

NO. 37393-9

COURT OF APPEALS
DIVISION II

ORDER FILED 01/01/14

STATE OF WASHINGTON
BY *cm*
DEPUTY

**COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

CHARLOTTE JUNE BLISS, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Rosanne Buckner and
The Honorable John R. Hickman

No. 06-1-02880-7

Brief of Respondent

GERALD A. HORNE
Prosecuting Attorney

By
STEPHEN D. TRINEN
Deputy Prosecuting Attorney
WSB # 30925

930 Tacoma Avenue South
Room 946
Tacoma, WA 98402
PH: (253) 798-7400

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A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Did the trial court properly deny defendant's motion to suppress evidence when Officer Chapman had a reasonable, articulable suspicion to justify an investigative stop?

B. STATEMENT OF THE CASE.

1. Procedure

On June 27, 2006, the Pierce County Prosecutor's Office filed an information in Cause No. 06-1-02880-7, charging CHARLOTTE JUNE BLISS, hereinafter "defendant," with one count of unlawful possession of a controlled substance, methamphetamine. CP 1. The State amended the information on September 25, 2007, correcting the original information's designation of defendant's gender to female. CP 6.

Prior to trial, the Honorable Rosanne Buckner held a CrR 3.6 hearing to determine whether Officer Garrett Chapman had lawfully stopped defendant as she was driving her car. 1RP¹ 4. After hearing testimony from Officer Garrett Chapman for the State and private investigator Denise Scaffidi for defendant, as well as arguments from both

¹ There are six (6) volumes of Verbatim Reports of Proceedings: 1RP, 5/9/07; 2RP, 10/16/07-10/18/07; 3RP, 11/9/07; 4RP 12/17/07; 5RP, 2/11/08-2/14/08; 6RP, 2/22/08.

defense counsel and the prosecutor, Judge Buckner denied defendant's motion to suppress. CP 43-46, 1RP 71-72.

The matter proceeded to trial before the Honorable John R. Hickman on October 16, 2007. 2RP 3. Defendant raised the suppression of evidence issue again before Judge Hickman, but was the issue was denied as having been previously ruled upon. 2RP 8.

The first trial ended in a mistrial due to juror misconduct. 2RP 168-69, 171. A retrial was held on February 11, 2008. 5RP 3. After hearing the evidence, the jury found defendant guilty of unlawful possession of a controlled substance. 5RP 195, CP 104. On February 22, 2008, the court sentenced defendant to three months, to be served in the Department of Corrections, and one year of supervised drug treatment, pending a drug evaluation. 6RP 9-10, CP 105-116. The court also ordered defendant to pay monetary penalties. 6RP 9, CP 105-116. Defendant filed a timely notice of appeal on February 29, 2008. CP 117-129.

2. Facts

a. Motion

Officer Chapman testified that at just after midnight on June 23, 2006, he was parked on Burnham Drive in Gig Harbor when he noticed a white Plymouth Voyager van approach a stop sign at the intersection of Burnham Drive and N. Harborview Drive. 1RP 7-10, 22. From about 30

to 40 feet away, Officer Chapman observed that a light-skinned female was driving the car. 1RP 10-11. The car stopped at the stop sign, then went through the stop sign and continued down North Harborview Drive. 1RP 11. Officer Chapman took a right turn and followed the car. *Id.* While he followed the car, Officer Chapman ran a routine records check on the car's license plate. 1RP 11-12. The records check revealed that the registered owner of the car was a white female with blond hair who had pending arrest warrants for a felony, from Jackson County, Oregon, and a misdemeanor, from Kitsap County. 1RP 14-15, 21-22. The records check also revealed that the registered owner's name was Charlotte Bliss, as well as her address, date of birth, and social security number. *Id.*

Officer Chapman testified that he verified that the name of the registered owner matched the name on the arrest warrants. 1RP 15-16. Once he did that, he conducted a traffic stop. 1RP 16. Officer Chapman approached defendant's car and asked her for her driver's license, insurance, and registration, which defendant gave to him. 1RP 16-17. The documents defendant gave Officer Chapman all contained the name "Charlotte Bliss," matching the name on the warrants. 1RP 17. Officer Chapman went back to his patrol car and called LESA to confirm the arrest warrants. 1RP 17-18. Once LESA confirmed the warrants, Officer Chapman placed defendant under arrest and put her in the backseat of his patrol car. 1RP 18. Officer Chapman then searched defendant's car incident to arrest, where he found a purse behind the front passenger seat

containing a pipe with burnt residue inside it, two small bags containing a white powder substance, and a disposable lighter. 1RP 19-20.

Denise Scaffidi, a private investigator, testified for defendant. 1RP 41-58. Scaffidi testified that, based on the sightlines and the positioning of the cars, Officer Chapman could not have seen defendant. 1RP 46, 53-54. Following Scaffidi's testimony, defendant argued that Officer Chapman did not have any individualized suspicion of wrongdoing on the part of the defendant justifying a *Terry*² stop. 1RP 59, 62. The prosecutor argued that the *Terry* stop was proper because it was based on a reasonable, articulable suspicion that the driver of the car had both an outstanding felony and misdemeanor arrest warrant. 1RP 69. Judge Buckner denied defendant's motion to suppress the evidence. CP 43-46, 1RP 71-72. Judge Buckner held, in part:

“The court finds that it is not a violation, under the Fourth Amendment[,] to stop a vehicle under these circumstances to decide if the driver matched the person with the outstanding arrest warrants. The officer has to make an inquiry to see if she can not be excluded.

The court finds that in this case the officer acted reasonably in stopping the vehicle, arresting the defendant and discovered the methamphetamine.”

CP 45-46.

² *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968).

b. Trial

At trial, Officer Chapman related substantially the same testimony leading to defendant's arrest as was given at the motion hearing. *See* 5RP 82-85. Officer Chapman then performed a search of the van incident to arrest. 5RP 84-85. He found a tan handbag on the floor behind the passenger seat. 5RP 85-86. Inside the handbag was a glass pipe, a disposable lighter, and a Tupperware container holding two small, "sandwich type" baggies. *Id.* One of the baggies had a fair amount of powder, while the other baggie had only residue powder. 5RP 85. Officer Chapman testified that the powder in both baggies resembled methamphetamine. *Id.* The glass pipe also had some burnt residue in it. 5RP 86. Maureen Dudschus, the forensic scientist at the Washington State Patrol Crime Laboratory, tested the powder from one of the baggies. 5RP 123-34. The baggie, which had 2.7 grams of white powder, tested positive for methamphetamine. 5RP 123-24, 126.

The jury convicted defendant of unlawful possession of a controlled substance. CP 104.

C. ARGUMENT.

1. THE TRIAL COURT PROPERLY DENIED DEFENDANT'S MOTION TO SUPPRESS EVIDENCE BECAUSE OFFICER CHAPMAN HAD A REASONABLE, ARTICULABLE SUSPICION JUSTIFYING AN INVESTIGATIVE STOP?

An appellate court reviews only those findings to which error has been assigned; unchallenged findings of fact are verities upon appeal. *State v. Hill*, 123 Wn.2d 641, 644, 647, 870 P.2d 313 (1994). As to challenged factual findings, the court reviews the record to see if there is substantial evidence to support the challenged facts; if there is, then those findings are also binding upon the appellate court. *Hill*, 123 Wn.2d at 644; *State v. O'Neill*, 148 Wn.2d 564, 571, 62 P.3d 489 (2003). Substantial evidence exists when there is a sufficient quantity of evidence to persuade a fair-minded, rational person of the truth of the finding. *Hill*, 123 Wn.2d at 644. The trial court's conclusions of law are reviewed de novo. *State v. Mendez*, 137 Wn.2d 208, 214, 970 P.2d 722 (1999).

Defendant does not challenge any of the facts, either disputed or undisputed, that the trial court entered pursuant to CrR 3.6. CP 43-46. If a defendant fails to challenge a trial court's findings of fact entered following a suppression hearing, those facts are treated as verities on appeal, regardless of whether the findings of fact were disputed or undisputed at the trial court. *Hill*, 123 Wn.2d at 644, 647.

Included in the undisputed facts was that Officer Chapman ran a records check on a white Plymouth Voyager, the records check revealed that defendant was the registered owner of the car, and that defendant had both an outstanding felony warrant and outstanding misdemeanor warrant. CP 43-44. Only after Officer Chapman learned of the outstanding felony warrant did he initiate the *Terry* stop to investigate whether defendant was the registered owner of the vehicle and the person described in the warrant. CP 44. Officer Chapman then searched the vehicle incident to arrest and found a tan hand bag that contained “a glass pipe, which appeared to have been used to smoke narcotics,” and two small baggies containing methamphetamine. *Id.*

The trial court found the officer’s testimony credible, as the court found in its reasons for admissibility, “[Officer Chapman] observed a white Plymouth Voyager driven by a light-skin female,” despite defendant’s evidence that Officer Chapman could not have seen the driver as the car passed in front of him. *Id.* All of these facts are treated as verities on appeal. *Hill*, 123 Wn.2d at 644, 647.

The Fourth Amendment protects people from unreasonable searches and seizures by law enforcement of their persons, houses, papers, and effects. U.S. Const., Amend 4. The Constitution protects two types of expectations, one involving “searches,” the other “seizures.” A “search” occurs under the Fourth Amendment when an expectation of privacy that society is prepared to consider reasonable is infringed. *Terry*,

392 U.S. at 9. A “seizure” of property occurs when there is some meaningful interference with an individual’s possessory interests in that property. *United States v. Place*, 462 U.S. 696 103 S. Ct. 2637, 77 L. Ed. 2d 110 (1983).

In evaluating the reasonableness of an investigative stop, the court considers the totality of the circumstances presented to the investigating officer, including the officer’s training and experience. *State v. Glover*, 116 Wn.2d 509, 514, 806 P.2d 760 (1991). A lawful *Terry* stop is limited in scope and duration to fulfilling the investigative purpose of the stop. *State v. Acery*, 148 Wn.2d 738, 747, 64 P.3d 594 (2004). “A brief stop of a suspicious individual, in order to determine his identity or to maintain the status quo momentarily while obtaining more information, may be most reasonable in light of the facts known to the officer at the time.” *Adams v. Williams*, 407 U.S. 143; 92 S. Ct. 1921; 32 L. Ed. 2d 612 (1972) (citing *Terry*, 392 U.S. at 21-22; *Gaines v. Craven*, 448 F.2d 1236 (CA9 1971); *United States v. Unverzagt*, 424 F.2d 396 (8th Cir. 1970)). “If the results of the initial stop dispel an officer's suspicions, then the officer must end the investigative stop. If, however, the officer’s initial suspicions are confirmed or are further aroused, the scope of the stop may be extended and its duration may be prolonged.” *Acery*, 148 Wn.2d at 747. Confirmation of a warrant by the issuing agency constitutes probable cause to arrest. See *State v. Rothenberger*, 73 Wn.2d 596, 440 P.2d 184 (1968).

On appeal, defendant only challenges the lawfulness of Officer Chapman's initial investigatory stop of defendant after he learned that the registered owner of a car he just saw had arrest warrants in her name for both a felony and a misdemeanor. Br. of Appellant at 1 (Assignments of Error #1 and #2). The trial court properly denied defendant's motion to suppress evidence seized during Officer Chapman's search of her car because Officer Chapman had a reasonable, articulable suspicion justifying a *Terry* stop. CP 43-46, 1RP 71-72.

Officer Chapman noticed a light-skinned female driving a Plymouth Voyager. CP 45, 1RP 10-11. He ran a routine records check on the car, which revealed that the registered owner of that car, "Charlotte Bliss," had a felony and a misdemeanor arrest warrant in her name. CP 43-45; 1RP 11-12, 14-15, 21-22. The records check gave a physical description of the registered owner, as well. CP 44; 1RP 11-12, 14-15, 21-22. Based on what he observed of the driver, Officer Chapman could not rule out the driver as the registered owner of the car. CP 45, 1RP 17.

The investigative stop lasted only as long as was necessary for Officer Chapman to ascertain that the woman driving the car was Charlotte Bliss and to confirm the warrants. CP 43-46, 1RP 16-18. Officer Chapman then arrested defendant and performed a search of the car incident to arrest, and found the methamphetamine. CP 44-45, 1RP 19-20.

In *United States v. Hensley*, 469 U.S. 221, 105 S. Ct. 675, 83 L. Ed. 2d 604 (1985), the United States Supreme Court upheld a *Terry* stop similar to the one that occurred in the present case. In *Hensley*, a police officer pulled over Hensley, who was driving with a passenger, because another police department had issued a “wanted flyer” describing Hensley and requesting other police departments to pick up and hold Hensley because he was wanted for investigation of an aggravated armed robbery. *Hensley*, 469 U.S. at 223-24. An officer who arrived shortly after Hensley was pulled over opened the passenger door of Hensley’s car and saw the butt of a revolver sticking out from underneath the passenger’s seat; the passenger was then arrested. *Id.* at 224-25. The officers searched the vehicle and found two additional handguns in the car, whereupon they arrested Hensley. *Id.* at 225.

Although the officer who made the stop was wrong about which police department had issued the flyer, the Court held that the flyer contained sufficient facts to support a detention long enough for the detaining officers to verify if an arrest warrant existed. *Id.* at 224, 232-33. The Court held that the stop was therefore not a violation of Hensley’s Fourth Amendment rights:

It is enough to say that, if police have a reasonable suspicion, grounded in specific and articulable facts, that a person they encounter was involved in or is wanted in connection with a *completed felony*, then a *Terry* stop may be made to investigate that suspicion. [emphasis added]

Id. at 229.

The Court stated that allowing *Terry* stops to investigate completed criminal activity, as opposed to ongoing criminal activity, supports multiple governmental interests. *Id.* at 228-29. Police are better able to solve past crime when a probable cause standard does not hinder their investigations. *Id.* at 229. A probable cause standard could also “enable the suspect to flee in the interim and to remain at large.” *Id.* Additionally, there is a strong public safety interest in catching and detaining people suspected of committing felonies. *Id.*

In *State v. Sinclair*, 11 Wn. App. 523, 523 P.2d 1209 (1974), the court upheld a *Terry* stop in which police officers investigated their reasonable suspicion that a person had an outstanding traffic arrest warrant. Two Seattle police officers were in their car when they noticed two men driving a green, station-wagon cab through a high-crime area with a large television set clearly visible in the backseat. *Sinclair*, 11 Wn. App. at 524. A confidential memorandum had been issued within the Seattle Police Department to police officers to be alert for suspicious merchandise being transported in taxicabs generally, and that, in particular, green cabs were being used to transport burgled goods. *Id.* at 525. The officers followed the cab and pulled in behind it when the cab stopped near Sinclair’s house. *Id.*

Both officers recognized Sinclair when he left the cab. *Id.* Because of his previous contact with Sinclair and information he had recently obtained, one of the officers suspected that Sinclair might have a

traffic warrant for his arrest outstanding. *Id.* The officers put Sinclair in their car for questioning and asked him for identification, which he could not produce. *Id.* at 525-26. After asking Sinclair about the television, the officers made a quick radio check to police headquarters about the possible arrest warrant and if the television was stolen. *Id.* at 526. The officers learned that there was an outstanding warrant for defendant's arrest. *Id.* Sinclair was charged with grand larceny after the set was found to have been stolen. *Id.* at 524, 527.

The court held that the officers performed a lawful investigative stop when they detained and questioned Sinclair while they checked to see if he had an outstanding arrest warrant. *Id.* at 530. The court held that the officers had a "well-founded suspicion not amounting to probable cause" that supported their actions. *Id.* at 529-30. The court stated that the "well-founded suspicion" arose when the officers recognized Sinclair as someone whom they reasonably suspected had a traffic warrant outstanding against him. *Id.* at 530-31.

In the present case, unlike both *Hensley* and *Sinclair*, Officer Chapman knew there were outstanding arrest warrants prior to instigating the *Terry* stop. Whereas the basis of the *Terry* stop in *Hensley* was to investigate whether defendant was involved in criminal activity, in the present case the criminal activity was confirmed through the arrest warrant.

The stop was also much less intrusive than the one in *Sinclair*. In *Sinclair*, the investigative stop involved putting Sinclair in the car, detaining him, and asking him several questions. In contrast, Officer Chapman only asked for defendant's driver's license, insurance, and registration. The scope of Officer Chapman's investigation was much narrower, but that was because he already knew that there was an outstanding arrest warrant for defendant; all he had to do was confirm that the identity of the driver matched the person named in the arrest warrants. Officer Chapman stayed within the scope of his investigation, gathered the necessary information, then made the arrest.

The present case also closely resembles *State v. Martin*, 106 Wn. App. 850, 25 P.3d 488 (2001), *aff'd sub nom, State v. McKinney*, 148 Wn.2d 20, 60 P.3d 46 (2002). Seattle police received a citizen tip that there was possible drug activity in his neighborhood. *Martin*, 106 Wn. App. at 853. The tip included an address and the license plate number of a van that the citizen suspected was involved in the drug activity. *Id.* An officer ran the license plate number through the DOL database and cross-referenced the information he received with the Washington Criminal Information Center database. *Id.* The officer learned that the van was registered to Martin and that Martin had two outstanding arrest warrants. *Id.* Several officers made contact with Martin at the address provided in the DOL records and placed him under arrest, took him to the precinct for

booking, and searched him, upon which they found a small box containing cocaine in his pants pocket. *Id.*

The police contact was more intrusive in *Martin*, as the police went to the address listed in his DOL record, whereas Officer Chapman pulled defendant over while she was driving. *See State v. Cantrell*, 124 Wn.2d 183, 190, 875 P.2d 1208 (1994)(“While there is a privacy interest in an automobile, the interest does not rise to the level of a person’s expectation of privacy in a residence. There is less expectation of privacy in an automobile than in either a home or an office.”)

Officer Chapman had a reasonable, articulable suspicion that the driver of the van was the registered owner and had outstanding warrants. His suspicion was not dispelled by his initial observation of defendant as “a light-skinned female,” which matched the description in the warrant, and the trial court properly held that he “has to make an inquiry to see if she can not be excluded.” CP 43-46; *Acrey*, 148 Wn.2d at 747; 1RP 11.

Defendant mistakenly argues, “The information [Officer] Chapman had available to him at the time he initiated the stop was simply insufficient to establish that the driver of the van closely or reasonably matched the physical description of the registered owner.” Br. of Appellant at 6-7. The standard that defendant advances in her brief, that Officer Chapman would only have been justified in conducting a *Terry* stop if he was able to see clearly that defendant matched the description in the active felony warrant, strains credibility. Br. of Appellant at 5.

However, once Officer Chapman knew about the arrest warrant, the fact that Officer Chapman was unable to get a very clear look at the driver of the car would support an investigate stop. As stated above, “If the results of the initial stop dispel an officer's suspicions, then the officer must end the investigative stop. If, however, the officer's initial suspicions are confirmed or are further aroused, the scope of the stop may be extended and its duration may be prolonged.” *Acrey*, 148 Wn.2d at 747.

Defendant also cites RCW 46.20.349, arguing, “[T]his statute did not give Chapman authority to conduct a traffic stop in this case.” Br. of Appellant at 5. Defendant’s assertion is correct, but only because RCW 46.20.349 is irrelevant to this case. As its title explicitly states, RCW 46.20.349 only pertains to when a police officer is “stopping [a] vehicle of [a] suspended or revoked driver.” Defense counsel at the CrR 3.6 hearing even argued that RCW 46.20.349 “has no application” to the present case. According to Officer Chapman’s records check, defendant did not have a suspended or revoked driver’s license. Therefore, his stop was based on other grounds, rendering RCW 46.20.349 irrelevant to this case.

The one case defendant cites as analogous to the present case is a Ninth Circuit civil case, *Washington v. Lambert*, 98 F.3d 1181 (9th Cir. 1996). *Washington*, however, is distinguishable from the present case for multiple reasons. In *Washington*, several Santa Monica, California police officers followed two African-American men as they drove into their hotel parking garage, at which time they ordered at gunpoint the two men to get

out of their cars. The officers then handcuffed the men and placed them in separate cars for anywhere from five to 25 minutes. *Washington*, 98 F.3d at 1182-83. The officers frisked the two men and searched their car before releasing them. *Id.* at 1183. Officer Lambert, the defendant, testified that the actions were justified because the two men “bore a resemblance to a general description of two African-American suspects” that was contained in a police bulletin regarding a series of supermarket robberies, including that one of the suspects was tall and the other one short. *Id.*

The Ninth Circuit affirmed the judgment in favor of the plaintiff. *Id.* at 1194. In doing so, the court held that the officers’ actions did not qualify as a *Terry* stop because the levels of intrusion, police aggressiveness, and restriction of liberty were so great that the stop could not be classified as merely “investigative.” *Id.* at 1190. The court noted that the officers’ actions smacked of racial profiling, stating, “[W]e very much doubt that, under identical circumstances, two white men... would have been subjected to such highly intrusive and degrading treatment simply because of a police bulletin that contained a description of two robbers, one of whom was reported to be fairly tall and one fairly short.” *Id.* at 1191.

Officer Chapman’s actions did not rise to nearly the level of those in *Washington*. Officer Chapman had a much more reasonable, articulable suspicion that the driver of the car could have multiple outstanding warrants for her arrest. The level of intrusiveness of the

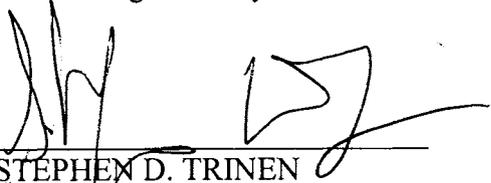
investigative stop coincided with the information Officer Chapman needed to either confirm or reject his suspicion. It was also only after Officer Chapman confirmed that the driver matched the description on the arrest warrants did he arrest defendant. Therefore, the trial court properly denied defendant's motion to suppress the evidence Officer Chapman seized incident to defendant's arrest.

D. CONCLUSION.

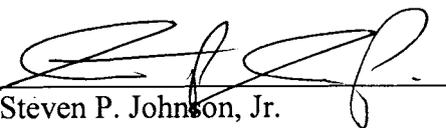
For the foregoing reasons, defendant's conviction and sentence should be affirmed.

DATED: December 22, 2008.

GERALD A. HORNE
Pierce County
Prosecuting Attorney



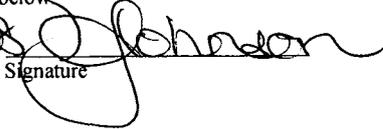
STEPHEN D. TRINEN
Deputy Prosecuting Attorney
WSB # 30925



Steven P. Johnson, Jr.
Rule 9

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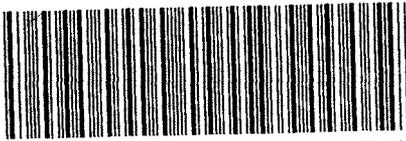
The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

12/3/08 
Date Signature

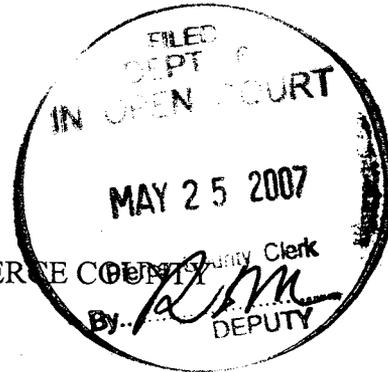
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APPENDIX "A"

Findings and Conclusions on Admissibility of Evidence



06-1-02880-7 27571412 FNCL 05-29-07



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 06-1-02880-7

vs.

CHARLOTTE JUNE BLISS,

Defendant.

FINDINGS AND CONCLUSIONS ON
ADMISSIBILITY OF EVIDENCE CrR
3.6

THIS MATTER having come on before the Honorable Judge Rosanne Buckner on the 9th day of May, 2007, and the court having rendered an oral ruling thereon, the court herewith makes the following Findings and Conclusions as required by CrR 3.6.

THE UNDISPUTED FACTS

That on 6-23-07, at approximately 0010 hours (12:10 P.M.) officer Garrett Chapman of the Gig Harbor Police Department, was on routine patrol in the 10100 block of Burnham Road.

That the officer was on Burnham road approaching the stop sign. Burnham intersects with North Harborview Road.

That officer Chapman observed a white Plymouth Voyager traveling on North Harborview, and passed in front of the officer's headlights.

That the vehicle was not speeding and had not broken any traffic laws prior to the stop.

That the officer then got behind the Plymouth Voyager and did a registration check.

ORIGINAL

1 That a registration check revealed that the owner of this vehicle was the defendant,
2 Charlotte Bliss, a white female, 5' 6" tall, DOB 11-27-65, 140 lbs, and it also gave the Social
3 Security Number. The registration check (running the license plate) also revealed that Charlotte
4 Bliss, had an active felony arrest warrant and an active misdemeanor arrest warrant.
5

6 That the officer stopped the vehicle and verified that the driver was Charlotte Bliss. The
7 officer also verified her Date of Birth and Social Security Number. No one else was in the
8 vehicle.

9 That Ms. Bliss was detained and the officer went back to his vehicle and confirmed the
10 warrant through LESA (Law Enforcement Support Agency) records.

11 That after confirming the arrest warrants the officer placed the defendant under arrest and
12 advised her of her rights in their entirety using his Dept. issued card.

13 That the officer conducted a search of the vehicle incident to the arrest and located a tan
14 had bag behind the front passenger seat. Inside the bag the officer located a glass pipe, which
15 appeared to have been used to smoke narcotics. Inside the bag the officer located two small
16 baggies. One contained a small amount of a white powdery substance and the other a larger
17 amount of a similar looking substance, both which appeared to be methamphetamine.
18

19 That the officer has been a police officer for several years and during his training as a
20 police officer has been trained in the recognition of different types of street drugs.

21 That he performed a field test of the drug using a NIK test and the drugs tested positive
22 for methamphetamine

23 **THE DISPUTED FACTS**
24
25

1
2
3 The officer testified that as the Plymouth Voyager passed in front of his headlights, he
4 was able to see the driver. The officer testified that the driver appeared to be a light- skinned,
5 white female with light hair. The officer also testified that the driver matched the description of
6 the person listed on the warrant.

7 The defendant produced evidence by way of a video created by their investigator, Denise
8 Scaffidi, on 4-15-07, attempting to show that based on the angle of the two roads and the
9 position of the officer's vehicle in relation to the defendant's vehicle the officer could not have
10 seen the driver as the vehicle passed in front of the officer's headlights.

11 The State argues that the video simulation should not be admitted because it does not
12 accurately depict the events as they occurred on the date of the incident, 6-23-06.

13 **REASONS FOR ADMISSIBILITY OR INADMISSIBILITY OF THE EVIDENCE**

14 The court finds that officer Chapman of the Gig Harbor Police department was on patrol
15 in Gig Harbor Washington of 6-23-06. The officer was parked at the intersection of Burnham
16 and North Harborview shortly, after midnight. At this time he observed a white Plymouth
17 Voyager driven by a light- skin female.
18

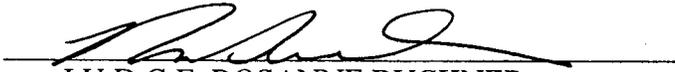
19 A record check revealed that the driver, Charlotte Bliss, had warrants for her arrest. Ms.
20 Bliss was arrested and during the search incident to the arrest the officer discovered drugs behind
21 the passenger seat.

22 The court finds that it is not a violation, under the Fourth Amendment to stop the vehicle
23 under these circumstances to decide if the driver matched the person with the outstanding arrest
24 warrants. The officer has to make an inquiry to see if she can not be excluded.
25

The court finds that in this case the officer acted reasonably in stopping the vehicle ,
arresting the defendant and properly discovered the methamphetamine.

For the aforementioned reasons the defendant's motion to suppress is denied.

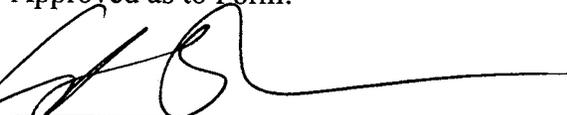
DONE IN OPEN COURT this 25 day of May, 2007.


J U D G E ROSANNE BUCKNER

Presented by:


ANTONIO HILL
Deputy Prosecuting Attorney
WSB # 17669

Approved as to Form:


SCOTT SHAWVER
Attorney for Defendant
WSB # 24048



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