. Check written on 04-16-08. Hand written note at top of check: PATACMO122MN exp 10/12	
	35		Check (Grace A. Smith)	Check number #1236, Blank, Issued to Grace A. Smith 10259 NE 118th Place, Kirkland, WA 98034-6615	
	36		Receipt	Receipt for K-Mart store #3443, 13200 Aurora Avenue North, Seattle, WA 98133, Several items purchased. Paid with check for \$164.59. Receipt #03443 042108 005 42052. Purchase date: 04-21-08 at 7:04 PM.	Possibly purchased a gift card "Virgin" for \$90.

	37		Receipt	Receipt for K-Mart store #3413, 24800 W. Valley HWY, Kent, WA 98032, Purchased a K-Mart gift card. Paid with check for \$53.26. Receipt #03413 041908 002 72429. Purchase date: 04-19-08 at 6:15 PM.
	38		Employment Security Department	4 pages (front and back on two pages) Quarterly Wage Detail. Several individuals listed on report with social security numbers
				Filler-Graves, Tim 538-04-8386
				Odilao, Olson 538-72-0766
				Laasri, Vincent 615-47-3753
				Odonnell, Morgan 537-11-0675
				Freeman, Alex 539-23-0949
				Prepared by Kate Gallagher
	39		Check (Midnight Window Tinting, Inc.	Check #3248, Bank of America, issued to Midnight Window Tinting, Inc. 13722 Aurora Avenue, North, Seattle, WA 98133 206-306-9896. Issued on 03-29-08 to the Department of Labor and Industries \$1,111.56. Several hand written notes on the check: Craig Weiss, Lisa Waldman. Endorsed on back: Craig Weiss, Tax ID #776.85.9525.
	40		Check stub (Midnight Window Tinting)	Check stub for Check #3249, Bank of America, issued to Midnight Window Tinting on 03-29-08.
	41		Check (Sea-Town for Hire)	Check #1025, Bank of America, Issued to Sea Town for Hire, 12330 Roosevelt Way NE #2, Seattle, WA 98125. Ph. 206-941-3921. Issued on 04-30-08 to Lisa M. Waldman for \$989.00. Employee # WL877430 Memo: Weeks - 16-29. Endorsed on back
	42		Check (Yumiko O Kojima)	Check #1134, CITI Bank, Blank, Issued to Yumiko O Kojima 13787 NE 76th Pl. Redmond, WA 98052

	43		Check (Grace A. Smith)	Check #1230, CITI Bank, Blank, Issued to Grace A. Smith 10259 NE 118th Place, Kirkland, WA 98034-6615. Notes written at top: Smithag112k exp08/12 206-941-9675	
	44		Check stub (Midnight Window Tinting)	Check stub for Check #3248, Bank of America, issued to Midnight Window Tinting on 03-29-08. Several routing and account numbers written on check stub	1.36 and 39 same routing and account numbers on both checks.
	45		Envelope with notes	Refer to attached picture - Several notes written on envelope.	
	46		Check Copy	Check Copy #304 Unable to read	
	46.1		Check Copy	Check Copy #305 Unable to read, Memo: House Guest	
	46.2		Check Copy	Check Copy #306 written to Quality Food (QFC, \$68.76, Memo: House Guest.	
	46.3		Check Copy	Check Copy #313 Safeway foods for \$166.11 on 04-27-08. Handwritten note at top: mamchva331RM, Memo: Raffle Reimbursement	

	46.4		Check Copy	Check Copy #314 Written to Safeway food Co. for \$149.83 on 04-28-08. Handwritten note at top: mamchva331RM, Memo: Gas	
	46.5		Check Copy	Check Copy #315 Written to Safeway food Co. for \$80.09 on 04-29-08. Handwritten note at top: mamchva331RM, Memo: Movies	
	46.6		Check Copy	Check Copy #316 Written to Safeway food Co. for \$142.57 on 04-29-08. Handwritten note at top: mamchva331RM (425)789-2653, Memo: Movies	
	46.7		Check Copy	Check Copy #317 Written to Safeway food for \$100.00 on 04-30-08. Handwritten note at top: mamchva331RM exp 11/12, Memo: Gift card Top-up	
	46.8		Check Copy	Check Copy #318 Written to Safeway food for \$100.00 on 04-30-08. Handwritten note at top: mamchva331RM exp 11/12, Memo: Top up Gift	
	46.9		Check Copy	Check Copy #319 Written to Safeway food Co. for \$113.84 on 05-03-08. Handwritten note at top: mamchva331RM , Memo: gift/card	
	46.10		Check	Check# 320 Written to Safeway food comp. For \$35 on 05-02-08. Handwritten note at top: mamchva382YM.	

	47		Driver's Field System?	Printout of "Driver's Field System" with OLN of Vladimir Jason Stadnik, as well as a DOB. Several handwritten notes on document.	
	48		Pre-paid visa card receipt	Account Now Prepaid Visa Card receipt #2377372	
	49		Check book (Conor B. Gentes)	Check #632 - 650 Blank, Bank of America, Issued to Conor B. Gentes 2129 Sahalee Drive East, Sammamish, WA 98074, 425-891-2892	
	50		Check book (Sigma Nu Kitchen)	Check Copy #2441 Written to QFC for \$37.99 on 05-14-08. Handwritten note at top: kitchsn122MN exp 11/12.	
	50.1		Check Copy	Check Copy #2442 Written to Thriftway Grocery for \$76.61 on 05-16-08. Handwritten note at top: kitchsn122MN exp 11/12	
	50.2		Check Copy	Check Copy #2443 Written to Rite Aid Drug Store, Unable to read amount on check copy. Issued on 05-16-08. Handwritten note at top: kitchsn122MN exp 11/12	
	50.3		Check Copy	Check Copy #2444 Written to Metropolitan Market for \$79.53 on 05-16-08. Handwritten note at top: kitchsn122MN exp 11/12	

	50.4		Check	Check #2445 not written to anyone for \$27.61 on 05-20-08. Handwritten note at top: kitchsn122MN exp 03/12	
	50.5		Check	Check #2446 Written to Safeway on 05-20-08, no dollar amount, Handwritten note at top: kitchSN122MN	
	50.6		Check	Check #2447 - #2450 are blank	
	51		Check Copy (Sigma Nu Kitchen)	Check Copy #2432 Written to Quality Food Center for \$125.13 on 05-11-08. Handwritten note at top: kitchSN122MN	
	52		Check Copy (Sigma Nu Kitchen)	Check Copy #2426 Written to (QFC) Quality food Center for \$89.00 on 05-08-08. Handwritten note at top: kitchSN122MN	
	53		Check Copy (Sigma Nu Kitchen)	Check Copy #2427 Written to (QFC) Quality foods for \$105.95 on 05-09-08. Handwritten note at top: kitchSN122MN, Memo: Gift	
	54		Check (Sigma Nu Kitchen)	Check #2428 Written to Albertsons, no dollar amount, on 05-09-08. Handwritten note at top: kitchSN122MN	

	55		Check Copy (Sigma Nu Kitchen)	Check Copy #2429 Written to Fracisco Hayward for \$800.00 on 05-08-08. Handwritten note at top: kitchSN122MN, Memo: Laptop	
	56		Check Copy (Sigma Nu Kitchen)	Check Copy #2430 Written to Fracisco Hayward for \$800.00 on 05-08-08	
	57		Check Copy (Sigma Nu Kitchen)	Check Copy #2431 Written to QFC Quality food Center for \$107.43 on 05-10-08. Handwritten note at top" kitchSN122MN.	
	58		Check (Sigma Nu Kitchen)	Check #2434 Written to Thriftway for \$69.64 on 05-12-08. Handwritten note at top: kitchSN122MN exp 11/12	
	59		Check (Sigma Nu Kitchen)	Check #2441 Written to QFC for \$37.99 on 05-14-08. Handwritten note at top: kitchSN122MN exp 11/12	
	60		Check (Sigma Nu Kitchen)	Check #2439 Written to Quality food Center for \$176.95 on 05-14-08. Handwritten note at top: kitchSN122MN exp 11/12	
	61		Check (Sigma Nu Kitchen)	Check #2440 Written to QFC for \$37.99 on 05-14-08. Handwritten note at top: kitchSN122MN	

	62		Receipt	Thriftway receipt, 4201 Southwest Morgan, Seattle, WA 98136. Date of purchase: 05-08-08 at 7:50 AM. Paid with check for \$37.53. Took \$20 in cash.	
	63		Check (Nida Tresnon)	Check #3247 Written to Francisco Hayward for \$900.00 on 04-04-08.	
	63.1			Check #3262 Written to Quality food Center for \$179.99 on 04-22-08. Handwritten note at top: tresnn*382YM Memo: Gift 4 Brother	
	63.2			Check #3263 Written to QFC for \$49.99 on 04-22-08. Handwritten note at top: tresnn*382YM.	
	64		Check (Brenda J. Lingren; Jeffry K. Lindgren; Jennifer Lindgren)	Check #4819, US Bank, Issued to Brebda J. Lindgren, Jeffry K. Lindgren and Jennifer Lindgren 14054 Military Road South, Tukwila, WA 98168-4037. Written to Seais (?) for \$50.00 on 05-26-08.	
	65		Check (Vasiliy Mamchits)	Check #309 Bank of America, Issued to Vasiliy Mamchits 14208 SE 282nd Street, Kent, WA 98042. Written to QFC Quality foods for \$135.41 on 04-26-08. Memo: graduation gift	
	66		Check stub (Potomac Electric Power Company)	Refund check stub from Potomac Electric Power Company issued on 02-21-08 for \$251.99 to account number 2335-2010-5-5-01. Stub #473721. Service address: 7101 Holly Avenue, Takoma Park, MD 20912-4225	

	67			Refund check issued from Potomac Electric Power Company issued on 02-21-08 for \$39.47 to account number 2335-2040-3-4-01. Stub #473722. Service address: 7101 Holly Avenue, Takoma Park, MD 20912-4225	
	68		4 Misc. pieces of paper with notes	4 pieces of paper containing passwords, names, and a paypal account. Refer to picture	
	69		Check ledger	Check ledger with a small amount of notes written within it.	
	70		Crescent moon notebook	Small crescent moon notebook with several names and addresses within it.	Many of the addresses and names listed in the notebook have accompanying checks.
	71		Receipt	Metropolitan Market 100 Mercer Street, Seattle, WA 98109, Date of receipt: 05-20-08 at 10:57PM. Receipt# 157 7 751 2686. Cashier: Sara K. Total purchases: \$41.35 received \$20 change, total check amount \$61.35	
	72		Receipt	Metropolitan Market 100 Mercer Street, Seattle, WA 98109, Date of receipt: 05-20-08 at 10:49PM. Receipt# 157 7 748 2686. Cashier: Sara K. Total returns with a cash refund: \$54.87	
	73		Drugs	Green vegetable matter in small baggie. Baggie is green on one side and clear on the other.	Submitted to WSP Crime lab on 05-28-08

	74		Drugs	Small clear baggie containing white crystal substance	Submitted to WSP Crime lab on 05-28-08
	75		Drugs	Small clear baggie containing white residue	Submitted to WSP Crime lab on 05-28-08
	76		Drug paraphernalia	Two small baggies with no residue	
	77		Drugs	Two small baggies containing white crystal substance in a larger baggie	Submitted to WSP Crime lab on 05-28-08
	78		Drugs	Small blue baggie containing a white crystal substance	Submitted to WSP Crime lab on 05-28-08
	79		Drug paraphernalia	Glass pipe with burnt residue wrapped in a paper towel	Submitted to WSP Crime lab on 05-28-08
	80		Drug paraphernalia	"Pro Scale DIGI 300" electronic scale with residue on it.	

	81		Receipt	QFC Gift Card receipt, Date of Receipt: 05-15-08 at 6:31 PM. Receipt # 86932361193482 for card number ending in 6348 for \$95.	
	82		Receipt	Gift Card receipt, No store name listed. Date of Receipt: 05-02-08 at 10:59 PM. Receipt #82584187444222 for card number ending in 5025 for \$95.	
	83		Receipt	QFC Gift Card receipt, Date of Receipt: 05-02-08 at 5:44 PM. Receipt # 85651551299197 for card number ending in 0918 for \$105.	
	84		Receipt	QFC Gift Card receipt, Date of Receipt: 05-17-08 at 5:19 PM. Receipt # 8512170542510 for card number ending in 4549 for \$70.	
	85		Receipt	Partial QFC Gift Card receipt, No Date of Receipt or Receipt #. For card number ending in 5187 for \$65.	
	86		Note	Phone number on the back of a piece of "Marboro Flip-Top Box" "(360) 520-1805	
	87		Check order cover sheet	Check order cover sheet for Vasiliy Mamchits, 14208 SE 282nd Street, Kent, WA 98042. Notes on back of check order cover sheet.	

	88		QFC Advantage card	Small QFC Advantage card for account number 446516685315	
	89		QFC Business card	QFC "Returned Check Department card	
	90		Business card	Computerstop.com business card for "Dana Kamm Corporate Sales"	
	91		Business card	Verizon Wireless business card for "Marie Hamilton Sales Rep."	
	92		DOL Information questionnaire	DOL questionnaire for Vladimir Jason Stadnik DOB: 01-06-1972. (Completely filled out)	

APPENDIX C

SUPERFORM

CCN/JCN NUMBER	B/A NUMBER	PCN NUMBER
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AGENCY: <input type="checkbox"/> UNINCORPORATED KING COUNTY <input checked="" type="checkbox"/> WA FISH + WILDLIFE <input type="checkbox"/> CITY OF	08-006246-01	FILE NUMBER
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<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR	COURT KING CO.
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DATE OF ARREST/TIME 5/21/08 0300	BOOKING DATE/TIME 5/21/08	ARREST LOCATION GOLDEN GARDENS PARK / SEATTLE
NAME (LAST, FIRST, MIDDLE/JR., SR., 1 ST) BROCK, ANTOINE L.		ALIAS, NICKNAMES
IDENTITY IN DOUBT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DOB 06/22/67	SEX M
RACE 5'4"	HGT 170	WGT BRN
EYES BRN	HAIR BRN	SKIN TONE
SCARS, MARKS, TATTOOS, DEFORMITIES		ARMED/DANGEROUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
LAST KNOWN ADDRESS 504 CHERRY ST. #109, SEATTLE, WA 98104		CITY STATE ZIP SEATTLE WA 98104
OCCUPATION	EMPLOYER, SCHOOL (ADDRESS, S/HOP/UNION NUMBER)	SOCIAL SECURITY NUMBER
DRIVER'S LICENSE #	STATE WA	AFIS #
VEHICLE LICENSE #	STATE WA	FBI #
STATE	YEAR	MAKE
MODEL	VEHICLE LOCATION	TOW COMPANY
PERSON TO BE CONTACTED IN CASE OF EMERGENCY		RELATIONSHIP
ADDRESS		CITY
STATE		PHONE
1) OFFENSE <input type="checkbox"/> DV WARRANT - FELONY POC	RCWORD#	COURT/CAU#
2) OFFENSE <input type="checkbox"/> DV POSSESSION METHAMPHETAMINE - 69.50.40	RCWORD#	COURT/CAU#
3) OFFENSE <input type="checkbox"/> DV	RCWORD#	COURT/CAU#
4) OFFENSE <input type="checkbox"/> DV	RCWORD#	COURT/CAU#
DATE & TIME OF VIOLATION 5/21/08 0300	CRIMINAL TRAFFIC CITATION ATTACHED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	ACCOMPLICES
LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL BACK PACK W/ PROPERTY		
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE SEVERAL CHECKBOOKS, A SCALE W/ RESIDUE, VARIOUS BANK STATEMENTS AND CREDIT CARDS ALL OF WHICH		
TOTAL CASH OF ARRESTEE \$ 20.00	WAS CASH TAKEN INTO EVIDENCE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	SIGNATURE OF JAIL STAFF RECEIVING ITEMS/SERIAL # 20.00 C/D
ARRESTING OFFICER/SERIAL # E. OISON 418	TRANSPORTING OFFICER/SERIAL # SAME	SUPERVISOR SIGNATURE/SERIAL # E. OISON 418
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) E. OISON 418		CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL #/PHONE)

MISDEMEANOR BOOKINGS: Complete to this line. FELONY BOOKINGS: Complete both sides.
OBJECTION TO RELEASE (MISDEMEANOR OR FELONY) IS ON REVERSE SIDE.

COURT	SUPERIOR COURT	<input type="checkbox"/> IN CUSTODY	COURT CAUSE (STAMP OR WRITE) 11-1-01708-3 SEA	
	FILING INFO.	<input type="checkbox"/> AT LARGE		
FILE	COURT/DIST.	DIST. CT.	SUP. CT. DATE	WARRANT NUMBER
	CT.NO.	BOND \$		
WARRANT	WARRANT DATE 01/09/08	OFF CODE OFFENSE POC WARRANT	AMOUNT OF BAIL \$ N/A	FELONY <input checked="" type="checkbox"/> BENCH <input type="checkbox"/> MISD <input type="checkbox"/> ARREST <input type="checkbox"/>
	POLICE AGENCY ISSUING POC	COURT	WARRANT RELEASED TO: SERIAL UNIT DATE TIME	
INFO / EXTRADITE	PERSON APPROVING EXTRADITION	SEEKING-LOCAL ONLY WAC-STATE WIDE <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>
	CCN# _____ WAC# _____ NIC# _____	DOE _____ TOE _____ OP# _____	C L E A R A N C E	DOC _____ TOC _____ OP# _____

Certificate of Service by Mail

Today I deposited in the mail of the United States of America, postage prepaid, a properly stamped and addressed envelope directed to Christopher Gibson, the attorney for the appellant, at Nielsen Broman & Koch, P.L.L.C., 1908 E. Madison Street, Seattle, WA 98122, containing a copy of Brief of Respondent, in STATE V. ANTOINE BROCK, Cause No. 67334-3-I, in the Court of Appeals, Division I, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

U Brame
Name
Done in Seattle, Washington

4/2/12
Date