

original

NO. 35768-2-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

Crum

STATE OF WASHINGTON, Respondent

v.

RYAN DOUGLAS GARMAN, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
THE HONORABLE JOHN P. WULLE
CLARK COUNTY SUPERIOR COURT CAUSE NO. 05-1-02777-1

BRIEF OF RESPONDENT

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TABLE OF CONTENTS

I. STATEMENT OF THE FACTS	1
II. RESPONSE TO ASSIGNMENT OF ERROR NO. 1	1
III. RESPONSE TO ASSIGNMENT OF ERROR NO. 2	6
IV. RESPONSE TO ASSIGNMENT OF ERROR NO. 3	9
V. CONCLUSION.....	10

TABLE OF AUTHORITIES

Cases

<u>Ashley v. Wainwright</u> , 639 F.2d 258 (5 th Cir. 1981)	7
<u>State v. Ague-Masters</u> , 138 Wn. App. 86, 156 P.3d 265 (2007)	3, 4, 5
<u>State v. Allen</u> , 27 Wn. App. 41, 48, 615 P.2d 526 (1980)	8
<u>State v. Fredrick</u> , 45 Wn. App. 916, 920, 729 P.2d 56 (1986)	8
<u>State v. Gurske</u> , 155 Wn.2d 134, 138-139, 118 P.3d 333 (2005)	5
<u>State v. O’Neal</u> , 159 Wn.2d 500, 150 P.3d 1121 (2007)	2, 3
<u>State v. Potter</u> , 25 Wn. App. 624, 628, 611 P.2d 1282 (1980)	8
<u>State v. Schelin</u> , 147 Wn.2d 562, 575-576, 55 P.3d 632 (2002).....	2, 5
<u>State v. Simonson</u> , 91 Wn. App. 874, 877, 882-883, 960 P.2d 955 (1998).....	4
<u>State v. Smith</u> , 101 Wn.2d 36, 41-42, 677 P.2d 100 (1984)	7
<u>State v. Thetford</u> , 109 Wn.2d 392,395-396, 745 P.2d 496 (1987).....	7

Statutes

RCW 5.60.060(5).....	7
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Rules

CrR 4.7(f)(2)	7
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I. STATEMENT OF THE FACTS

The State accepts the statement of facts as set forth by the defendant in his brief. Where additional information is necessary, it will be supplied in the argument section of this brief.

II. RESPONSE TO ASSIGNMENT OF ERROR NO. 1

The first assignment of error raised by the defendant is a claim that the evidence was insufficient to sustain the jury's finding that the defendant was armed with a firearm in the commission of the offense of Possession Controlled Substance with Intent to Deliver as charged in Count 1.

When the search warrant was executed on the defendant's home, he indicated that all of the items in the home were his and it certainly appears that he was taking primary responsibility for the drugs found in the residence. It can also be assumed that he was also taking primary ownership of the weapons as well. As he indicated to Detective Boyles, he claimed ownership of the things inside of the house. (RP 177, L.13-14). Firearms were found throughout the residence both inside the house, inside the garage, and inside one of the vehicles. The garage was a second living room and was furnished. (RP 286).

Detective Hess, one of the officers serving the search warrant, and qualified through training and experience in the area of drug enforcement, told the jury that weapons are usually close to the drugs for protection. (RP 231). He also indicated on cross examination that he has seen a .22 caliber rifle in many drug dealers' houses and it is not that unusual. (RP 257).

The defense in its argument appears to put a great deal of weight on the fact that the defendant was in the bathroom at the time that the search warrant was executed and in fact makes light of the fact that even though there were two guns in the house, two guns in the finished garage, and another in a vehicle located on the premises, that his efforts at protecting his stash were "laughable". (Brief of Appellant, Page 13).

It is interesting to also note that the citations provided by the defense deal with dissenting opinions in a couple of cases. When we look at the majority opinion of the recent State v. O'Neal, 159 Wn.2d 500, 150 P.3d 1121 (2007), it provides that "a defendant is armed when he or she is within proximity of an easily and readily available weapon for offensive or defensive purposes and when a nexus is established between the defendant, the weapon, and the crime." (Quoting from State v. Schelin, 147 Wn.2d 562, 575-576, 55 P.3d 632 (2002)) and found at State v. O'Neal, 159 Wn.2d at 503-504.

The question raised in O'Neal is similar to the argument trying to be raised by the defendant in our case. Attempt was made to pin down to a certainty as to the proximity of the weapons at the time of the arrest only and therefore show the absurdity of this matter. The Supreme Court responds to this as follows:

The O'Neals challenge whether the State proved, beyond a reasonable doubt, that they were armed at the time of arrest because the State did not show that the weapons were easily accessible and readily available at a specific moment in time, such as the time of arrest. The defendant does not have to be armed at the moment of arrest to be armed for purposes of the firearms enhancement. E.g. Schelin, at 147 Wn.2d at 572-573, 575; cf. State v. Gurske, 155 Wn.2d 134, 138-139, 118 P.3d 333 (2005) (noting the State had not submitted evidence showing the defendant had a weapon easily accessible and readily available at any point during the commission of his crime). Instead, the State's theory was that the AR-15 leaning against a wall and the pistol under a mattress were easily accessible and readily available to protect the continuing drug production operation on or around December 4, 2001. Cf Schelin, at 147 Wn.2d at 572-573 (rejecting the argument that the State must prove that the defendant was armed at the time of arrest). We agree that this is an appropriate theory to present to the jury, and that the State need not establish with mathematical precision the specific time and place that a weapon was readily available and easily accessible, so long as it was at the time of the crime.

- State v. O'Neal, 159, Wn.2d at 504-505.

A recent case from Division II also helps clarify this question concerning the firearm enhancement. In State v. Ague-Masters, 138 Wn. App. 86, 156 P.3d 265 (2007), the defendant was convicted after police

officers discovered a methamphetamine lab in a shed on the defendant's property. The defendant was detained and handcuffed outside his front door. The methamphetamine lab was found in a detached shed 100 feet from the house but there was no evidence of the lab or any of the drugs in the house. Deputies did not find any firearms in the shed but found twelve unloaded firearms locked in a safe in the house. The deputies had already arrested the defendant when they found the unloaded firearms in the safe. The State argued that the firearm enhancement should be applied because had the defendant chosen to use them he could have opened the safe, loaded one of them, and used it. Division II rejected this argument indicating that the proximity of the firearms and the fact that they were in a safe located in the house a 100 feet from the lab was not enough to show that he was "armed" for purposes of the statute. The court drew the factual distinctions between their situation and others and decided that "although proximity of the defendant to the weapon has played into the nexus analysis, it is possible for a defendant to be armed during a commission of a crime for purposes of a sentence enhancement even if not arrested in close proximity to the weapon. State v. Simonson, 91 Wn. App. 874, 877, 882-883, 960 P.2d 955 (1998)". . . . State v. Ague-Masters, 138 Wn. App. at 103. The court went on to indicate that the nexus between the weapon and the crime requires an examination of "the

nature of the crime, the type of weapon, and the circumstances under which the weapon is found (e.g. whether in the open, in a locked or unlocked container, in a closet, on a shelf, or in a drawer.” Citing from State v. Gurske, 155 Wn.2d 134, 138-139, 118 P.3d 333 (2005) and State v. Schelin, 147 Wn.2d at 570.) State v. Ague-Masters, 138 Wn. App. at 104.

In our situation, the defendant acknowledged ownership of the drugs. The drugs were located in the residence. Some of the firearms were also located within the residence. As the diagrams and photographs indicate, this was a small residence and the defendant would have had easy access to the weapons.

The Court’s Instructions to the Jury (CP 56) included the special verdict and, specifically at Instruction No. 19, discussed with the jury the question of the firearm for purpose of enhancement. Instruction No. 19 reads as follows:

For purposes of a special verdict, the State must prove beyond a reasonable doubt that the defendant was armed with a firearm at the time of the commission of the crime in Count 1, Possession of a Controlled Substance with Intent to Deliver – Marijuana.

A person is armed with a firearm if, at the time of the commission of the crime, the firearm is easily accessible and readily available for offensive or defensive use. The State must prove beyond a reasonable doubt that there was a connection between the firearm and the defendant. The

State must also prove beyond a reasonable doubt that there was a connection between the firearm and the crime. In determining whether this connection existed, you should consider the nature of the crime, the type of firearm, and the circumstances under which the firearm was found.

A “firearm” is a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

A pistol, revolver, or any other firearm is a deadly weapon whether loaded or unloaded.

(Court’s Instructions to the Jury (CP 56) Instruction No. 19)

This was a correct and accurate statement of the law. This became a factual question for the jury and the State submits that there was sufficient evidence to allow this question to go to the jury.

III. RESPONSE TO ASSIGNMENT OF ERROR NO. 2

The second assignment of error raised by the defendant is a claim that the trial court erred in failing to hold an in-camera hearing on whether or not the identity of the informant should be disclosed.

This matter of disclosure of the informant was raised on June 15, 2006. After a hearing on this matter, the court entered its Findings of Fact and Conclusions of Law on Defendants Motion to Suppress and Motion to Disclose Informant. (CP 104). A copy of the Findings of Fact and Conclusions of Law are attached hereto and by this reference incorporated herein.

A defendant has a sixth amendment right to confront any witness, including a confidential informant, who could materially aid his or her defense. State v. Smith, 101 Wn.2d 36, 41-42, 677 P.2d 100 (1984). However, the State has the privilege to withhold the identities of informants unless disclosure is relevant and helpful to the defense. State v. Thetford, 109 Wn.2d 392,395-396, 745 P.2d 496 (1987). The defendant in our case has provided no argument or evidence that disclosure of the informant would have materially aided his defense. The defendant carries the burden of showing materiality. This burden has been described as establishing a colorable need for the person to be summoned. Ashley v. Wainwright, 639 F.2d 258 (5th Cir. 1981).

The State's privilege to not disclose informants is codified in Washington by statute, RCW 5.60.060(5) and by court order. CrR 4.7(f)(2) provides that "disclosure of an informant's identity shall not be required where the informant's identity is a prosecution secret and a failure to disclose will not infringe upon the constitutional rights of the defendant." If the trial court deems that the informant's testimony may be relevant and helpful to the defense and essential to a fair trial, disclosure may be required. However, the State submits, that the defense never even reached a threshold showing of any materiality in disclosing the

informant's identity. Thus, the trial court was within its rights to not order some type of in-camera hearing for further exploration of this issue.

There has been no showing made, either at the trial court level or on appeal, that this lack of information materially effected in any manner the nature of the defense that was being offered. No hearing is necessary if the accused's reasons for seeking the informant's testimony is only speculative. An in-camera hearing is necessary only when the defendant makes the initial showing that the confidential informant may have evidence that would be relevant to his innocence. State v. Allen, 27 Wn. App. 41, 48, 615 P.2d 526 (1980); State v. Potter, 25 Wn. App. 624, 628, 611 P.2d 1282 (1980); State v. Fredrick, 45 Wn. App. 916, 920, 729 P.2d 56 (1986).

The defense had filed a Motion to Disclose Informant and Suppression of Evidence. (CP 3). On page 2 of that document appears to be the only recitation of the "materiality" of the identity of the undisclosed informant. It is a claim made through the attorney that the defendant would testify that the only person in the house during this time period was a female. He maintains that she was never an invited guest, that she showed up hysterical, and to keep her quiet, he provided her a small amount of marijuana. The gist of the argument on appeal is that this was a "paid informant" and therefore an agent of the police. The defense at the

trial court level in the Motion to Disclose Informant on page 7 and 8 indicates as follows:

Defendant believes Marta Gibson is the informant and she is an agency of the police, as such is an uninvited guests. She was not an invited guest as detailed above. She was not invited in on the occasion she came to the house. Furthermore, whatever marijuana was given to her was no (sic) only actively solicited by her but requested by her in such a (sic) abusive manner, it was simply given to her in order to get her to shut up and get out of the house. The court should do an in-camera interview to inquire along the above lines to see if relevant information is provided for defendant's case.

The State submits that not only is this speculative, at best, but it shows no materiality to the nature of the defense. The in-camera hearing is necessary only when the defendant makes the initial showing that the confidential informant may have evidence that would be relevant to his innocence. This simply has not been done.

IV. RESPONSE TO ASSIGNMENT OF ERROR NO. 3

The third assignment of error raised by the defendant deals with the Judgment and Sentence and a request to clarify that the entire period of custody and then community custody beyond that not extend beyond the statutory maximum of 120 months.

The issue deals specifically with Count 1 on the Judgment and Sentence. (CP 88). The standard range was 51-68 months and enhancements were of 24 months for a violation of a school zone and

36 months for the possession of a firearm. The standard range then including the enhancements totaled 111-120 months. The community custody would be 9-12 months.

The State agrees that it would be appropriate to request a clarification by the trial court. It is noted that the court imposed a sentence of 111 months which was the low end of the standard range with the enhancements. With that in mind, the 9 months of community custody would not violate any prohibitions and would be within the standard range. The State does not believe it is necessary to resentence but merely to clarify by an additional order indicating that the maximum term not exceed the statutory maximum of 120 month.

V. CONCLUSION

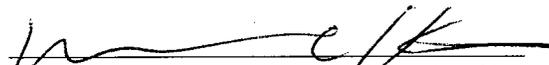
The trial court should be affirmed and the State agrees that an order should be entered reflecting the statutory maximum of 120 months combination of actual time and community custody.

DATED this 4 day of December, 2007.

Respectfully submitted:

ARTHUR D. CURTIS
Prosecuting Attorney
Clark County, Washington

By:


MICHAEL C. KINNIE, WSBA#7869
Senior Deputy Prosecuting Attorney

APPENDIX

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON DEFENDANT'S MOTION TO SUPPRESS
AND MOTION TO DISCLOSE INFORMANT**

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FILED

JAN 05 2007

Sherry W. Parker, Clerk, Clark Co.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK**

STATE OF WASHINGTON,) No. 05-1-02777-1
)
Plaintiff,)
v.) FINDINGS OF FACT AND
RYAN DOUGLAS GARMAN,) CONCLUSIONS OF LAW ON
) DEFENDANTS MOTION TO SUPPRESS
) AND MOTION TO DISCLOSE
) INFORMANT
)
Defendant.)

The parties appeared before the Court on June 15, 2006, for argument on Defendant's Motion to Suppress Evidence and Disclosure of Informant.

Defendant appeared personally and by and through his attorney, James J. Sowder. The State was represented by Deputy Prosecuting Attorney Kasey Vu. The Court admitted as evidence Exhibit A, the search warrant, the search warrant affidavit and the search warrant return.

The Court having heard argument of counsel and reviewed the briefs, affidavits, and exhibits, the Court therefore makes the following findings of facts and conclusions of law:

FINDINGS OF FACT
Undisputed Facts

1. On December 14, 2005, a search warrant was executed at the defendant's residence. The affidavit for the search warrant, search warrant and search warrant return are attached as Exhibit A.
2. The affidavit states the confidential informant was at the defendant's residence within the last 72 hours before the affidavit was made and saw the defendant selling marijuana. The

FINDINGS OF FACT AND CONCLUSIONS OF LAW - 1

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SM

1 quantity of marijuana was not specified. The confidential reliable informant (CRI) is
2 characterized in the warrant as an invited guest.

3 3. The informant observed a scale, a marijuana smoking pipe at the residence and observed
4 the defendant involved in the ongoing sale and use of marijuana. The informant has been
5 in the defendant's house on unspecified previous occasions and the defendant offered
6 marijuana for sell to him.

7 4. The informant was able to positively identify the defendant, was able to give detailed
8 instructions as to where the defendant resided and was able to identify marijuana to the
9 police.

10 5. As to the informants reliability, at some unspecified time, the informant had participated
11 in two separate controlled purchases of marijuana.

12 6. The informants motivation for suppling this information was "monetary gain."

13 7. The police had been contacted by the informant within a 72 hour period of the issuing
14 of the search warrant.

15 CONCLUSIONS OF LAW

16 1. The Court has jurisdiction over the parties and the subject matter.

17 2. The affidavit states the informant contacted the police. This is sufficient evidence the
18 informant is not on the payroll of the police. The fact, the affidavit states he is motivated
19 by "monetary gain" does not in and of itself establish the informant was an agent of the
20 police.

21 3. Once the informants reliability is established in the past it does not matter how far in the
22 past. The informants reliability remains.

23 4. It is not required to establish probable cause that the state establish how much marijuana
24 the informant saw. The fact there are scales would indicate more than mere consumption
25 is going on at the defendant's house in that an individual who is simply consuming
26 marijuana would not as likely be weighing the marijuana as one who is distributing.
27

FINDINGS OF FACT AND CONCLUSIONS OF LAW - 2

05-404

IN THE DISTRICT COURT OF CLARK COUNTY
STATE OF WASHINGTON

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STATE OF WASHINGTON
Plaintiff,
vs.
Ryan Douglas Garman
Defendant,

AFFIDAVIT FOR A SEARCH WARRANT

STATE OF WASHINGTON)
COUNTY OF CLARK) ss

FILED
DEC 16 2005
DISTRICT COURT
VANCOUVER, WASH.

I, Scot Boyles, being first duly sworn upon oath do hereby
depose and say that I have good and sufficient reason to believe
that the following described goods, to wit;

Marijuana a substance controlled by the Uniform Controlled
Substances Act of the State of Washington, as well as scales,
packaging materials, items used to ingest controlled substances,
receipts, ledgers and proceeds from the illicit sales of
marijuana, are this day in the unlawful possession of the
defendant in;

A one story, wood framed house, painted gray in color with
dark gray trim, with the specific street address of 1939 NW 31st
Way, City of Camas, County of Clark, State of Washington, and the
curtilage thereto as well as any vehicles parked at the residence,
which are owned by or used exclusively by the residents of the
aforementioned residence.

I am aware of same based on the following;

I am a Police Officer with the City of Camas and have been so
employed for the past 7 years. I am currently assigned to
investigations part of which includes narcotics enforcement. I
have been involved in at least 50 drug related cases resulting in
the arrest of at least 50 persons, and the seizure of illicit
narcotics which included marijuana, methamphetamine, and heroin.
I have received basic training in narcotics identification.

In that official capacity, I was contacted within the past 72
hours by a confidential, reliable, informant who related that
within the same 72-hour period, the informant was an invited guest

EXHIBIT A

1 in the house located at 1939 NW 31st Way, City of Camas. The
2 informant advised that the home belongs to an acquaintance known as
3 "Ryan." A check of the Clark County Assessors Records showed the
4 property is owned by Ryan D Garman. It should be noted that the
5 informant also positively identified Ryan Garman from a booking
6 photo.

7
8 While there, the informant observed the primary resident,
9 Ryan Garman, in possession of a green leafy substance the
10 informant immediately recognized as marijuana and Garman offered
11 it for sale as marijuana.

12
13 The informant also observed a scale and a marijuana smoking
14 pipe inside the residence. The informant stated that Garman is
15 involved in the ongoing sale and use of marijuana. The informant
16 advised they had been an invited guest into Garman's home on a
17 previous occasion and Garman also offered marijuana for sale to
18 them at that time. The informant says that Garman actively sells
19 marijuana and stores the marijuana in several different locations
20 within the residence.

21
22 Informant is able to identify the marijuana from his/her past
23 experience in the drug subculture and correctly identified a
24 sample of marijuana for me at my office.

25
26 Informant gave me detailed directions to the property and
27 described the residence in detail, including drawing a sketch of
28 the floor plan. I did a drive by of the property and observed two
29 vehicles in the driveway (WA plates 326MFE and A63331P). Both
30 vehicles are registered to Garman and list 1939 NW 31st Way as his
31 home address. Further, a check of Camas Police records shows 9
32 contacts involving Garman and each time he gave 1939 NW 31st Way as
33 his home address.

34
35 As to the informant's reliability; to prove his/her
36 reliability, the informant agreed to participate in two separate
37 controlled purchases of marijuana. Both instances were supervised
38 by myself and Camas Police Detective Sergeant Chaney. Each of the
39 controlled buys went as follows:

40 The informant was thoroughly searched, as was their vehicle.
41 The informant identified a location where he/she could purchase
42 marijuana. The informant was given an amount of money and kept
43 under constant surveillance until the informant entered the
44 predetermined residence. Officers watched as, within several
45 minutes, the informant left the residence and returned to their
46 vehicle.

1 I followed the informant to a pre-arranged meeting location
2 where the informant turned over a quantity of marijuana to me. This
3 substance was later field-tested at the Camas Police Department and
4 tested positive for the presence of marijuana.

5
6 The informant's motivation for supplying this information is
7 for monetary gain.

8
9 An NCIC III check on informant shows that Informant has one
10 conviction for a gross misdemeanor (Assault IV) and a DV Court
11 Order Violation.

12
13 An NCIC III check of Garman's criminal history shows he has
14 been convicted of one gross misdemeanor (Assault IV DV).

15
16 I have found in my training and experience that items of
17 identification located in the residence have often been critical in
18 establishing dominion and control over certain parts of the
19 residence where controlled substances may be found. I have found
20 that there are generally items of identification such as, but not
21 limited to, canceled checks, utility payment stubs, and other bills,
22 which contain the name and address of persons.

23
24 Further, I have found that persons involved in the illicit
25 sales or distribution of drugs often keep records of sales, scales,
26 to determine weight, packaging materials such as plastic baggies,
27 and items to ingest controlled substances such as pipes, and bongs.

28
29 In addition, I have found it common for persons involved in
30 the illicit sales of narcotics to be very secretive and paranoid,
31 not only of Law Enforcement, but of other persons in the drug sub-
32 culture. Therefore, they tend to hide their narcotics in a variety
33 of places.

34
35 I am aware from my training and experience that narcotics,
36 paraphernalia, and proceeds have been found secreted in a variety of
37 locations, including but not limited to mattresses, inner walls,
38 bathroom fans, secret compartments, outbuildings, vehicles, and have
39 even been known on occasion to bury items outside just to name a few
40 locations.

41
42 Further, I am aware from my training and experience that
43 vehicles, by necessity, are used for the transport of illicit
44 substances to and from suppliers and/or customers. Because of this,
45 I have found it common for evidence of such illicit activity to be
46 found inside vehicles owned by or frequently used by these subjects.

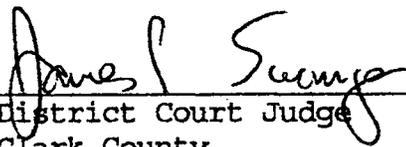
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1 Further, proceeds of the sales and/or distribution of
2 narcotics are often found which include monies, items taken in trade
3 or purchased with monies earned through illicit activities, and
4 although these items are subject to civil forfeiture, their
5 evidentiary value in showing an ongoing conspiracy is invaluable.
6

7 Based on the foregoing I pray the court for the issuance of a
8 search warrant for the aforescribed residence and vehicles.
9

10
11  #6326
12 _____
13 Scot Boyles
14 Detective
15 Camas Police Department
16

17 Subscribed and sworn to me this 8th day of December, 2005.
18

19
20 
21 _____
22 District Court Judge
23 Clark County
24 State of Washington
25

05- L104

IN THE DISTRICT COURT OF CLARK COUNTY
STATE OF WASHINGTON

STATE OF WASHINGTON
Plaintiff,
vs.
Ryan Douglas Garman
Defendant,

SEARCH WARRANT

FILED

DEC 16 2005

DISTRICT COURT
VANCOUVER, WASH.

STATE OF WASHINGTON)
COUNTY OF CLARK) ss

THE PEOPLE OF THE STATE OF WASHINGTON, to any Sheriff, policeman,
or Peace Officer in the County of Clark; Proof by affidavit under
oath, made in conformity with the State of Washington Criminal
Rules for Justice Court, Rule 2.3, Section (C), having been made
this day to me by Detective Scot Boyles the Camas Police
Department, that there is probable cause for the issuance of a
Search Warrant on the grounds set forth in the State of Washington
Criminal Rules for Justice Court, Rule 2.3, Section (C).

YOU ARE THEREFORE COMMANDED, that with the necessary and proper
assistance to make a diligent search, good cause been shown
therefore, of the following described property; within 10 days of
the issuance of this warrant;

A one story, wood framed house, painted gray in color with
dark gray trim, with the specific street address of 1939 NW 31st
Way, City of Camas, County of Clark, State of Washington, and the
curtilage thereto as well as any vehicles parked at the
residence, which are owned by or used exclusively by the
residents of the aforementioned residence, for the following
described goods;

Marijuana a substance controlled by the Uniform Controlled
Substances Act of the State of Washington, as well as scales,
packaging materials, items used to ingest controlled substances,
receipts, ledgers and proceeds from the illicit sales of
marijuana, bring same before the Honorable District Court Judge
Swanger to be disposed of according to law.

Given under my hand this 8th day of December, 2005

This Search Warrant was issued;
Time: 12/8/05 1155
Date/Time Executed:

James P Swanger
District Court Judge
Clark County
State of Washington
By:

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05-404

STATE OF WASHINGTON)
)
COUNTY OF CLARK)

IN THE DISTRICT COURT
OF CLARK COUNTY

FILED

SEARCH WARRANT STATEMENT

DEC 16 2005

DISTRICT COURT
VANCOUVER, WASH

On the 14th day of December, 2005 at 0836 hours, W. Scot Boyles, executed a Search Warrant signed by Judge Swanger on the 8th day of December, 2005, which directed;

A one story, wood framed house, painted gray in color with dark gray trim, with the specific street address of 1939 NW 31st Way, City of Camas, County of Clark, State of Washington, and the curtilage thereto as well as any vehicles parked at the residence, which are owned by or used exclusively by the residents of the aforementioned residence, be searched and the following property be seized:

Marijuana a substance controlled by the Uniform Controlled Substances Act of the State of Washington, as well as scales, packaging materials, items used to ingest controlled substances, receipts, ledgers and proceeds from the illicit sales of marijuana.

In executing said warrant, the listed items on the attached receipt were seized and have been returned before the Honorable Judge Swanger this 14th day of December, 2005.



W. Scot Boyles
Camas Police Department

PROPERTY REPORT
CAMAS POLICE DEPARTMENT
 2100 NE 3rd Ave Camas, WA 98607 (360) 834-4151 FAX (360) 834-0503

CASE NUMBER
 05-3051
REFERENCE
 #
CITATION
 #

CLASSIFICATION: SEARCH WARRANT
DATE/TIME REPORTED: 12/14/05 0836
INCIDENT LOCATION: 1939 NW 31ST WAY
ZONE: 22

RECORDS
CODING

PERSON CODE: S
NAME/DOB: GARMAN, RYAN D. 03-20-66
ADDRESS/PHONE: 1939 NW 31ST WAY

PROP CODES: E = EVIDENCE, F = FOUND, K = SAFEKEEPING
 PERS CODES: V = VICTIM, O = OWNER, S = SUSPECT, C = COMPLAINANT

ITEM#/QTY/TYPER: 1/1/PARAPHERNALIA
PROPCODE/BRAND/SN: E/US BALANCE X-500
VALUE/DESCRIPTION: NONE/WITH BLACK POUCH CONTAINING BINDLES WITH METH RESIDUE
LOCATED BY/WHERE: 6335 / MASTERBEDROOM CLOSET

DISPOSITION: _____ **DATE:** _____ **BY:** _____
 _____ **SIGNATURE** _____ **STORAGE:** _____ **WACIC:** _____

ITEM#/QTY/TYPER: 2/1/DRUGS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/PLASTIC ZIPLOCK BAG W/ MARIJUANA 18GRAMS GPW

LOCATED BY/WHERE: 6319 / GARAGE EAST WALL SHELF IN COFFEE POT

DISPOSITION: _____ **DATE:** _____ **BY:** _____
 _____ **SIGNATURE** _____ **STORAGE:** _____ **WACIC:** _____

ITEM#/QTY/TYPER: 3/1/DRUGS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/BROWN BAG WITH MARIJUANA 347 GRAMS GPW

LOCATED BY/WHERE: 6319 / GARAGE EAST WALL IN CARDBOARD BOX

DISPOSITION: _____ **DATE:** _____ **BY:** _____
 _____ **SIGNATURE** _____ **STORAGE:** _____ **WACIC:** _____

ITEM#/QTY/TYPER: 4/1/DRUGS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/MARIJUANA BUDS AND HASH IN CHOPPERS TIN 5 GRAMS GPW

LOCATED BY/WHERE: 6319 / GARAGE NW WALL ON SHELF

DISPOSITION: _____ **DATE:** _____ **BY:** _____
 _____ **SIGNATURE** _____ **STORAGE:** _____ **WACIC:** _____

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Officer: J. Galt 6314 **Date:** _____

DISTRIBUTION

PATROL INFO CITY ATTY CCSO Other _____
 DET INFO CCPA VPD WPD Other _____
 JUV PA

CASE STATUS

Patrol F/U _____ Pending New Info _____
 Det F/U _____ Pending Review _____
 Cld Arrest _____ Cld Unfound _____ Cld Excep _____

APPROVED
 BY: _____
 P NP

CASE NUMBER

ITEM#/QTY/TYPE: 5/1/DRUGS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/MARIJUANA TAPED IN PLASTIC 584 GRAMS GPW
LOCATED BY/WHERE: 6319 / GARAGE NORTH WALL IN RED GARBAGE CAN

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 6/1/DRUGS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/MARIJUANA IN TEAM MASTERCRAFT BAG 87 GRAMS GPW
LOCATED BY/WHERE: 6319 / GARAGE NE WALL ON SHELF

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 7/1/AMMUNITION
PROPCODE/BRAND/SN: E/
VALUE/DESCRIPTION: NA/410 SHOTGUN SHELLS, .380 AUTO BULLETS, BOX CCI 22 LR, BOX 22 BLAZER, BOX 20 GAUGE, BOX REMINGTON 22 LR, BOX REMINGTON 410 SHOTGUN SHELLS, BOX MAGTECH 32 AUTO, BOX OF BB'S, BOX OF PELLETS, BOX OF FIOCCHI 32 AUTO ALL IN AMMO CAN LABELED "AMMO GARMAN".

LOCATED BY/WHERE: 6340 / GARAGE FLOOR

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 8/1/PARAPHERNALIA
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/MARIJUANA PIPE IN SAMSONITE CASE
LOCATED BY/WHERE: 6335 / GARAGE NORTH WALL IN DRESSER DRAWER

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 9/1/PARAPHERNALIA
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/GLASS MARIJUANA PIPE IN MOTION PRO ZIPPER BAG
LOCATED BY/WHERE: 6331 / SOUTH KITCHEN WALL ON COUNTER

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 10/1/DRUGS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/MARIJUANA HASH IN PLASTIC CONTAINER 26.7 GRAMS GPW
LOCATED BY/WHERE: 6331 / SOUTH KITCHEN WALL ON COUNTER

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 11/1/DRUGS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/ WHITE POWDER IN PLASTIC VIAL

Officer: _____

Property Report
Page 2

CASE NUMBER

LOCATED BY/WHERE: 6331 / SOUTH KITCHEN WALL ON COUNTER

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPER: 12/1/PARAPHERNALIA
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/GLASS METH PIPE

LOCATED BY/WHERE: 6303 / BATHROOM IN TUBE

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPER: 13/1/DOCUMENT
PROPCODE/BRAND/SN: E/OREGON TEAMSTERS
VALUE/DESCRIPTION: NA/LETTER TO RYAN GARMAN AT 1939 NW 31ST WAY

LOCATED BY/WHERE: 6319 / KITCHEN COUNTER TOP

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPER: 14/1/DRUGS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/MARIJUANA IN LARGE ZIPLOCK FREEZERGUARD BAG 122 GRAMS GPW

LOCATED BY/WHERE: 6331 / IN DEWALT CASE EAST FAMILY ROOM WALL

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPER: 15/1/PARAPHERNALIA
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/GLASS METH PIPE IN NGK SPARKPLUG BOX

LOCATED BY/WHERE: 6331 / IN DEWALT CASE EAST FAMILY ROOM WALL

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPER: 16/1/DOCUMENTS
PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/DRUG NOTES IN LIGHTER BOX

LOCATED BY/WHERE: 6331 / IN DEWALT CASE EAST FAMILY ROOM WALL

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPER: 17/1/PARAPHERNALIA
PROPCODE/BRAND/SN: E/
VALUE/DESCRIPTION: NA/DEWALT CASE CONTAINING MISC MARIJUANA PARAPHERNALIA

LOCATED BY/WHERE: 6331 / EAST FAMILY ROOM WALL

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

Officer: _____

SIGNATURE

ITEM#/QTY/TYPE: 18/1/FIREARM
PROPCODE/BRAND/SN: E/MARLIN .22LR MODEL 60SP SN/09303392
VALUE/DESCRIPTION: NA

LOCATED BY/WHERE: 6331 / IN GARAGE EAST SIDE OF GARAGE ENTRANCE DOOR

DISPOSITION: _____ DATE: _____ BY: _____

SIGNATURE STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 19/1/FIREARM
PROPCODE/BRAND/SN: E/MARLIN .22LR MODEL 983T SN/95634558
VALUE/DESCRIPTION: NA/BLACK RIFLE

LOCATED BY/WHERE: 6335 / WA A633331P

DISPOSITION: _____ DATE: _____ BY: _____

SIGNATURE STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 20/1/FIREARM
PROPCODE/BRAND/SN: E/REMINGTON MODEL .20 GAUGE 870 SN/V381199N
VALUE/DESCRIPTION: NA/ PUMP SHOTGUN

LOCATED BY/WHERE: 6331 / EAST FAMILY ROOM WALL

DISPOSITION: _____ DATE: _____ BY: _____

SIGNATURE STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 21/1/FIREARM
PROPCODE/BRAND/SN: E/ROSSI .410 SHOTGUN SN/SP443294
VALUE/DESCRIPTION: NA/ CRACK OPEN SHOTGUN W/.22 LR BARREL

LOCATED BY/WHERE: 6331 / ON TV IN LIVINGROOM

DISPOSITION: _____ DATE: _____ BY: _____

SIGNATURE STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 22/1/FIREARM
PROPCODE/BRAND/SN: E/CESKA ZBROJOVKA SN/ 665008
VALUE/DESCRIPTION: NA/.32 CAL AUTO PISTOL WITH MAGS AND CASE

LOCATED BY/WHERE: 6335 / IN GARAGE NORTH WALL DRESSER TOP DRAWER

DISPOSITION: _____ DATE: _____ BY: _____

SIGNATURE STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 23/1/FIREARM
PROPCODE/BRAND/SN: E/PARKER 12 GAUGE DOUBLE BARREL SHOTGUN
VALUE/DESCRIPTION: NA/ CRACK OPEN SHOTGUN

LOCATED BY/WHERE: 6316 / FAMILY ROOM WALL EAST SIDE

DISPOSITION: _____ DATE: _____ BY: _____

SIGNATURE STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 24/1/DRUGS

Officer: _____

PROPCODE/BRAND/SN: E/NA
VALUE/DESCRIPTION: NA/ MARIJUANA JOINT
LOCATED BY/WHERE: 6335/ PICKUP IN DRIVEWAY

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

ITEM#/QTY/TYPE: 25/1/DOCUMENT
PROPCODE/BRAND/SN: E/
VALUE/DESCRIPTION: NA/ STOLEN WALLET W/ DL FOR PALMORE, RAMONE ISAIAH AND
VARIOUS CARDS VPD 05-22105

LOCATED BY/WHERE: 6316 / DRIVERS SIDE DOOR POCKET OF WA A63331P

DISPOSITION: _____ DATE: _____ BY: _____
SIGNATURE: _____ STORAGE: _____ WACIC: _____

COMMENT:

#

Officer: _____

