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

STATE OF WASHINGTON, Respondent

v.

BARON DEL ASHLEY JR, Appellant

FROM THE SUPERIOR COURT FOR CLARK COUNTY
CLARK COUNTY SUPERIOR COURT CAUSE NO.18-1-00974-0

BRIEF OF RESPONDENT

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RESPONSE TO ASSIGNMENTS OF ERROR

- I. The trial court properly denied Ashley's motion to suppress evidence as no search occurred.**
- II. Ashely does not have standing to contest the supposed search of another's residential parking lot.**
- III. The evidence was sufficient to prove a felony violation of the no contact order.**

STATEMENT OF THE CASE

Baron Del Ashley, Jr. was charged by information with Residential Burglary – Domestic Violence and two counts of Felony Domestic Violence Court Order Violation with at least two prior convictions. CP 1-2, 383-84.

Lorrie Ashley was married to Ashley in November 2016. RP 340. She lived in an apartment in Clark County, Washington with her two daughters. RP 340-42. Her husband had a key to the apartment and lived there when Lorrie Ashley herself was not present. RP 341.

A no contact order, admitted as Exhibit 4, listed Ashley as the respondent and Lorrie Ashley as the protected person. Ex. 4; RP 289. The no contact order was issued on August 7, 2017 and expired on August 7, 2019. RP 290; Ex. 4. The order prohibited Ashley from knowingly entering, remaining, or coming within 250 feet of Lorrie Ashley's residence. RP 290; Ex. 4. The order was signed by Ashley. RP 291. The

order also warned that it was a crime to violate the restraint provisions of the order. RP 291. The order was still active as of April 3, 2018. RP 292-93. Lorrie Ashley and Ashley had previously discussed the existence of this no contact order. RP 342-43.

John DeGroat is an investigator with the Clark County Prosecuting Attorney's Office and on January 10, 2018 he came into contact with Ashley at Lorrie Ashley's residence, in the parking lot just outside her apartment. RP 322-23. The parking spot was 99 feet from Lorrie Ashley's front door. RP 319.

Detective Sandra Aldridge of the Vancouver Police Department is familiar with Ashley and has had personal face-to-face contact with him over several years. RP 271. Det. Aldridge was assisting another officer in attempting to locate Ashley. RP 273. They looked at one residence, but were informed Ashley did not live there, so they attempted to ascertain whether he lived with his wife, Lorrie Ashley. RP 273. Police started surveilling Lorrie Ashley's residence in Clark County, Washington to determine if Ashley was coming and going from that residence. RP 274. On April 2, 2018 Det. Aldridge obtained a search warrant of Lorrie Ashley's residence to look for Ashley and evidence he lived there. RP 274-75. The warrant was served on April 3, 2018. RP 275. The police obtained a key to the apartment after knocking and having no one answer.

RP 275-76. They opened the door to the apartment and found Lorrie Ashley's two children inside; they had the children step outside and continued into the apartment. RP 277-78. Det. Aldridge opened a bedroom door and saw Ashley standing just outside the apartment through a large, open window in the bedroom. RP 283. Inside the bedroom the police found mail that was in Ashley's name with the address of the apartment listed, and personal items, like clothes, belonging to the defendant. RP 284.

The State presented evidence that Ashley had previously pled guilty to multiple counts of violating a no contact order. RP 352-55; Ex. 5A. On August 9, 2017, Ashley appeared in Clark County Superior Court and entered a guilty plea to three counts of violating a no contact order. RP 352-53.

Evidence that was not admitted at trial included that the police had installed a video camera off of a telephone pole outside of the apartment complex where Lorrie Ashley lived. RP 164-65. The camera was installed on March 9, 2018 and remained there through the time of Ashley's arrest on April 3, 2018. CP 81-83. Prior to obtaining the search warrant, Det. Aldridge reviewed the camera footage and saw a person she believed to be Ashley depicted in the footage. CP 81-83; RP 139.

Prior to trial, Ashley moved to suppress evidence, alleging the police conducted an unlawful search when they conducted surveillance by placing a video camera on a telephone/utility pole with a view of the parking lot to Lorrie Ashley's apartment. CP 3, 69, 217, 244, 370. Some of the surveillance footage was admitted, only for purposes of the evidentiary hearing on the motion to suppress, as Exhibit 1. Ex. 1, RP 119. The surveillance footage does not depict the interior of Lorrie Ashley's apartment at any point. RP 208. The trial court denied Ashley's motion to suppress evidence. RP 210-12.

Also prior to trial, Ashley contested the validity of the guilty plea on the predicate offenses the State used to prove that Ashley had two or more prior convictions for violating a no contact order. CP 199-216; RP 227-45. The State submitted certified copies of Ashley's statement on plea of guilty and the judgment and sentence, as well as a video recording of the guilty plea hearing. CP 341-66; Ex. 2. The trial court found these predicate convictions were constitutionally obtained and allowed admission of the evidence of Ashley's prior convictions at trial. RP 231-35, 244-45, 263-66.

The jury convicted Ashley of both felony violations of a no contact order, but acquitted him of the residential burglary charge. CP 413-15.

Ashley was sentenced to a standard range sentence. RP 624-42. He timely appeals his convictions. CP 642.

ARGUMENT

I. The trial court properly denied Ashley's motion to suppress as no search occurred.

Ashley claims the trial court improperly denied his motion to suppress evidence because the police conducted an unlawful search by using cameras to record the parking lot area of his wife's apartment. The recording was not a search as Ashley had no right to or expectation of privacy in the public parking lot area of his wife's apartment building. Therefore, the trial court properly denied Ashley's motion to suppress.

This Court reviews findings of fact related to a motion to suppress for substantial evidence. *State v. Levy*, 156 Wn.2d 709, 733, 132 P.3d 1076 (2006). Unchallenged findings of fact are verities on appeal. *Id.* This Court reviews the trial court's conclusions of law de novo. *Id.* Ashley does not challenge any of the trial court's factual findings and thus they are verities on appeal. *See Levy, supra.*

Ashley challenges the police's actions here under both the Washington State Constitution and the U.S. Constitution. When arguments for both constitutions are presented, our Courts review the state

constitutional arguments first. *State v. Puapuaga*, 164 Wn.2d 515, 521, 192 P.3d 360 (2008). It is clear that article I, section 7 of the Washington Constitution provides greater protection to an individual's right of privacy than that guaranteed by the Fourth Amendment. *State v. Parker*, 139 Wn.2d 486, 493, 987 P.2d 73 (1999).

Article I, section 7 of the Washington State Constitution provides “No person shall be disturbed in his private affairs, or his home invaded, without authority of law.” To determine whether there has been a search under the Washington State Constitution, the relevant question to ask is whether the State has unreasonably intruded into a person's ‘private affairs.’ *State v. Young*, 123 Wn.2d 173, 181, 867 P.2d 593 (1994) (quoting *State v. Boland*, 115 Wn.2d 571, 577, 800 P.2d 1112 (1990)). If there is no private affair being disturbed, the analysis ends and there is no article I, section 7 violation. *Puapuaga*, 164 Wn.2d at 522.

“The ‘private affairs’ analysis ‘focuses on those privacy interests which citizens of this state have held, and should be entitled to hold, safe from governmental trespass absent a warrant.’” *State v. Lakotiy*, 151 Wn.App. 699, 708, 214 P.3d 181 (2009) (quoting *State v. Myrick*, 102 Wn.2d 506, 511, 688 P.2d 151 (1984)). This analysis starts with “an examination of what kind of protection has been extended to the asserted interest.” *Id.* (citing *State v. McKinney*, 148 Wn.2d 20, 27, 60 P.3d 46

(2002)). Courts ask whether the expectation of privacy is one that citizens should be entitled to hold. *Id.* (citing *Andersen v. King County*, 158 Wn.2d 1, 44, 138 P.3d 963 (2006)). Citizens should not be entitled to hold an expectation of privacy in a public parking lot, and especially not in a public parking lot of an apartment building where that citizen does not reside.

In *Lakotiy*, Division 1 of this Court considered whether a defendant had a privacy interest in the common area of a gated commercial storage facility. There, the police entered the gated portion of a storage facility, essentially, the roads and pathways used by others to access their individual storage units. *Lakotiy*, 151 Wn.App. at 708-09. The Court found there are no historical protections provided to the common area of commercial storage facilities. *Id.* at 709. The Court noted that our Supreme Court in *State v. Bobic*, 140 Wn.2d 250, 996 P.2d 610 (2000) had rejected the notion that a storage unit has any special protected status, unlike a person's residence. *Lakotiy*, 151 Wn.App. at 709 (quoting *Bobic*, 140 Wn.2d at 259-60). In *Bobic*, the Court noted the number of people who had the right to enter the unit at their own discretion as being one reason that Bobic's private affairs were not intruded upon. *Bobic*, 140 Wn.2d at 259 n. 4. The same is true of a parking lot: a number of people have the right to enter the parking lot at their own discretion.

Considering *Bobic*, the Court in *Lakotiy* declined to find that the defendant had a privacy interest in the common area of a commercial storage unit facility. *Lakotiy*, 151 Wn.App. at 710. The court said, “[t]his is particularly true where, like the defendant in *Bobic*, *Lakotiy* was not the individual who rented the storage unit.” *Id.* Even without express permission to enter the commercial storage unit facility, the police did not disturb *Lakotiy*’s private affairs as “in the absence of a privacy interest, neither a warrant nor consent is required by police officers to enter the storage facility common area.”

Ashley’s case is quite similar to *Lakotiy* and *Bobic*. The parking lot of the apartment complex can be seen as the common area of the storage facility – it is a location where many people had access and where no one expected privacy. Entering a parking lot of an apartment building, like the common area of a gated/locked storage facility “does not reveal intimate or discrete details of an individual’s life.” *Lakotiy*, 151 Wn.App. at 711. Ashley simply did not have an expectation of privacy in the parking lot, therefore there was no “search.”

In addition, the police officers’ use of a pole camera did not turn surveillance of an open, public parking lot into a search. “Where a law enforcement officer is able to detect something at a lawful vantage point through his or her senses, no search occurs under article I section 7.” *State*

v. Jackson, 150 Wn.2d 251, 260, 76 P.3d 217 (2003) (citing *State v. Seagull*, 95 Wn.2d 898, 901, 632 P.2d 44 (1981) and *State v. Young*, 123 Wn.2d 173, 182, 867 P.2d 593 (1994)). What someone voluntarily exposes to the general public is not considered part of a person's private affairs. *Young*, 123 Wn.2d at 182. There is "no protected privacy interest in what [can be] visually observed in [] public places. *Id.* at 190. Furthermore, using sense-enhancing devices such as binoculars or a flashlight, which allows the police to see more easily that which is open to the public, is not a search. *Young*, 123 Wn.2d at 183 n. 1 (citing *State v. Manly*, 85 Wn.2d 120, 124, 530 P.2d 306 (1975) and *State v. Rose*, 128 Wn.2d 388, 400-01, 909 P.2d 280 (1996)). An officer's surveillance from a nonintrusive location and with an unaided eye does not constitute a search and this means of surveillance does not expose a person's private affairs. *Young*, 123 Wn.2d at 173; *State v. Dearman*, 92 Wn.App. 630, 634, 962 P.2d 850 (1998).

Ashley argues the police's use of hidden cameras was especially troublesome in his case because the cameras recorded 24/7, the police conducted the surveillance without anyone's knowledge, and it recorded many people, including Ashley's wife's neighbors. He likens this to use of thermal-imaging technology used in *Young*. However, use of a camera, which only records what the police could have seen from a lawful vantage

point, is permissible and is not akin to using thermal-imaging technology. In *Manly*, the Supreme Court approved police use of binoculars, finding their use did not constitute an impermissible search. *Manly*, 85 Wn.2d at 124-25. Even more persuasive, our Courts have held that police looking *inside* someone's private residence from a lawful vantage point is not a search. In *Manly*, the officer used binoculars to look through a defendant's uncurtained window at plants and determined from use of binoculars that the plants were marijuana plants. *Id.* at 121. The officer used the binoculars from the sidewalk across the street and just outside the defendant's residence. *Id.* In *State v. Rose*, 128 Wn.2d 388, 909 P.2d 280 (1996), our Supreme Court found there is no reasonable expectation of privacy in what can be seen through uncurtained windows. *Rose*, 128 Wn.2d at 394 (citing *Manly*, 85 Wn.2d at 124). There, police shone a flashlight through partially curtained windows at night to see inside a private residence. *Id.* at 390.

Furthermore, in *State v. Jones*, 33 Wn.App. 275, 653 P.2d 1369 (1982), Division 3 of this Court found that police's use of binoculars to look into a vehicle parked in a public parking lot did not violate the Fourth Amendment or the Washington State Constitution. *Jones*, 33 Wn.App. at 277. The Court adopted the rule that police may use binoculars to "observe more clearly or carefully that which was in the open and thus

subject to some scrutiny by the naked eye from the same location,” and that police may use binoculars “to view at a distance that which they could have lawfully observed from closer proximity but for their desire not to reveal the ongoing surveillance.” *Id.* The police in Ashley’s case did not conduct a search as using a video camera is no more intrusive than using binoculars. The police were only able to surveille that which they could have lawfully observed by being physically present.

The area that the police surveilled was open to the public and therefore the surveillance did not constitute a search. As recognized in *State v. Rose, supra*, “[n]ormally ‘a front porch ... to a house is not a constitutionally protected area, and police officers who enter these areas may do so with their eyes open.’” *Rose*, 128 Wn.2d at 392 (quoting *State v. Myers*, 117 Wn.2d 332, 344, 815 P.2d 761 (1991)). The closest the police got to any residence was at most an unobstructed view of Ashley’s wife’s apartment’s front entry walk way. *See* RP 206. At best, this would be tantamount to police entering onto someone’s front porch, which is not a constitutionally protected area. *See Rose, supra*. Thus, the police did not conduct a search by video recording the parking lot and the front door to Ashley’s wife’s apartment.

Ashley also does not have a federal constitutionally protected interest in his significant other’s apartment’s parking lot. Under the Fourth

Amendment, a search occurs if the government intrudes upon a reasonable expectation of privacy. *Bobic*, 140 Wn.2d at 258. “A subjective expectation of privacy is unlikely to be found where the person asserting the right does not solely control the area or thing being searched.” *State v. Carter*, 151 Wn.2d 118, 127, 85 P.3d 887 (2004). “[W]hile the structural differences in federal and state constitutions mean[] the federal analysis is not binding upon the state constitutional analysis, it can still guide [the Court] because both recognize similar constitutional principles....” *State v. Surge*, 160 Wn.2d 65, 71 n. 4, 156 P.3d 208 (2007). Under the Fourth Amendment, individuals do not have a reasonable expectation of privacy in common areas of apartment complexes, even if locked. *See, e.g., United States v. Nohara*, 3 F.3d 1238 (9th Cir. 1993) (holding no reasonable expectation of privacy in the hallways of a high security high-rise apartment building). A parking lot is even more open to the public than the common area of an apartment complex. It follows then that there is no Fourth Amendment expectation of privacy in a parking lot of an apartment building.

Ashley’s claim fails under both Article I, section 7 and the Fourth Amendment. There was no search by police and therefore the trial court properly denied his motion to suppress and properly admitted the evidence

obtained by police. This Court should deny Ashley's claim and affirm his convictions.

II. Ashley does not have standing to contest the supposed "search" of another's residential parking lot.

To establish a violation of one's privacy rights, one must first demonstrate a personal and legitimate expectation of privacy in the area searched. *State v. Jones*, 68 Wn.App. 843, 847, 845 P.2d 1358 (1993); *State v. Libero*, 168 Wn.App. 612, 616, 277 P.3d 708 (2012). Ashley cannot show that he had a legitimate expectation of privacy in his significant other's apartment complex parking lot where there was a no contact order prohibiting his presence.

"Standing is a 'party's right to make a legal claim or seek judicial enforcement of a duty or right.'" *State v. Link*, 136 Wn.App. 685, 692, 150 P.3d 610 (2007) (citing BLACK'S LAW DICTIONARY 1442 (8th ed. 2004)). In an argument that evidence should have been suppressed based on privacy grounds, the defendant has the burden of showing that the search violated his own privacy rights. *Id.* (citing *State v. Cardenas*, 146 Wn.2d 400, 404, 47 P.3d 127, 57 P.3d 1156 (2002), *cert. denied*, 538 U.S. 912, 123 S.Ct. 1495, 155 L.Ed.2d 236 (2003) and *State v. Jacobs*, 101 Wn.App. 80, 87, 2 P.3d 974 (2000)). Someone who has a legitimate expectation of privacy in the searched area has standing to claim a privacy

violation. *Jacobs*, 101 Wn.App. at 87. There is a two part inquiry to determine standing: “1) did the claimant manifest a subjective expectation of privacy in the object of the challenged search; and 2) does society recognize the expectation as reasonable?” *Link*, 136 Wn.App. at 692 (citing *Jacobs*, 101 Wn.App. at 87).

A defendant who was only casually, but legitimately, on the premises searched does not have a legitimate expectation of privacy in the location searched. *State v. Boot*, 81 Wn.App. 546, 551, 915 P.2d 592 (1996). To determine whether a house-guest has a legitimate expectation of privacy, Courts typically analyze it on a case by case basis, taking all the facts into consideration. *Link*, 136 Wn.App. at 693-94. When the place searched is a home, courts consider the defendant’s relationship with the homeowner/tenant, the context and duration of the visit, the frequency and duration of the defendant’s previous visits to the home, and whether the defendant kept personal effects in the home. *Id.*

In Ashley’s case, the place “searched” was not his home, was not his wife’s home, but rather, was the parking lot of the apartment complex where his wife lived. Furthermore, it was a location where Ashley was prohibited, by court order, from being. Different than a garage, a parking lot is open, at all times, to be viewed by all who frequent the parking lot. No one has a legitimate expectation of privacy in the parking lot as what

occurs in the parking lot is open to be viewed by many other people. Furthermore, it was not a parking lot used to access a residence that Ashley inhabited. Rather, it was used to access the residence that his wife resided in, with whom there was an order prohibiting all contact, including contact with her residence. In looking at the factors used by our Courts to determine standing, it is clear that though Ashley had a relationship with someone who routinely accessed the parking lot, he did nothing to establish that he had a legitimate expectation of privacy in the parking lot itself. Thus any intrusion into someone's private affairs that may have occurred by police use of a camera to surveille the parking lot area did not intrude upon Ashley's own private affairs or expectation of privacy. Ashley therefore does not have standing to challenge the search of his wife's apartment complex parking lot.

III. The evidence was sufficient to prove a felony violation of the no contact order.

Ashley claims the State presented insufficient evidence to prove he committed a felony violation of the no contact order because the State failed to show the constitutional validity of his two prior, predicate, convictions. The State presented sufficient evidence, proving Ashley had two prior convictions and that he violated the restraint provisions of a court-issued no contact order. Thus, the State proved Ashley committed

the crime of felony violation of a no contact order and his convictions should be affirmed.

In reviewing a challenge to the sufficiency of the evidence, this Court views the evidence in the light most favorable to the State to determine if a rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt. *State v. Green*, 94 Wn.2d 216, 221, 616 P.2d 628 (1980). A claim of insufficiency admits the truth of the State's evidence and all reasonable inferences that can be drawn from the evidence. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

The existence of a constitutionally valid prior conviction, two of them, is an essential element of the offense of felony violation of a no contact order. *See* RCW 26.50.110. A defendant may raise a defense by challenging the constitutional validity of the predicate conviction. *State v. Carmen*, 118 Wn.App. 655, 667, 77 P.3d 368 (2003), *review denied*, 151 Wn.2d 1039, 95 P.3d 352 (2004); *see also State v. Summers*, 120 Wn.2d 801, 811-12, 846 P.2d 490 (1993) (involving unlawful possession of a firearm). Initially, the defendant bears the burden of offering a "colorable, fact-specific argument" supporting the claim of error in the predicate conviction. *Summers*, 120 Wn.2d at 812. Once raised, the burden shifts to the State to prove beyond a reasonable doubt that the predicate conviction

was constitutionally sound. *Id.* The validity of a predicate offense is a question of law. *State v. Miller*, 156 Wn.2d 23, 24, 123 P.3d 827 (2005). This Court reviews the validity of a predicate offense de novo. *Carmen*, 118 Wn.App. at 663.

Ashley's predicate convictions were obtained via a guilty plea. A guilty plea is constitutionally valid if it was made knowingly, voluntarily, and intelligently. *State v. Branch*, 129 Wn.2d 635, 642, 919 P.2d 1228 (1996). This Court looks to the totality of the circumstances to determine whether a guilty plea meets constitutional requirements. *Id.* A defendant must be apprised of the nature of the charge, but does not always require a description of every element of the offense. *State v. Keene*, 95 Wn.2d 203, 207, 622 P.2d 360 (1980) (citing *Henderson v. Morgan*, 426 U.S. 637, 645, 96 S.Ct. 2253, 49 L.Ed.2d 108 (1976)); *State v. Holsworth*, 93 Wn.2d 148, 153 n. 3, 607 P.2d 845 (1980) (quoting *Henderson*, 426 U.S. at 647 n. 18). However, a defendant must be "aware of the acts and requisite state of mind in which they must be performed to constitute a crime." *Holsworth*, 93 Wn.2d at 153 n. 3.

Ashley argues in part that his Statement of Defendant on Plea of Guilty to the predicate offense does not list the required mental element that he knowingly violated the no contact order. However, the Statement of Defendant on Plea of Guilty form need not list the requisite mental state

if other documents referenced in that form do. *Keene*, 95 Wn.2d at 208-09. In *Keene*, the defendant argued that he did not plead guilty knowingly, intelligently, and voluntarily because the plea statement did not list the requisite specific intent. *Keene*, 95 Wn.2d at 208. However, our Supreme Court rejected his argument and concluded that the defendant did know about the requisite intent because the information included the specific intent, he pleaded guilty to the crime “as charged in the information,” he acknowledged receiving a copy of the information, and the defendant told the court he had read through the plea statement. *Id.* at 208-09. Ashley’s case is nearly directly on point to *Keene*. The information was attached to his guilty plea statement; the information identified the requisite mental intent as “knowingly violating the restraint provisions therein” (referring to a previously issued no contact order pursuant to RCW Ch. 10.99). CP 580-87. Additionally, Ashley’s guilty plea statement specifically references the charging document for the elements and attached the charging document to his statement. CP 580-87. There is sufficient evidence that Ashley knew the requisite mental state and voluntarily pled guilty. The trial court did not err in finding Ashley’s predicate convictions admissible because his guilty plea to those offenses was knowingly, intelligently, and voluntarily made.

Ashley also claims he was not informed of all the direct consequences of his guilty plea because his guilty plea statement does not specify that he could be sentenced to consecutive sentences for the multiple offenses he pled guilty to. A guilty plea is knowing and voluntary when the person pleading guilty understands the plea's consequences, including possible sentencing consequences. *In re Personal Restraint of Stockwell*, 179 Wn.2d 588, 594-95, 316 P.3d 1007 (2014). “[A] guilty plea may be deemed involuntary when based on misinformation regarding a direct consequence of the plea, regardless of whether the actual sentencing range is lower or higher than anticipated.” *State v. Mendoza*, 157 Wn.2d 582, 591, 141 P.3d 49 (2006). Ashley was not misinformed about the sentencing consequences of his plea, and he was correctly informed that the crimes he was charged with each carried a maximum sentence of 364 days in jail. Each crime listed on the first page of his plea statement showed the standard range of each count was up to 364 days and he was notified that the crime to which he pled guilty had a maximum sentence of 364 days. These notifications satisfy the requirement that a defendant be “informed of all the direct consequences of his plea...” *State v. Barton*, 93 Wn.2d 301, 305, 609 P.2d 1353 (1980).

Finally, Ashley claims there was not a sufficient factual basis to support his plea. In determining whether a sufficient factual basis exists,

the court need not be convinced of the defendant's guilt beyond a reasonable doubt. *State v. Saas*, 118 Wn.2d 37, 43, 820 P.2d 505 (1991). Rather, a factual basis exists if there is sufficient evidence for a jury to conclude that the defendant is guilty. *Id.* In applying the facts that Ashley admitted to the elements of the crime of violation of a no contact order, it is clear that there was a sufficient factual basis. Ashley admitted he violated a no contact order by responding to telephone calls from his wife. He therefore admitted there was a no contact order and that he violated that no contact order by having contact with his wife. This evidence is sufficient to have a jury conclude the defendant is guilty. *See id.*

The State presented sufficient evidence that Ashley committed the crime of felony violation of a no contact order because it proved beyond a reasonable doubt that the predicate conviction was constitutionally entered. Ashley's claim fails.

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CONCLUSION

The trial court properly denied Ashley's motion to suppress as there was no search of the public parking lot at his wife's apartment complex. Additionally, the State presented sufficient evidence to support his convictions for felony violation of a no contact order. Ashley's convictions should be affirmed.

DATED this 15th day of November, 2019.

Respectfully submitted:

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