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NO. 52521-6-II  
Cowlitz Co. Cause NO. 18-8-00063-08

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

STATE OF WASHINGTON,

Respondent,

v.

**P.H.**,

Appellant.

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**BRIEF OF RESPONDENT**

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**TABLE OF CONTENTS**

	<b>PAGE</b>
<b>I. STATE’S RESPONSE TO ASSIGNMENT OF ERROR.....</b>	<b>1</b>
<b>II. ISSUES PERTAINING TO THE STATE’S RESPONSE TO ASSIGNMENT OF ERROR.....</b>	<b>1</b>
<b>III. STATEMENT OF THE CASE.....</b>	<b>1</b>
<b>IV. ARGUMENT.....</b>	<b>6</b>
<b>A. TAKEN IN THE LIGHT MOST FAVORABLE TO THE STATE, THERE     WAS SUFFICIENT EVIDENCE FOR THE COURT TO CONCLUDE     THAT P.H. MADE A TRUE THREAT. ....</b>	<b>6</b>
<b>B. BECAUSE P.H. MADE A TRUE THREAT, HIS CONVICTION DID NOT     VIOLATE THE FIRST AMENDMENT AND SHOULD BE AFFIRMED.....     .....</b>	<b>13</b>
<b>V. CONCLUSION.....</b>	<b>19</b>

## TABLE OF AUTHORITIES

	Page
<b>Cases</b>	
<i>Bose Corp. v. Consumers Union of U.S., Inc.</i> , 466 U.S. 485, 104 S. Ct. 1949, 80 L. Ed. 2d 502 (1984).....	14
<i>In re Winship</i> , 397 U.S. 358, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970).....	7
<i>N.A.A.C.P. v. Claiborne Hardware Co.</i> , 458 U.S. 886, 102 S. Ct. 3409, 73 L. Ed. 2d 1215 (1982).....	18
<i>State v. Delmarter</i> , 94 Wn.2d 634, 618 P.2d 99 (1980) .....	7
<i>State v. Edwards</i> , 84 Wn. App. 5, 924 P.2d 397 (1996).....	9
<i>State v. Green</i> , 94 Wn.2d 216, 616 P.2d 628 (1980).....	7
<i>State v. Johnston</i> , 156 Wn.2d 355, 127 P.3d 707 (2006).....	8, 15
<i>State v. Jones</i> , 63 Wn. App. 703, 821 P.2d 543, <i>review denied</i> , 118 Wn.2d 1028, 828 P.2d 563 (1992).....	7
<i>State v. Joy</i> , 121 Wn.2d 333, 851 P.2d 654 (1993).....	8
<i>State v. Kilburn</i> , 151 Wn.2d 36, 84 P.3d 1215 (2004).....	6, 14, 16, 17, 18, 19
<i>State v. Salinas</i> , 119 Wn.2d 192, 829 P.2d 1068 (1992) .....	7
<i>State v. Schaler</i> , 169 Wn.2d 274, 236 P.3d 858 (2010).....	6, 8, 9
<i>State v. Walton</i> , 64 Wn. App. 410, 824 P.2d 533, <i>review denied</i> , 119 Wn.2d 1011 (1992).....	7

<i>U.S. v. Watts</i> , 394 U.S. 707, 89 S. Ct. 1399, 22 L. Ed. 2d 664 (1969) .....	18
<i>Virginia v. Black</i> , 538 U.S. 343, 123 S. Ct. 1536, 155 L. Ed. 2d 535 (2003) .....	15

**Statutes**

RCW 9.61.160 .....	4, 8, 10, 12, 15, 19
RCW 9.61.160(1).....	8
RCW 9A.04.110.....	8
RCW 9A.04.110(28)(a)(b).....	8

**Other Authorities**

U.S. Const. amend. I.....	13
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**I. STATE’S RESPONSE TO ASSIGNMENT OF ERROR**

- A. P.H.’s conviction should be affirmed because taken in the light most favorable to the State there was sufficient evidence for the court to conclude that he made a true threat.
- B. Because P.H. made a true threat, his conviction did not violate the First Amendment under independent review.

**II. ISSUES PERTAINING TO THE STATE’S RESPONSE TO ASSIGNMENT OF ERROR**

- A. **WAS THERE SUFFICIENT EVIDENCE FOR THE COURT TO FIND P.H. GUILTY OF THREATENING TO BOMB OR INJURE WHEN MULTIPLE WITNESSES HEARD HIM THREATEN TO SHOOT UP OR SET FIRE TO THE SCHOOL AND HE ADMITTED THAT HE UNDERSTOOD THE THREATS COULD BE TAKEN SERIOUSLY?**
- B. **WHEN THE COURT FOUND P.H. GUILTY BECAUSE HE MADE A TRUE THREAT TO SHOOT UP AND SET FIRE TO THE SCHOOL, WAS THIS AN UNCONSTITUTIONAL RESTRICTION ON HIS FREEDOM OF SPEECH?**

**III. STATEMENT OF THE CASE**

During the month of February 2018, Toutle Lake High School students P.H., E.S., B.F., K.D., B.R., and S.J. all had gym class together. RP 64-65, 78-79. On February 16, while in line for kickball, P.H. told B.F. “how he could easily . . . set up a fire in the bathroom and nobody would know it was him.” RP 79. The statement made B.F. uncomfortable, and she told her friend K.D. RP 79-80. While she was concerned, B.F. did not report the statement to a teacher because she did not know P.H. well and feared his reaction if she informed a teacher about his threat. RP 80. B.F.

did not know whether P.H. was joking “because of the look in his eye.”  
RP 81-83.

On February 23, P.H. said, “Hey, let’s shoot up the school,” as students stood in line for kickball in gym class. RP 65, 71. B.R. heard P.H. say this to E.S. RP 67. Prior to P.H.’s statement, B.R. and S.J. had been engaged in a conversation about softball. RP 73. P.H. was smirking and chuckled as he suggested shooting up the school. RP 65. B.R. was “weirded out” by the statement, and kept her distance from P.H. following the threat because her friend, S.J., was scared and wanted to keep her distance from P.H. RP 69. S.J. also heard P.H. suggest to E.S., “Why don’t we just go shoot up the school[?]”. RP 71. S.J. did not know P.H. well, and the statement made her feel uncomfortable. RP 72-76. She felt that “[H]e shouldn’t be talking about . . . shooting up any school in the first place.” RP 72. E.S. appeared uncomfortable in response to P.H.’s statement. RP 72.

E.S. and P.H. both began attending Toutle Lake High School in January 2018, and E.S. did not know P.H. well. RP 87-93. E.S. heard P.H. make at least two statements about shooting up the school. RP 94. P.H. also asked him to participate in a shooting. RP 94. To avoid awkward silence, E.S. laughed, however he did not think P.H.’s threat was funny. RP 95.

Near K.D., during gym class, P.H. “had talked about going to places like a hospital, daycare, just to shoot [them] up for fun.” RP 60. P.H. said “not only mentally unstable people would shoot up a school but people that play video games would, referring to the Florida shooting.” RP 60. K.D. did not know if P.H. would follow through or not, but she did not take the threats as jokes. RP 63. She took them seriously. RP 63.

On February 26, A.F. was in the hallway at Toutle Lake High School when she heard P.H. say “I want to shoot up the school.” RP 52. The tone of P.H.’s voice led A.F. to believe he was serious. RP 54. After A.F. went home she “took a lot of time to think about it and what would happen.” RP 54. A.F. decided to report the threat because “[a]fter Parkland, I just didn’t want to see that happen at my school.” RP 54. She described “Parkland” as an incident where “[a] student decided to take it upon himself to kill his classmates.” RP 56. A.F. stated, “[W]hen I heard about the news, it broke my heart. So even the slightest idea of thinking of my friends dying under someone else’s authority is scary.” RP 55. A.F. did not return to school the day after she heard P.H. say he wanted to shoot up the school and remained out a couple of days because she was afraid. RP 56.

Deputies from the Cowlitz County Sheriff’s Office responded to A.F.’s call. RP 38. Deputy Marc Johnson interviewed P.H. RP 44. P.H.

admitted that he could understand how threats about school shootings could be taken seriously. RP 44.

P.H. was arrested and charged with threatening to bomb or otherwise injure school property pursuant to RCW 9.61.160. RP 34, 42. The trial court found P.H. guilty of threatening to bomb or otherwise injure a public school building. RP 119. The trial court made the following oral ruling:

There are several statements made by the respondent on three different days. The first statement was on February 18, 2018 approximately, and the respondent said he could easily set up a fire in the bathroom and nobody would know it was him.

Another time he said on February 23, 2018 where the respondent said something about why don't we just go shoot up the school.

Another was made on February 26, 2018 regarding respondent going to shoot up the school. An additional statement was made at the school February 26, 2018 by the respondent saying: not only mentally-unstable people would shoot up a school but also people who play video games.

The contents of the statements in and of themselves are threatening in nature. The statements were made on school grounds. The statements were made of shooting up a school which would equate to people and/or property.

So this court believes the statements were made regarding the school property of Toutle Lake High School.

Statement regarding setting a fire was clearly a statement about causing damage to the high school bathroom. The statements about shooting up a school were made loud enough for several people to hear the statements. The statements about setting fire this court believes was communicated to one individual, [B.F.]. Communication of a threat can be direct or indirect.

The question is whether statements, although the content was threatening, whether they were somehow said in jest or idle talk. In part, the witnesses said when they heard these statements said by the respondent, they thought the respondent was joking but others did not. This is not a felony harassment charge, so this court is not looking to see how the statements made others feel except maybe to get a better sense of the tone of the statements. Looking at the tone itself, then the court does not find witnesses looked at it as just making a joke but more so of someone that actually was looking to carry out the threat. It was not how he said the statement as much as how his eyes were described when he spoke of setting the fire and the smirk on his face when he spoke of shooting up the school.

This court does not have concern that [B.F.] had a personal experience with a fire. The court finds her testimony was credible as we were all the witnesses. Her statement about the shooting up of the school, this court may have found the first statement a reasonable person of high school age may see it as a statement said in jest. However, to come back three days later and make more threatening statements, the court can only find a reasonable person even of a high school age would perceive that statements would be interpreted as a serious expression of an intention to inflict damage.

Even [E.S.] after cross-examination related he did not think the statements as funny. The respondent himself said he could understand how the statements could be taken seriously. This court believes these statements were of a true threat.

RP 115-19.

#### IV. ARGUMENT

**A. TAKEN IN THE LIGHT MOST FAVORABLE TO THE STATE,  
THERE WAS SUFFICIENT EVIDENCE FOR THE COURT TO  
CONCLUDE THAT P.H. MADE A TRUE THREAT.**

There was sufficient evidence for the court to find P.H. guilty of threatening to bomb or otherwise injure Toutle Lake High School because there was sufficient evidence that he made a true threat. A “true threat is a ‘statement’ made in a context or under such circumstances wherein a reasonable person would foresee that the statement would be interpreted as a serious expression of intention to inflict bodily harm or to take the life of another person.” *State v. Schaler*, 169 Wn.2d 274, 283, 236 P.3d 858 (citing *State v. Kilburn*, 151 Wn.2d 36, 43, 84 P.3d 1215 (2004)). P.H. claims there was insufficient evidence for the court to find a true threat. However, he fails to consider that the trial court was best-positioned to evaluate the testimony presented. When the evidence is considered in the light most favorable to the State, there was sufficient evidence for the court to find he made a “true threat.”

The Washington Supreme Court has stated:

When the sufficiency of the evidence is challenged in a criminal case, all reasonable inferences from the evidence must be drawn in favor of the State and interpreted most strongly against the defendant. A claim of insufficiency admits the truth of the State’s evidence and all inferences that can be drawn therefrom.

*State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). When determining the sufficiency of the evidence, the standard of review is “whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the necessary facts to be proven beyond a reasonable doubt.” *State v. Green*, 94 Wn.2d 216, 221, 616 P.2d 628 (1980). At trial, the State has the burden of proving each element of the offense beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970). However, a reviewing court need not itself be convinced beyond a reasonable doubt, *State v. Jones*, 63 Wn. App. 703, 708, 821 P.2d 543, *review denied*, 118 Wn.2d 1028, 828 P.2d 563 (1992), and must defer to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. *State v. Walton*, 64 Wn. App. 410, 415-16, 824 P.2d 533, *review denied*, 119 Wn.2d 1011 (1992).

For purposes of challenge to the sufficiency of the evidence, the appellant admits the truth of the State’s evidence. *Jones*, 63 Wn. App. At 707-08. “In determining the sufficiency of the evidence, circumstantial evidence is not to be considered any less reliable than direct evidence.” *State v. Delmarter*, 94 Wn.2d 634, 638, 618 P.2d 99 (1980). All reasonable inferences must be drawn in the State’s favor and interpreted

most strongly against the defendant. *State v. Joy*, 121 Wn.2d 333, 338-39, 851 P.2d 654 (1993).

RCW 9.61.160, Washington's threat to bomb or otherwise injure property statute, states in part, "[i]t shall be unlawful for any person to threaten to bomb or otherwise injure any public or private school building." RCW 9.61.160(1). This statute does not violate the First Amendment because it only criminalizes "true threats." *State v. Johnston*, 156 Wn.2d 355, 366, 127 P.3d 707 (2006). The true threat standard is objective, focusing on the speaker. *Id.* at 360-61. A "true threat" is "a statement . . . 'in a context or under such circumstances wherein a reasonable person would foresee that the statement would be interpreted as a serious expression of an intention to inflict bodily harm upon or to take the life of [another individual].'" *Id.* A threat can also be direct or indirect. *See* RCW 9A.04.110. "'Threat' means to communicate, directly or indirectly the intent to . . . cause bodily injury in the future to the person threatened . . . or . . . [t]o cause physical damage to the property of a person other than the actor." RCW 9A.04.110(28)(a)(b).

In *State v. Schaler*, 169 Wn.2d 274, 236 P.3d 858 (2010), the Supreme Court of Washington examined the issue of sufficiency of the evidence of a true threat. Schaler claimed there was insufficient evidence of a true threat. *Id.* at 290-91. The evidence presented was that Schaler

admitted to a counselor he had been planning to kill his neighbors for months, his demeanor did not suggest that he was joking, and Schaler had a history of unpleasant interactions with his neighbors. *Id.* at 278-79. Schaler made the statements to a counselor he had called on a crisis services number and claimed he awoke from a dream and thought he had killed his neighbors. *Id.* He was upset at the prospect that he might have hurt someone, and was sweating and panting. *Id.* at 279.

The *Schaler* Court determined that “[t]here was ample evidence from which a reasonable jury could determine that Schaler’s threats were ‘true threats.’” *Id.* The Court concluded “[f]rom the evidence, the jury could have concluded that a reasonable speaker in Schaler’s position would have foreseen that his threats would be interpreted as a serious expression of his intention to take the life of another individual.” *Id.* at 867. The Court stated: “the evidence at trial was open to interpretation as to whether Schaler’s threats were ‘true threats’ or a cry for help – but both conclusions were possible.” *Id.* at 291. Thus, taken in the light most favorable to the State, the evidence was sufficient to find a true threat.

An indirect threat can also be sufficient evidence of a true threat. *See State v. Edwards*, 84 Wn. App. 5, 9, 924 P.2d 397 (1996). Edwards telephoned the Skamania County Sherriff’s Office and told dispatch that he was “phoning from a pay phone located in front of the main street

convenience store in Stevenson, Washington.” *Id.* He further stated that he was “upset and angry with the store employees” and “if the employees harassed his family, he would burn the Main Street store down.” *Id.* The Court held that indirect threat was sufficient to support a conviction pursuant to RCW 9.61.160, illustrating that an indirect threat may also provide sufficient evidence of a true threat under the statute.

Here, there was sufficient evidence of a true threat. In its ruling, the trial court acknowledged the true threat requirement, and described which circumstances in this case made P.H.’s threat a true threat. RP 116-19. The trial court concluded that the State proved beyond a reasonable doubt that P.H. made a true threat to Toutle Lake High School. P.H.’s continuing course of conduct constituted a true threat because he threatened school property and the students within the school. Importantly, P.H. told Deputy Johnson that he could see how the statements could be taken seriously. RP at 44.

The trial court ruled that the threats were true threats because they occurred on school grounds and were to shoot up the school.<sup>1</sup> P.H. made the statements about shooting up the school loud enough for several people to hear. *Id.* He had time to reflect on the statements he made, and

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<sup>1</sup> The trial court specifically found that the statements about shooting up the school were threats to persons and property. “The statements were made of shooting up a school which would equate to people and/or property.” RP at 115-19.

then made additional statements. RP 116-17. B.F. was unsure whether P.H. was joking because of the look in his eye. RP 83. The trial court found all of the witnesses were credible, applied the objective true threat standard, and held that the circumstances equated to a true threat. RP 118.

Additionally, the statements were made in a context where reasonable persons would foresee that the statements would be interpreted as serious expressions of intent to harm others. P.H. acknowledged to Deputy Johnson that he knew people could take his threats seriously. RP 44. The students who heard P.H.'s statements felt a range of emotions, including: scared, uncomfortable, and "weirded out." RP 55, 72, 65. P.H. made the statements at a public school, loud enough for others to hear, on at least three occasions, following the Parkland school shooting. RP 116-17, 54. P.H. made the statements with a "look in his eye" and while smirking. RP 84, 65. The statements made his own friend, E.S., appear uncomfortable. RP 72. E.S. did not find the statements funny, laughing only to avoid uncomfortable silence. *Id.* Additionally, the statements were disruptive to the lives of students due to fear of bodily harm, causing A.F. to stay home from school and triggering law enforcement to respond and interview students. RP 56.

The trial court found all of the witnesses credible, observed their demeanors while under oath, and made sure the statements were true threats as defined by Washington law. The court held:

Looking at the tone itself, then the court does not find witnesses looked at it as just making a joke but more of someone that actually was looking to carry out the threat. It was not how he said the statement as much as how his eyes were described when he spoke of setting the fire and the smirk on his face when he spoke of shooting up the school.

RP 118. Although not required by RCW 9.61.160, the State presented evidence that A.F. and S.J. were afraid after hearing P.H.'s statements. RP 56, 69. A.F. was concerned for the safety of Toutle Lake students and she was so afraid that she did not return to school the day after she heard P.H.'s statement. RP 54-56. A.F. and B.F. both testified about the apprehension they felt about reporting P.H.'s statements. RP 54, 80. A.F. and K.D. both testified that P.H.'s statements made them think of the Parkland shooting. RP 54-55. In a school full of students, a reasonable high school student would have known that statements about shooting up a school or setting a fire inside the school were likely to cause other students to feel afraid of bodily injury or death. S.J. even acknowledged, "[P.H.] shouldn't be talking about . . . shooting up any school in the first place." RP 72. This example demonstrates that a reasonable high school student would have

known that threatening to shoot up a school was inappropriate and likely to cause fear.

The State presented sufficient evidence for the trial court to reasonably conclude that P.H. made a true threat. After accounting for all of the circumstances of this case, the trial court found that P.H. made statements in a context or under such circumstances where a reasonable person in the position of the speaker would foresee that the statement would be interpreted as a serious expression of intention to carry out a threat rather than something said in jest, idle talk, or political argument. Further, P.H. even admitted to Deputy Johnson that he knew his statements could be interpreted as a threat he intended to carry out. Therefore, there was sufficient evidence to support the trial court's finding that P.H. made a true threat.

**B. BECAUSE P.H. MADE A TRUE THREAT, HIS CONVICTION DID NOT VIOLATE THE FIRST AMENDMENT AND SHOULD BE AFFIRMED.**

Under independent review P.H.'s true threat did not violate the First Amendment. The U.S. Supreme Court has stated:

In cases raising First Amendment issues, an appellate court has an obligation to make an independent examination of the whole record to ensure that the judgment does not constitute a forbidden intrusion on the field of free expression . . . The constitutionally based rule of independent review permits giving 'due regard' to the trial judge's opportunity to judge witnesses' credibility[.]

*Bose Corp. v. Consumers Union of U.S., Inc.*, 466 U.S. 485, 486, 104 S. Ct. 1949, 80 L. Ed. 2d 502 (1984). P.H. argues that his adjudication of guilt for threatening to bomb or injure property violates the First Amendment under independent review. However, since P.H. made a true threat, which is unprotected by the First Amendment, there was no First Amendment violation.

The rule of independent review applies in First Amendment cases when an inquiry must be made into the factual context to decide whether speech is unprotected. *State v. Kilburn*, 151 Wn.2d 36, 52, 84 P.3d 1215 (2004). The review is limited to “those ‘crucial’ facts that necessarily involve the legal determination whether speech is unprotected.” *Id.* The rule of independent appellate review does not extend to findings on credibility. *Id.* at 366-67. “Due regard” shall be given to the trial judge’s opportunity to observe the demeanor of the witnesses. *Bose*, 466 U.S. at 486.

Independent review is applied to avoid proscribing valuable speech. *Bose*, 466 U.S. at 503. Words are deemed “essential to the common quest for truth and the vitality of society as a whole.” *Id.* However, true threats of violence are unprotected “to protect individuals from the fear of violence, the disruption engendered by that fear, and the

possibility that the threatened violence will occur.” *Johnston*, 156 Wn.2d at 362 (quoting *Virginia v. Black*, 538 U.S. 343, 360, 123 S. Ct. 1536, 155 L. Ed. 2d 535 (2003)). Because RCW 9.61.160 is limited to true threats, it is constitutional. *Johnston*, 156 Wn.2d 355, 366.

An independent review under the circumstances of this case demonstrates that P.H.’s true threat did not violate his free speech rights. P.H.’s continuing course of conduct constituted a true threat because he threatened school property and the students within the school. P.H. admitted he could see how the statements could be taken seriously. RP 44. The threats occurred on school grounds loud enough for peers to hear and were to shoot up the school and set a fire in the bathroom. *Id.* P.H. had time to reflect on the statements, and made additional statements. RP 116-17. B.F. was unsure whether P.H. was joking because of the look in his eye. RP 83. P.H. was smirking while making at least one of the statements. RP 65. E.S., P.H.’s own friend, did not find the statements funny. RP 95. The statements were disruptive to the lives of students due to fear of bodily harm, causing A.F. to stay home from school and triggering law enforcement to respond. RP 56. The trial court found all of the witnesses credible, observed their demeanors while under oath, and made sure the statements constituted true threats. Here, P.H. made a true threat. Since

true threats are not protected speech, his conviction does not violate the First Amendment and should be affirmed.

P.H.'s reliance on *State v. Kilburn* is misplaced. See Br. of Appellant at 11. *Kilburn* is distinguishable from this case. In *Kilburn*, students were in an accelerated reading classroom “chatting, giggling, and laughing” when Kilburn and K.J., another student, began to discuss what books they were reading. 151 Wn.2d at 39-52. Kilburn had a book with military men and guns on it. *Id.* at 52. Kilburn turned to K.J. and while half-smiling, he told K.J. he was going to bring a gun the next day and shoot everyone, beginning with K.J. *Id.* Then Kilburn began to giggle and said maybe not K.J. first. *Id.* The statement made K.J. feel cautious, but she testified “he was acting kind of like he was joking,” and he “started to laugh or giggle” as if he were not serious. *Id.* Kilburn did not make any additional statements after having time to reflect on whether the first statement was appropriate. K.J. also testified that she said “okay” and “right” in an exaggerated tone, and that they had known each other for two years without ever having a fight or disagreement. *Id.* K.J. said Kilburn had made jokes that peers laughed at in the past. *Id.* at 52-53.

P.H.'s statements about shooting up the school and setting a fire were not inspired by a book or a classroom atmosphere that encouraged intellectual conversation about books. Rather, they were made during gym

class and in the hallway. B.R. and S.J. had been engaged in a discussion about softball when P.H. made the statement they heard. RP 73. P.H.'s statements came out of nowhere and surprised S.J. RP 74. In addition, P.H. had time to reflect on his statements and then made even more threatening statements. Thus, P.H.'s sustained course of action was much more concerning than the single statement made by Kilburn.

Unlike *Kilburn*, the circumstances of this case do not suggest students took P.H.'s threats as jokes. Only P.H. and E.S. laughed. RP 65, 94. E.S. laughed to avoid an awkward situation, and the trial court found his testimony credible. RP 95, 118. E.S. and B.F. did not know P.H. well. RP 93, 81. The *Kilburn* Court found the circumstance of a two-year amiable relationship as being a factor that weighed toward finding the defendant was not serious. Here, no such relationship existed. P.H. was a brand new student that threatened school shootings and starting a fire inside the school. RP 52-53, 79. Toutle Lake High School students had not had time to build the foundation of trust or a history of joking that existed in *Kilburn*. RP 87. Unlike in *Kilburn*, where K.J. made exaggerated comments back to Kilburn because she did not believe him, B.F. thought P.H. may have been serious when she saw the look in his eye. RP 83.

Considering the practical reality that school shootings do occur, P.H.'s threats to shoot up and set a fire to the school were to be taken

seriously. The “current atmosphere” creates a fear of school shootings that has grown significantly since *Kilburn* was decided 14 years ago.<sup>2</sup> School violence has escalated over the past 14 years given Sandy Hook Elementary (2012), North Thurston High in Lacey, Washington (2015), and Parkland (2018). Thus, present day fears are heightened for good reason. A.F. and K.D. testified that there had recently been a school shooting, which played into A.F.’s decision to report the statement to ensure the safety of herself and her peers. RP 54, 60. In an atmosphere where school violence has escalated and students are living in fear, a reasonable high school student would know not to make threats to set fire inside a school or to shoot up a school. Such statements threaten school property and the students inside the school.

P.H. also argues that *U.S. v. Watts*, 394 U.S. 707, 89 S. Ct. 1399, 22 L. Ed. 2d 664 (1969) and *N.A.A.C.P. v. Claiborne Hardware Co.*, 458 U.S. 886, 102 S. Ct. 3409, 73 L. Ed. 2d 1215 (1982) are analogous to this case. However, those cases concern the constitutionally protected category of political speech. This case does not involve political speech and P.H.

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<sup>2</sup> In her dissent in *Kilburn*, Justice Owens stated that in applying the rule of independent review, she opined the threat made in that case was a true threat. She stated, “in light of the current atmosphere engendering fear around school shootings, a reasonable person in Kilburn’s position would foresee that the communication would be interpreted by K.J. as a serious threat.” *Kilburn*, 151 Wn.2d at 56. Justice Owens opined that under the objective “true threat” standard, a reasonable student would not make a statement about shooting others in an atmosphere where students were fearful about school shootings. *Id.* at 54-56.

does not argue it does. Because RCW 9.61.160 is limited to true threats, the statute takes constitutional principles protecting speech into account by prohibiting the criminalization of political argument. A true threat is a threat not said in “jest, idle talk, or political argument.” *Kilburn*, 151 Wn.2d at 43. P.H.’s threats were not of this sort. P.H. made a true threat when he threatened to shoot up and set fire to Toutle Lake High School. There was sufficient evidence for the trial court to find P.H. guilty beyond a reasonable doubt of making a true threat. P.H.’s speech did not fall into any protected category of speech, as true threats are not protected by the First Amendment. Thus, under independent review his conviction does not violate the First Amendment.

V. **CONCLUSION**

For the above stated reasons, P.H.’s conviction should be affirmed.

Respectfully submitted this 30<sup>th</sup> day of April, 2019.

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**CERTIFICATE OF SERVICE**

Michelle Sasser, certifies that opposing counsel was served electronically via the Division II portal:

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

Signed at Kelso, Washington on April 30<sup>th</sup>, 2019.



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Michelle Sasser

# COWLITZ COUNTY PROSECUTING ATTORNEY'S OFFICE

April 30, 2019 - 2:30 PM

## Transmittal Information

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 52521-6  
**Appellate Court Case Title:** State of Washington, Respondent v. Pacer Dean Hogarty, Appellant  
**Superior Court Case Number:** 18-8-00063-0

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