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Division II  
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NO. 51258-1-II

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

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STATE OF WASHINGTON,

Respondent,

v.

PATRICIA LEWIS,  
Appellant.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR GRAYS HARBOR COUNTY

Grays Harbor County Cause No. 16-1-00451-5

The Honorable David L. Edwards, Judge

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BRIEF OF APPELLANT

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### **ISSUES AND ASSIGNMENTS OF ERROR**

1. The trial court erred by entering Finding of Fact 1. (CP 53).
2. The trial court erred by entering Finding of Fact 2. (CP 53-54).
3. The trial court erred by entering Finding of Fact 3. (CP 54).
4. The trial court erred by entering Conclusion of Law 2. (CP 54).
5. The trial court erred by admitting evidence seized in violation of Ms. Lewis's rights under Wash. Const. art. I, § 7.
6. The trial court erred by admitting evidence seized in violation of Ms. Lewis's rights under the Fourth and Fourteenth Amendments.
7. The trial court erred by denying Ms. Lewis's motion to suppress.
8. The evidence found on Ms. Lewis's person was the fruit of the unlawful search of her car.
9. The deputy did not have probable cause to believe that Ms. Lewis's vehicle was connected to the burglary.
10. No exigent circumstances permitted the warrantless search of Ms. Lewis's vehicle.

**ISSUE 1:** A warrantless search of a car is permissible if the police have probable cause to believe that the car contains evidence of a crime and there are exigent circumstances precluding them from obtaining a warrant. Did the trial court err by denying Ms. Lewis's motion to suppress based on a warrantless search of her car, holding that the officer was conducting reasonable investigation into a burglary when there was no reason to believe that the car had any connection to the burglary and no exigent circumstances prevented the officer from obtaining a warrant even if probable cause had existed?

11. The warrantless search of Ms. Lewis's vehicle was not permitted by the community caretaking exception to the warrant requirement.

**ISSUE 2:** The community caretaking exception to the warrant requirement permits officers to conduct routine health and safety checks or to render emergency aid, when necessary. Did the trial court err by holding that the warrantless search of Ms. Lewis's car was permitted by the community caretaking

exception when the evidence showed only that the officer believed there was a hypothetical possibility that someone inside the car needed medical assistance?

12. The trial court exceeded its authority by ordering Ms. Lewis to pay \$650 toward the cost of her court-appointed attorney.
13. The trial court erred by entering finding of fact 2.5. (CP 154).

**ISSUE 3:** A sentencing court may not order a person to pay attorney's fees without conducting an individualized inquiry into his/her means to do so? Did the court err by ordering Ms. Lewis – who is indigent – to pay \$650 toward the cost of her court-appointed attorney without analyzing whether she had the ability to do so?

14. Ms. Lewis's Judgment and Sentence contains a scrivener's error at CP 155.
15. Ms. Lewis's Judgment and Sentence contains a scrivener's error at CP 156.

**ISSUE 4:** The sentencing court converted thirty days of Ms. Lewis's confinement into community service and ordered that the remaining sixty days could be served in inpatient drug treatment, but the Judgment and Sentence does not reflect these rulings. Should this court remand Ms. Lewis's case for correction of scrivener's errors in the Judgment and Sentence?

## **STATEMENT OF FACTS AND PRIOR PROCEEDINGS**

Patricia Lewis and a friend pulled their car over near a logging road in Grays Harbor County, parked legally, and got out to search for mushrooms in the woods. RP (7/27/17) 15, 48. When they returned to their car, it was surrounded by police. CP 115. The officers arrested the two women and told them that they were suspected of perpetrating a nearby burglary. RP (7/27/17) 64. Ms. Lewis and her friend told the officers that they had no idea what the officers were talking about. RP (7/27/17) 54.

The women were telling the truth. RP (7/27/17) 27-28. It was later determined that neither Ms. Lewis nor her friend had been involved in the burglary. RP (7/27/17) 27-28. But, by that time, the police had already searched Ms. Lewis incident to arrest and found a small amount of methamphetamine. RP (7/27/17) 54-55. The state charged Ms. Lewis with one count of drug possession. CP 1.

Before Ms. Lewis and her friend emerged from the woods, Sheriff's Deputy Jeremy Holmes had been on his way to the scene of a residential burglary, which had taken place within the previous three hours. RP (7/27/17) 12-14. Holmes saw the car that Ms. Lewis was driving parked in an "odd spot" and pulled over to investigate. RP

(7/27/17) 14. The car was parked legally. RP (7/27/17) 14-15. But it was within walking distance of the home that had been burgled – though the walk from the car to the home was a difficult one. RP (7/27/17) 14-15, 35.

It was raining heavily. RP (7/27/17) 16. The car's windows were fogged over so Holmes could not see inside. RP (7/27/17) 16. He knew the foggy windows meant either that there was either a wet object or a person inside the car. RP (7/27/17) 16. Holmes knocked on the car window and announced that he was from the sheriff's office, but no one answered. RP (7/27/17) 17. Holmes speculated that there could be a person inside the car who had passed out because of a drug overdose. RP (7/27/17) 17.

Holmes opened the door to the car and looked inside. RP (7/27/17) 17. There were no people inside, but there was a lot of clutter. RP (7/27/17) 18. Holmes noticed a small black purse in the back seat. RP (7/27/17) 18. He remembered reading in the dispatch log that a black purse was among the items stolen from the residence that had been burgled. RP (7/27/17) 18.

Holmes called the victim of the burglary who met him on the side of the road, next to Ms. Lewis's car. RP (7/27/17) 21. She looked through the slightly-less-foggy windows (using Holmes's flashlight) and claimed that the purse was hers. RP (7/27/17) 21-22. It turned out later that she was wrong, the purse belonged to Ms. Lewis and was substantially different

from the one that had been stolen. RP (7/27/17) 27; CP 143. No property related to the burglary was in Ms. Lewis's car and the suspicion that she had been involved in the burglary was dispelled. *See* RP *generally*.

Before this was determined, however, the police arrested and searched Ms. Lewis, setting the wheels of the drug possession charge into motion.

Ms. Lewis moved to suppress the evidence of the drugs seized from her person as the fruit of an unconstitutional, warrantless search of her car.<sup>1</sup> CP 3-28.

The trial court denied the motion to suppress. CP 52-55. The court found that Holmes had been conducting "reasonable police work" and that his initial search of the car was justified by "a combination of community caretaking duties and the possibility that the vehicle may have contained witnesses and/or suspects [of the burglary]." CP 54.

The court found Ms. Lewis guilty of drug possession pursuant to a stipulated facts trial. *See* RP (11/14/17).

At sentencing, the court applied the first-time offender statute to the case because Ms. Lewis had no prior convictions. RP (11/20/17) 9. The judge sentenced Ms. Lewis to ninety days in jail but said that he was

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<sup>1</sup> Ms. Lewis and her friend were actually borrowing the car, but it will be referred to as her car throughout this brief for purposes of clarity. *See* CP 108.

converting thirty of those days into community service and that Ms. Lewis could serve the remaining sixty days by successfully completing inpatient drug treatment. RP (11/20/17) 9.

But Ms. Lewis's Judgment & Sentence does not reflect those rulings. CP 155-56. Instead, it simply states that Ms. Lewis is sentenced to ninety days and does not convert any of that time into community service or drug treatment. CP 155-56.

The Judgment & Sentence also orders Ms. Lewis to pay \$650 in attorney's fees. CP 157.

Ms. Lewis timely appealed. CP 167.

### **ARGUMENT**

**I. THE TRIAL COURT VIOLATED MS. LEWIS'S CONSTITUTIONAL RIGHTS BY DENYING HER MOTION TO SUPPRESS EVIDENCE THAT HAD BEEN SEIZED IN VIOLATION OF THE FOURTH AMENDMENT AND ART. I, § 7.**

Both the U.S. and Washington Constitutions protect individuals against warrantless searches by the police. U.S. Const. Amends. IV, XIV; art. I, § 7.

It is "well established" that the Washington State Constitution provides greater protection against search and seizure than the Fourth Amendment. *State v. Flores*, 186 Wn.2d 506, 512, 379 P.3d 104 (2016). Under Article I, section 7, there is "almost an absolute bar to warrantless

seizures, with only limited, ‘jealously guarded exceptions.’” *Id.* Convenience of the officers is never sufficient justification for a warrantless search. *State v. Young*, 28 Wn. App. 412, 418, 624 P.2d 725 (1981) (Citing *Johnson v. U.S.*, 333 U.S. 10, 68 S.Ct. 367, 92 L.Ed. 436 (1948)).

Whether a search or seizure violates the constitution is a question of law, reviewed *de novo*. *State v. Harrington*, 167 Wn.2d 656, 662, 222 P.3d 92 (2009). The state bears the burden of proving that a warrantless search falls under an exception to the warrant requirement. *State v. Duncan*, 185 Wn.2d 430, 439, 374 P.3d 83 (2016). Any fruit of an unconstitutional search must be suppressed at trial. *Id.*

The art. I, § 7 prohibition on intrusion into one’s “private affairs” protects automobiles and their contents. *State v. Tibbles*, 169 Wn.2d 364, 369, 236 P.3d 885 (2010). The Washington Supreme Court has recognized the following exceptions to the warrant requirement for searches of cars: consent, exigent circumstances, searches incident to arrest, inventory searches, and plain view. *Id.*<sup>2</sup>

None of those exceptions to the warrant requirement justifies the warrantless search of Ms. Lewis’s car.

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<sup>2</sup> *Terry* investigative stops also provide an exception to the warrant requirement. *Tibbles*, 169 Wn.2d at 369. But the exception applies only to persons, not empty cars. *See State v. Ozuna*, 80 Wn. App. 684, 688, 911 P.2d 395 (1996).

The trial court found that the deputy's search of Ms. Lewis's car was justified both to investigate the nearby burglary and under the community caretaking function. CP 54. But there is no exception to the warrant requirement for searches of witnesses or suspects of a crime. Indeed, warrantless investigatory searches are precisely the types of intrusions for which the warrant requirement was established. *See State v. Hendrickson*, 129 Wn.2d 61, 76, 917 P.2d 563 (1996); *Tibbles*, 169 Wn.2d at 369–70.

The fact that there could, theoretically, have been a person in the car who needed medical attention was also insufficient to trigger the deputy's community caretaking function. *See State v. Kinzy*, 141 Wn.2d 373, 385, 5 P.3d 668 (2000) *as corrected* (Aug. 22, 2000). If such a conjectural possibility were enough, the community caretaking function would swallow the warrant requirement entirely because there could be a theoretical person needing assistance on any premises.

The deputy's search of the car violated Ms. Lewis's rights under the Fourth Amendment and art. I, § 7. *Flores*, 186 Wn.2d at 512. Because the evidence found pursuant to the search incident to Ms. Lewis's arrest was the fruit of the initial search of the car, the trial court violated her constitutional rights by denying her motion to suppress that evidence. *Harrington*, 167 Wn.2d at 664.

- A. There is no exception to the warrant requirement permitting the police to search a vehicle based on the hypothetical possibility that a witness or suspect of a crime may be inside.

If the purpose of a search is to investigate a crime, the police must obtain a warrant unless exigent circumstances prohibit them from doing so. *Hendrickson*, 129 Wn.2d at 76.

Even when exigent circumstances are present, an investigatory search must still be based on probable cause to believe that a crime has taken place and that evidence of that crime will be found in the place to be searched. *Tibbles*, 169 Wn.2d at 369–70 (“...the existence of probable cause, standing alone, does not justify a *warrantless* search. Probable cause is not a recognized exception to the warrant requirement, but rather the necessary basis for obtaining a warrant” (emphasis in original)).

In Ms. Lewis’s case, there were no exigent circumstances requiring a warrantless search of the car. Even if exigent circumstances had existed, the deputy did not have probable cause to believe that evidence of the burglary would be found in the vehicle.

The potential mobility of a vehicle does not create exigent circumstances justifying a warrantless search under art. I, § 7.

*Hendrickson*, 129 Wn.2d at 76; *See also Ozuna*, 80 Wn. App. at 690.

Accordingly, the state did not argue – and the trial court did not find – that

the search of Ms. Lewis's car was justified by exigent circumstances. *See* RP (7/27/17); CP 52-55.

Likewise, the presence of a car parked near the scene of a crime is not sufficient to create probable cause to believe that evidence of the crime will be found inside. *See Ozuna*, 80 Wn. App. at 689. Rather, an officer must have specific information tying the car to the crime. *Id.*

In Ms. Lewis's case, the deputy did not have any information tying the car to the reported burglary. RP (7/27/17) 12-15. Accordingly, the prosecution did not argue – and, again, the trial court did not find -- that the deputy had probable cause to believe that evidence of the crime would be found in Ms. Lewis's car. *See* RP (7/27/17); CP 52-55.

Because the deputy did not have probable cause to believe that evidence of the burglary would be found in Ms. Lewis's car and because there were no exigent circumstances precluding him from obtaining a warrant even if he there had been probable cause, the theoretical possibility that a witness or suspect of the burglary could have been hiding in the vehicle was insufficient to justify the warrantless search. *Hendrickson*, 129 Wn.2d at 76; *Ozuna*, 80 Wn. App. at 690.

The trial court erred by denying Ms. Lewis's motion to suppress based on the finding that the deputy was “conducting reasonable police

work” when he undertook a warrantless search of Ms. Lewis’s car. *Id.*; CP 54.

- B. The search was also not permitted under the community caretaking exception to the warrant requirement.

The warrant requirement for searches and seizures does not apply when the police are operating under their community caretaking function, rather than investigating a crime. *Kinzy*, 141 Wn.2d at 385. The exception was originally announced in the context of police investigation and aid-rendering following a car accident. *Id.* (citing *Cady v. Dombrowski*, 413 U.S. 433, 441, 454, 93 S.Ct. 2523, 37 L.Ed.2d 706 (1973); *State v. Houser*, 95 Wn.2d 143, 622 P.2d 1218 (1980)).

Subsequent cases have expanded the community caretaking police function to situations requiring other types emergency aid or checks on health and safety. *Kinzy*, 141 Wn.2d at 386–87 (citing *State v. Villarreal*, 97 Wn. App. 636, 984 P.2d 1064 (1999); *State v. Angelos*, 86 Wn. App. 253, 936 P.2d 52 (1997); *State v. Hutchison*, 56 Wn. App. 863, 785 P.2d 1154 (1990); *State v. Loewen*, 97 Wn.2d 562, 647 P.2d 489 (1982)).

The community caretaking exception to the warrant requirement has been “strictly limited” by the Washington Supreme Court. *Duncan*, 185 Wn.2d at 441. Appellate courts must apply the community caretaking exception cautiously “because of a real risk of abuse in allowing even

well-intentioned stops to assist.” *Kinzy*, 141 Wn.2d at 388 (citing *State v. DeArman*, 54 Wn. App. 621, 626, 774 P.2d 1247 (1898); *State v. Gleason*, 70 Wn. App. 13, 17-18, 851 P.2d 731 (1993)). The community caretaking exception may not be used as a pretext for an investigatory search. *Duncan*, 185 Wn.2d at 441 (citing *Houser*, 95 Wn.2d at 153).

The community caretaking exception permits the police to conduct a routine health and safety “check” by briefly approaching a person who appears to be in need of assistance or who appears to be creating a health or safety hazard for others. See *Kinzy*, 141 Wn.2d at 389; *Villarreal*, 97 Wn. App. at 644.

In situations involving emergency aid, the police must actually be required to render such aid. *Id.* Emergency aid situations permit greater intrusion than routine health and safety checks, but also require greater urgency. *Id.* The emergency aid exception only applies if (1) the officer subjectively believes the person needs assistance for health or safety reasons; (2) a reasonable person in the same situation would have had the same belief; and (3) “there was a reasonable basis to associate the need for assistance with the place to be searched.” *Id.*

In Ms. Lewis’s case, though the officer’s suspicion that the car may contain a person needing medical help may have justified a brief health and safety “check,” that “check” did not demonstrate that any

emergency aid was actually required. Accordingly, the deputy's authority reached its end and was not sufficient to permit the greater intrusion of the warrantless search of the car. *Id.*

In *Kinzy*, for example, the Washington Supreme Court held that the community caretaking function permitted officers to conduct a health and safety check by approaching and *permissively* engaging with a youth whom they considered to be between the ages of eleven and thirteen and who was out in an area of high drug activity late on a Tuesday night. *Kinzy*, 141 Wn.2d at 389-90. But, once the youth began to walk away, the *Kinzy* court ruled, her interest in freedom from police intrusion outweighed the officers' community caretaking authority. *Id.* Accordingly, the officers violated her constitutional rights by increasing their intrusion and restraining her. *Id.* The Supreme Court held that the trial court should have suppressed the drugs that were later found on the youth's person. *Id.* at 394.

Similarly, here, the deputy's community caretaking authority likely permitted him to approach Ms. Lewis's parked car and to knock on the window to see if anyone inside needed help. *Id.* But, when no one answered that knock, Ms. Lewis's interest in freedom from police intrusion outweighed the deputy's community caretaking authority and the encounter should have ceased. *Id.*

The hypothetical possibility that there could have been an unconscious person inside the car was far too remote to permit a warrantless search of Ms. Lewis's vehicle. The "emergency aid" function of the community caretaking exception did not apply because no emergency aid was actually required. *Id.* at 389.

Indeed, there could be an unconscious person inside any parked car, home, or other premises. The trial court's holding in Ms. Lewis's case, permitting entry into the car based on mere speculation that someone inside may need medical help, fails to adhere to the requirement that the community caretaking authority be strictly limited because it could be applied to permit warrantless searches in innumerable contexts in which no "community caretaking" is actually needed. *Duncan*, 185 Wn.2d at 441.

The trial court erred by denying Ms. Lewis's motion to suppress based on the theory that the warrantless search of her car was permissible under the community caretaking exception to the warrant requirement. *Id.*; *Kinzy*, 141 Wn.2d at 389-90.

C. The evidence seized pursuant to the search of Ms. Lewis incident to her arrest should have been suppressed because it was the fruit of the unlawful search of her car.

No evidence of any crime was found during the warrantless search of Ms. Lewis's car. RP (7/27/17) 27. But that unlawful intrusion

eventually led to Ms. Lewis's arrest for a burglary that she did not commit and the discovery of a small quantity of drugs on her person. RP (7/27/17) 54. The drugs were the fruit of the unlawful search of Ms. Lewis's car and should have been suppressed.

If the police unconstitutionally seize an individual or conduct an unlawful search, any resulting evidence must be excluded at trial.

*Harrington*, 167 Wn.2d at 664.

Unlike under the federal constitution, there is no "good faith" exception to the "nearly categorical" exclusionary rule under art. I, § 7 of the Washington Constitution. *State v. Afana*, 169 Wn.2d 169, 180, 233 P.3d 879 (2010). This is because the state constitutional right to privacy "shall not be diminished by the judicial gloss of a selectively applied exclusionary remedy." *Id.* (quoting *State v. White*, 97 Wn.2d 92, 110, 640 P.2d 1061 (1982)).

The evidence seized from Ms. Lewis's person was the fruit of the unlawful search of her car and should have been suppressed. *Id.* The trial court violated Ms. Lewis's rights under art. I, § 7 by denying her motion to suppress. *Id.*

**II. THE TRIAL COURT EXCEEDED ITS AUTHORITY BY ORDERING THE INDIGENT MS. LEWIS TO PAY \$650 IN FEES FOR HER COURT-APPOINTED ATTORNEY WITHOUT CONDUCTING ANY INQUIRY INTO HER ABILITY TO PAY.**

Ms. Lewis was found indigent at the end of proceedings in the trial court. CP 165-66. Still, the court ordered her to pay \$650 to cover the cost of her court-appointed attorney. CP 157.

The court appeared to rely on boilerplate language in the Judgment and Sentence stating, essentially, that it has considered every offender's ability to pay legal financial obligations (LFOs). CP 154. But the court did not conduct any particularized inquiry into Ms. Lewis's financial situation at sentencing or at any other time. *See* RP (11/20/17). The court erred by ordering Ms. Lewis to pay the cost of her public defender absent any indication that she had the means to do so.

The legislature has mandated that “[t]he court *shall not* order a defendant to pay costs unless the defendant is or will be able to pay them.” RCW 10.01.160(3); *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680, 685 (2015) (emphasis added by court).<sup>3</sup>

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<sup>3</sup> An appellate court may decline to consider a claim that was not made before the trial court. *Duncan*, 185 Wn.2d at 437–38. But the Washington Supreme Court has repeatedly exercised its discretion to review issues related to the improper imposition of legal financial obligations based on the significant burden the practice places on indigent defendants and the difficulty it poses to successful reentry to society. *Id.*; *See also Blazina*, 182 Wn.2d at 835-37. This court should follow the Supreme Court's lead and address this issue in Ms. Lewis's case.

This imperative language prohibits a trial court from ordering LFOs absent an individualized inquiry into the person's ability to pay. *Id.* Boilerplate language in the Judgment and Sentence is inadequate because it does not demonstrate that the court engaged in an individualized analysis. *Id.* The court must consider personal factors such as incarceration and the person's other debts. *Id.*

Here, the court failed to conduct any meaningful inquiry into Ms. Lewis's ability to pay LFOs. *See* RP (11/20/17). The court did not consider her financial status in any way. Indeed, the court also found Ms. Lewis indigent at the end of the proceedings in trial court. *See* RP (11/20/17); CP 165-66.

In fact, the *Blazina* court suggested that an indigent person would likely never be able to pay LFOs. *Id.* (“[I]f someone does meet the GR 34 standard for indigency, courts should seriously question that person's ability to pay LFOs”). Because she is indigent, the court should have presumed that Ms. Lewis was unable to pay the cost of her court-appointed attorney. *Id.*

The court erred by ordering Ms. Lewis to pay \$650 in attorney's fees absent any showing that she had the means to do so. *Blazina*, 344 P.3d at 685. That order must be stricken from the Judgment and Sentence. *Id.*

**III. MS. LEWIS’S CASE MUST BE REMANDED FOR THE CORRECTION OF TWO SCRIVENER’S ERRORS IN HER JUDGMENT AND SENTENCE.**

At Ms. Lewis’s sentencing hearing, the judge decided to apply the first-time offender statute. RP (11/20/17) 9. The judge sentenced Ms. Lewis to ninety days in jail but said that he was converting thirty of those days into community service and that Ms. Lewis could serve the remaining sixty days by successfully completing inpatient drug treatment. RP (11/20/17) 9.

But Ms. Lewis’s Judgment and Sentence does not reflect that ruling. CP 155-56. Instead, it simply states that Ms. Lewis is sentenced to ninety days and does not convert any of that time into community service or drug treatment.

This court has the authority to remand for a trial court to correct a clerical mistake or scrivener’s error. CrR 7.8(a); RAP 7.2(e); *State v. Munoz-Rivera*, 190 Wn. App. 870, 895, 361 P.3d 182 (2015); *See also State v. Healy*, 157 Wn. App. 502, 516, 237 P.3d 360 (2010) (remand necessary to correct scrivener’s error in Judgment and Sentence so judgment accurately “reflects the sentence that the trial court intended”).

The Judgment and Sentence in Ms. Lewis’s case does not “reflect[] the sentence that the trial court intended.” *Healy*, 157 Wn. App. at 516.

This court should remand with directions for the trial court to correct the scrivener's errors in Ms. Lewis's Judgment and Sentence. *Id.*

### **CONCLUSION**

The trial court erred by denying Ms. Lewis's motion to suppress evidence that had been seized in violation of her rights under the Fourth Amendment and art. I, § 7. Ms. Lewis's conviction must be vacated.

In the alternative, the trial court exceeded its authority by ordering Ms. Lewis – who is indigent – to pay \$650 in fees for her court-appointed attorney. There are also two scrivener's errors in Ms. Lewis's Judgment and Sentence. Ms. Lewis's case must be remanded for correction of the Judgment and Sentence and the attorney's fees order must be stricken.

Respectfully submitted on June 12, 2018,



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Skylar T. Brett, WSBA No. 45475  
Attorney for Appellant

CERTIFICATE OF SERVICE

I certify that on today's date:

I mailed a copy of Appellant's Opening Brief, postage prepaid, to:

Patricia Lewis  
505 24th Street #5  
Hoquiam, WA 98550

With the permission of the recipient(s), I delivered an electronic version of the brief, using the Court's filing portal, to:

Grays Harbor County Prosecuting Attorney  
appeals@co.grays-harbor.wa.us

I filed the Appellant's Opening Brief electronically with the Court of Appeals, Division II, through the Court's online filing system.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Seattle, Washington on June 12, 2018.



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Skylar T. Brett, WSBA No. 45475  
Attorney for Appellant

**LAW OFFICE OF SKYLAR BRETT**

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**Superior Court Case Number:** 16-1-00451-5

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