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NO. 53365-1-II

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

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STATE OF WASHINGTON,

Respondent,

v.

TROY RESTVEDT,

Appellant.

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ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR LEWIS COUNTY

The Honorable Joely A. O'Rourke, Judge

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BRIEF OF APPELLANT

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A. ASSIGNMENTS OF ERROR

1. The record does not support the court's conclusion that warrantless entry of appellant's backyard was justified by the need for emergency assistance.

2. The court erred in denying appellant's motion to suppress.

3. The evidence is insufficient to establish resisting arrest.

3. The evidence is insufficient to establish violation of the county resolution.

Issues pertaining to assignments of error

1. Police officers entered appellant's backyard without a warrant because they suspected he was violating a burn ban. They testified that this was not an emergency situation; the fire was not out of control, it was just illegal. Where there was no present emergency and the officers were investigating a crime, and where the record does not establish exigent circumstances or any other exception to the warrant requirement, did the court err in denying appellant's motion to suppress?

2. Where the State failed to prove a lawful arrest, must the conviction for resisting arrest be reversed and the charge dismissed?

3. Appellant was charged with violating a county resolution banning outdoor burning, after police discovered a fire on his property

within city limits. Where the resolution applies only to lands regulated by the county, did the State fail to prove appellant violated the county resolution?

B. STATEMENT OF THE CASE

On August 6, 2018, the Lewis County Board of County Commissioners adopted Resolution 18-248, modifying “restrictions on outdoor burning to a full ban throughout unincorporated Lewis County.” Exhibit 1. The resolution specified that it prohibited “outdoor burning on all lands regulated by Lewis County.” *Id.* The City of Centralia issued a press release announcing a total outdoor burn ban within the city as well. Exhibit 3.

On August 17, 2018, the Riverside Fire Authority responded to a report of burning at a residence within the Centralia city limits. 3RP<sup>1</sup> 54. Fire Captain Scott Weinert drove to the address and parked his truck on the street. 3RP 59. He noticed a small column of smoke coming from behind the house. 3RP 54-55. Fire department policy prohibits entering private property unless there is an obvious emergency, and Weinert saw no emergency which justified entering the property in this case. 3RP 65-66.

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<sup>1</sup> The Verbatim Report of Proceedings is contained in six volumes, designated as follows: 1RP—10/31/18; 2RP—11/1/18; 3RP—12/6/18, 1/10/19, and 1/28/19; 4RP—1/29/19 and 3/20/19; 5RP—1/2/19; and 6RP—2/7/19.

The property resident, appellant Troy Restvedt, came outside and spoke to Weinert. 3RP 59. Weinert explained that the burn ban applied to recreational fires, and Restvedt said he would put out the fire. 3RP 62.

Later that day Weinert received another report of burning at the same residence. 2RP 62-63. He passed the call along to the police to deal with, because he felt Restvedt would not take the fire department seriously. 3RP 63. Centralia Police Officers Andrew Huerta and John Dorff, as well as a deputy prosecutor who was riding along with Dorff, went to Restvedt's property. 3RP 71-72.

Restvedt's residence was difficult to find. Officer Huerta described it as "tucked away" down a gravel driveway. 1RP 7. The property is adjacent to Seminary Hill, a wooded nature preserve. 1RP 9, 38. Huerta smelled smoke when he arrived, believing it to be from a wood burning fire, and Dorff pointed out a column of smoke coming from behind a shed. 1RP 8-9. Neither the backyard nor the fire was visible from where they were parked on the gravel. 1RP 24.

The officers investigated where the smoke was coming from, walking past the front door of the residence to the side of the house. 1RP 10, 23, 43. A number of vehicles were parked in that area, and the officers walked around them. 1RP 23, 43. A "No Trespassing" sign was posted, but the officers did not notice it until they left the property. 1RP 25, 43.

Two tarps were hung screening the backyard from view. 1RP 24, 38. There was a small gap between the tarps, and the officers could see the fire through the gap. 1RP 43-44. The fire was in a fire pit, consisting of a two foot ring of cinderblocks inside a three foot ring. The fire was contained within the inner ring. 1RP 33, 38; 3RP 89, 103.

The officers, without making any attempt to seek permission, entered the backyard. 1RP 10. Their purpose for entering the property was to get Restvedt to put out the fire, because there was a burn ban in effect. 1RP 11; 3RP 77. They approached the fire pit and asked Restvedt to put out the fire. 1RP 11, 39. Restvedt told the officers to get off his property, he used profanities, he argued with them, but he ultimately complied with orders to douse the fire with two buckets of water. 1RP 11-12, 39-40; 3RP 77-78, 137.

Once the fire was out, Huerta asked Restvedt his name. 3RP 137. Restvedt became upset and continued to insist, using profanities, that the officers leave his property. 1RP 12-13, 26; 3RP 138. At that point Huerta and Dorff decided to arrest Restvedt for hindering the investigation and for the illegal burning. 1RP 13, 26, 41; 3RP 83, 138.

Restvedt argued with Huerta and backed away when Huerta tried to handcuff him, slapping at Huerta's hands. 1RP 13-14; 3RP 116, 139. He fell into a pile of debris in a confined space. Huerta couldn't reach to

handcuff him, so he ordered Restvedt to stand. Restvedt again tried to walk away, so Huerta placed his arm around Restvedt's neck and squeezed until Restvedt lost consciousness. Huerta handcuffed Restvedt while he was unconscious. 1RP 15; 3RP 119, 161-66.

Restvedt was charged with third degree assault, resisting arrest, and violation of the county resolution burn ban. CP 98-99. He moved to suppress evidence and dismiss the charges, arguing that the warrantless entry of his backyard was per se unreasonable and not supported by any exception to the warrant requirement. CP 4-85.

At the hearing on the motion to suppress, Officer Huerta testified the fire department had asked them to respond because Restvedt had been aggressive when contacted earlier in the day. 1RP 16. There were no reports of an uncontrolled fire and no reason to believe there was an emergency. 1RP 18-19. Once he smelled smoke he felt he could not walk away, because there was a burn ban in effect and he was concerned the fire could spread. 1RP 30-31.

Officer Dorff testified that they couldn't leave once they smelled smoke because there was a burn ban in effect, and it is their job to enforce the laws and educate people on the laws. 1RP 37. He was concerned about the trees and debris in the area, because the weather was extremely dry, but he did not bring the fire extinguisher from his car when he

investigated. 1RP 39, 44. He testified that he did not believe there was an uncontrolled fire; he believed there was an illegal fire. 1RP 44. He entered the backyard without permission, because he believed he had authority to enter to enforce the law. 1RP 44, 46.

The State argued that the warrantless entry of Restvedt's backyard was reasonable. The officers needed to see that the fire was put out so that it would not spread, and this need fell within the community caretaking function exception to the warrant requirement. 1RP 66-67.

The defense argued that no exigency or emergency justified the warrantless entry into Restvedt's backyard. 1RP 67. The fire was not out of control, and no one was in need of assistance. There was no reason the officers could not have sought permission to enter, rather than bypassing several layers of privacy and entering the backyard unannounced. 1RP 69.

The court denied the motion to suppress, ruling that the officers had a legitimate emergency concern in ensuring the fire was extinguished. It concluded that the facts surrounding the fire department's report and the smell of smoke were enough to justify the warrantless entry into Restvedt's backyard. CP 103; 1RP 71.

The case proceeded to a jury trial. The jury found Restvedt not guilty of third degree assault but guilty of resisting arrest and violation of the county resolution. CP 154-56. Restvedt filed this appeal. CP 159.

C. ARGUMENT

1. THE STATE FAILED TO PROVE THAT THE WARRANTLESS ENTRY OF RESTVEDT'S BACKYARD WAS JUSTIFIED UNDER AN EXCEPTION TO THE WARRANT REQUIREMENT, AND THE MOTION TO SUPPRESS SHOULD HAVE BEEN GRANTED.

a. A warrantless search is presumptively unreasonable.

Both the Fourth Amendment to the United States Constitution and Article I, section 7, of the Washington State Constitution require a warrant based on probable cause to search a home. U.S. Const. Amend. IV (“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause ....”); Wash. Const., Art. I, sec. 7 (“No person shall be disturbed in his private affairs, or his home invaded, without authority of law.”). The curtilage of a home is so intimately tied to the home that it receives the same constitutional protections. *United States v. Dunn*, 480 U.S. 294, 301, 107 S.Ct. 1134, 1139, 94 L.Ed.2d 326 (1987).

All warrantless entries of a home are presumptively unreasonable. *Welsh v. Wisconsin*, 466 U.S. 740, 749, 104 S.Ct. 2091, 80 L.Ed.2d 732 (1984) (citing *Payton v. New\_York*, 445 U.S. 573, 100 S.Ct. 1371, 63 L.Ed.2d 639 (1980)); *State v. Hendrickson*, 129 Wn.2d 61, 70, 917 P.2d

563 (1996). Law enforcement officers are permitted to enter an area of curtilage impliedly open to the public without a warrant, but a substantial and unreasonable departure from such open area intrudes on the constitutionally protected expectation of privacy. *State v. Hoke*, 72 Wn. App. 869, 874, 866 P.2d 670 (1994) (citing *State v. Seagull*, 95 Wn.2d 898, 903, 632 P.2d 44 (1981)).

It is well established that the Article I, section 7 is more protective than the Fourth Amendment. *State v. Ortega*, 177 Wn.2d 116, 122, 297 P.3d 57 (2013); *State v. Parker*, 139 Wn.2d 486, 493, 987 P.2d 73 (1999). The fruits of a warrantless search will be suppressed unless the search falls within one of the narrowly drawn and jealously guarded exceptions to the warrant requirement. *Ortega*, 177 Wn.2d at 122. The State bears a “heavy burden” to prove one of the exceptions to the warrant requirement applies. *State v. Williams*, 102 Wn.2d 733, 736, 689 P.2d 1065 (1984).

- b. The record does not support the trial court’s conclusion that the warrantless search was justified under the community caretaking emergency aid exception.

One exception to the warrant requirement is the community caretaking exception. Under this exception, law enforcement may make a limited invasion of constitutionally protected areas when necessary to perform a community caretaking function unrelated to the detection and

investigation of a crime. *State v. Boisselle*, \_\_\_ Wn.2d \_\_\_, 448 P.3d 19, 24 (2019) (citing *State v. Thompson*, 151 Wn.2d 793, 802, 92 P.3d 228 (2004)). The need to render emergency aid falls within the community caretaking exception to the warrant requirement. *Boisselle*, 448 P.3d at 25.

The court below determined that the officers' warrantless entry into Restvedt's backyard was justified by the emergency concern in seeing that the fire was extinguished. It therefore denied Restvedt's motion to suppress. CP 103. The court's findings of fact do not support this conclusion. This Court reviews a motion to suppress to determine whether substantial evidence supports the trial court's findings of fact and whether the findings of fact support the conclusions of law. The trial court's conclusions of law are reviewed de novo. *State v. Russell*, 180 Wn.2d 860, 866-67, 330 P.3d 151 (2014).

The record and case law establish that Restvedt's backyard is a constitutionally protected area, and the officers violated Restvedt's reasonable expectation of privacy in entering it. *See State v. Hoke*, 72 Wn. App. 869, 866 P.2d 670 (1994).

In *Hoke*, an officer approached the front door of a residence and knocked. When he received no response, he walked from the front porch around the side of the house looking for another door. There was no defined pathway leading to the side of the house, and neither the side yard

nor backyard was visible from the front door. Thick foliage bordered the lot, and stacked wood, a broken down truck, and other miscellaneous objects partially obstructed access along the side of the house. *Hoke*, 72 Wn. App. at 871-72. Under these circumstances, the side yard was not an area of the curtilage impliedly open to the public. By leaving the front porch and walking around the side of the house, the officer exceeded the scope of implied invitation and intruded on the homeowner's constitutionally protected expectation of privacy. *Id.* at 877.

Similarly here, the officers deviated from any open area of curtilage. They bypassed the front door of the residence and walked around the side of the house to the backyard. 1RP 23. Restvedt's residence was tucked away down a gravel road. 1RP 7. The backyard was not visible from the gravel, and it was blocked by a number of vehicles parked on the side of the house. 1RP 23-24. A "No Trespassing" sign was posted, and two tarps were hung to screen the backyard from view. 1RP 24-25, 43, 48. There was no implied invitation to enter the backyard, and Restvedt had a constitutionally protected expectation of privacy in that area.

Because there was no present emergency when the officers entered Restvedt's backyard, the emergency exception to the warrant requirement, relied on by the trial court in denying the motion to suppress, does not

apply. Our Supreme Court recently clarified that the emergency aid exception requires the existence of a present emergency:

Accordingly, we hold the emergency aid function of the community caretaking exception applies when (1) the officer subjectively believed that an emergency existed requiring that he or she provide immediate assistance to protect or preserve life or property, or to prevent serious injury, (2) a reasonable person in the same situation would similarly believe that there was a need for assistance, and (3) there was a reasonable basis to associate the need for assistance with the place searched.

*Boisselle*, 448 P.3d at 26.

In order for the community caretaking exception to apply, a court must first be satisfied that the officer's actions were completely separate from the need to detect and investigate criminal activity. *Id.* at 24, (citing *State v. Kinzy*, 141 Wn.2d 373, 385, 5 P.3d 668 (2000)). Thus, the threshold question is whether the community caretaking exception was used as a pretext for criminal investigation. *Id.*

A pretextual search occurs when officers rely on some legal authorization as a mere pretense "to dispense with [a] warrant when the true reason for the seizure is not exempt from the warrant requirement." *State v. Ladson*, 138 Wn.2d 343, 358, 979 P.2d 833 (1999). When determining whether a given search is pretextual, "the court should consider the totality of the circumstances, including both the subjective

intent of the officer as well as the objective reasonableness of the officer's behavior." *Id.* at 359.

In *Boisselle*, the Supreme Court held that a warrantless search did not fall within the emergency aid function of the community caretaking exception but instead was a pretext for a criminal investigation. There, law enforcement responded to a residence because of two 911 calls reporting a crime. They noticed a smell they thought could be a decomposing body, and they sought to confirm whether a crime had been committed or if a victim was inside the residence. When a dog inside the house moved window blinds, the officers could see inside, and they noticed signs of a struggle. The officers had information that the residence could be related to an ongoing missing person/homicide investigation. The officers had suspicions that a crime had taken place, and they felt they could not just walk away. They therefore decided to make a warrantless entry and search the home. *Boisselle*, 448 P.3d at 27.

The Supreme Court concluded that these facts, taken together, demonstrated that the officers had significant suspicions that a crime had taken place, and the search was necessarily associated with the detection and investigation of criminal activity. While they purportedly entered to render aid, they were not solely motivated by the need to provide immediate assistance. *Id.* at 27. "Because the officers had significant

suspicious of criminal activity, the officers were conducting a criminal investigation, and there was no present emergency, it was objectively unreasonable for the officers to conduct a warrantless search of Boisselle's home." *Id.* Reliance on the emergency aid community caretaking function was a pretext for conducting an evidentiary search, and the trial court erred in denying the motion to suppress. *Id.*

The same is true here. Both officers testified that this was not an emergency situation. They had no reason to think they needed to render immediate aid. In fact, they did not even bring the fire extinguishers from their cars when they approached the scene of the fire. 1RP 18-19, 44. Officer Dorff explained that he did not think there was an uncontrolled fire; he thought there was an illegal fire. 1RP 44. They could not leave because a law was being broken and they had a duty to enforce the law. 1RP 37, 44, 46.

To be sure, the officers felt the fire could potentially pose a threat, given the dry conditions and the proximity of the wooded area. 1RP 39. But as in *Boisselle*, the officers were not solely motivated by the need to render aid. Their motivation for entering Restvedt's backyard was to investigate a crime. "When officers act to uncover criminal activity, their actions are of the very type that article I, section 7's warrant requirement is directed." *Boisselle*, 448 P.3d at 27.

The court below concluded that the warrantless entry was justified by the emergency aid exception based on information provided by the fire department and the fact that the officers smelled smoke when they arrived. But because there was no present emergency and the officers were investigating a crime, the emergency exception is merely a pretext for the evidentiary search, and the trial court erred in denying the motion to suppress. *See Boisselle*, 447 P.3d at 27.

- c. The record does not establish any other exception to the warrant requirement.

Because the warrantless entry was not made for the purpose of rendering emergency aid, but as part of a criminal investigation, it does not fall within the officers' community caretaking function. Thus, the search can be upheld only if the State proves that another of the narrowly drawn exceptions to the warrant requirement applies. Law enforcement may conduct a nonconsensual warrantless search of a protected area for the purpose of criminal investigation if exigent circumstances exist. *Boisselle*, 448 P.3d at 28. The court below did not conclude that exigent circumstances justified a warrantless investigative search, nor would the record support such a conclusion.

The argument and findings below rested on the potential danger should Restvedt's fire become out of control. 1RP 66, 71; CP 102-04. One

recognized exigency is danger to the arresting officer or the public. *State v. Smith*, 165 Wn.2d 511, 517, 199 P.3d 386 (2009) (citing *State v. Counts*, 99 Wn.2d 54, 60, 659 P.2d 1087 (1983)).

Exigent circumstances excuse the warrant requirement only if the need for immediate investigatory action makes it impracticable for police to obtain a warrant, such that delay would compromise officer safety, facilitate escape, or permit destruction of evidence. *Smith*, 165 Wn.2d at 517. The State must show reasons why it was impractical, or unsafe, for police to take the time to get a warrant. *State v. Bessette*, 105 Wn. App. 793, 798, 21 P.3d 318 (2001).

The court examines the totality of the circumstances to determine whether an exigency existed to justify the warrantless search, guided by the following factors:

(1) the gravity or violent nature of the offense with which the suspect is to be charged; (2) whether the suspect is reasonably believed to be armed; (3) whether there is reasonably trustworthy information that the suspect is guilty; (4) there is strong reason to believe that the suspect is on the premises; (5) a likelihood that the suspect will escape if not swiftly apprehended; and (6) the entry [can be] made peaceably.

*State v. Cardenas*, 146 Wn.2d 400, 406, 47 P.3d 127 (2002)).

These factors demonstrate that no exigency justified warrantless entry of Restvedt's backyard. The police were investigating violation of a burn ban. This is neither a grave nor violent offense. While potentially an

uncontrolled fire could cause significant damage, the fire in this case was contained within a two foot cinderblock ring inside another cinderblock ring. 1RP 33. There were two people sitting next to the fire pit with a bucket of water and a water supply nearby. 1RP 12, 25. There was no indication that the fire was out of control, and the officers saw no reason to even bring their fire extinguishers with them. 1RP 19, 44.

While it was reasonable to suspect Restvedt was guilty of violating the city burn ban and that he was on the premises, there was no reason to think he was armed or that he would escape if not swiftly apprehended. Moreover, entry could not be made peaceably as evidenced by Restvedt's insistence that the officers leave his property and the fact that the encounter ended with Restvedt being rendered unconscious by a choke hold. 1RP 13, 15; *see Bessette*, 105 Wn. App. at 799.

The warrantless entry of Restvedt's backyard violated his constitutional right to be free of unreasonable search and seizure. All evidence obtained as a result of that constitutional violation must be suppressed. *Ortega*, 177 Wn.2d at 122. Restvedt's convictions rested on evidence gathered during the unlawful search and must therefore be reversed.

2. THE STATE FAILED TO PROVE RESTVEDT WAS GUILTY OF RESISTING ARREST, AND THE CHARGE MUST BE DISMISSED.

The burden of proving the essential elements of a crime unequivocally rests on the prosecution. *In re Winship*, 397 U.S. 358, 364, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970); U.S. Const. amend. XIV; Wash. Const. art. I, § 3. Proof beyond a reasonable doubt of all essential elements is an “indispensable” threshold of evidence the State must establish to garner a conviction. *Winship*, 397 U.S. at 364. Therefore, as a matter of state and federal constitutional law, a reviewing court must reverse a conviction and dismiss the prosecution for insufficient evidence where no rational trier of fact could find that all elements of the crime were proven beyond a reasonable doubt. *State v. Hickman*, 135 Wn.2d 97, 103, 954 P.2d 900 (1998); *State v. Hardesty*, 129 Wn.2d 303, 309, 915 P.2d 1080 (1996); *State v. Chapin*, 118 Wn.2d 681, 826 P.2d 194 (1992); *State v. Green*, 94 Wn. 2d 216, 616 P.2d 628 (1980).

Restvedt was charged with resisting arrest based on allegations that he backed away from Huerta when told he was under arrest and slapped at Huerta’s hands when Huerta tried to handcuff him. 3RP 139; 4RP 248. To convict Restvedt of this charge, the State had to prove he intentionally prevented or attempted to prevent a peace officer from lawfully arresting

him. *See* RCW 9A.76.040(1). Thus, an essential element of the offense is a lawful arrest. CP 148.

As discussed above, the officers' warrantless entry of Restvedts' backyard was unlawful. The existence of probable cause to believe Restvedt was violating the city burn ban would have provided authority to obtain a warrant, but it did not excuse the need for a warrant. *See State v. Counts*, 99 Wn.2d 54, 61, 659 P.2d 1087, 1089 (1983). Because the unlawful entry of the backyard was used to effect the arrest, the arrest was unlawful as well, and Restvedt did not commit a crime by offering reasonable resistance. *See State v. Hornaday*, 105 Wn.2d 120, 130-31, 713 P.2d 71 (1986) (defendant may reasonably resist arrest made without lawful authority). The evidence does not support the conviction, and the charge must be dismissed.

3. THE STATE FAILED TO PROVE RESTVEDT VIOLATED LEWIS COUNTY RESOLUTION 248, AND THE CHARGE MUST BE DISMISSED.

Restvedt was charged with violating Lewis County Resolution 248, dated August 6, 2018. CP 99. The purpose of that resolution was to "modify restrictions on outdoor burning to a full ban throughout unincorporated Lewis County." Exhibit 1. The Board of County Commissioners, recognizing that "weather conditions continue to worsen throughout unincorporated Lewis County creating substantial fire danger,"

modified burn ban restrictions “to prohibit all outdoor burning on all lands regulated by Lewis County, including recreational fires[.]” Exhibit 1.

Our state constitution gives counties and cities authority to make and enforce regulations within their limits, to the extent they do not conflict with general laws. Wash. Const. art. XI, sec. 11; *Rhoades v. City of Battle Ground*, 115 Wn. App. 752, 762, 63 P.3d 142 (2002). This delegation of power to municipalities is strictly limited to exercise of that power within the limits of such municipalities. *Brown v. City of Cle Elum*, 145 Wash. 588, 589-90, 261 P. 112 (1927).

In accordance with this limitation on the county’s authority, County Resolution 248 applies only to “lands regulated by Lewis County,” specifically “unincorporated Lewis County.” Exhibit 1. It was undisputed at trial that Restvedt’s property was within Centralia city limits. 3RP 71. It was regulated by the city, not the county, and therefore County Resolution 248 did not apply to Restvedt’s property.

The State established at trial that the City of Centralia ordered a burn ban as well, prohibiting all outdoor burning within the city limits. Exhibit 2. While the State presented evidence that the fire on Restvedt’s property violated the city burn ban, Restvedt was not charged with violating any city resolution or ordinance. He was charged with violating Lewis County Resolution 248. CP 99. There was no evidence that

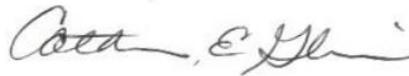
Restvedt maintained a fire on any land regulated by the county, and thus the State failed to prove he violated the county resolution. His conviction must be reversed and the charge dismissed.

D. CONCLUSION

The warrantless entry of Restvedt's backyard was constitutionally unreasonable, and all evidence obtained as a result of the unlawful search must be suppressed. Moreover, the State presented insufficient evidence to establish the charged offenses. Restvedt's convictions must be reversed and the charges dismissed.

DATED October 3, 2019.

Respectfully submitted,



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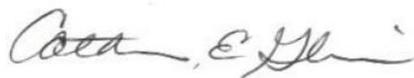
CATHERINE E. GLINSKI  
WSBA No. 20260  
Attorney for Appellant

Certification of Service by Mail

Today I caused to be mailed copies of the Brief of Appellant and Designation of Exhibits in *State v. Troy Restvedt*, Cause No. 53365-1-II as follows:

Troy Restvedt  
500 E. Plum Street  
Centralia, WA 98531

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.



---

Catherine E. Glinski  
Done in Manchester, WA  
October 3, 2019

**GLINSKI LAW FIRM PLLC**

**October 03, 2019 - 4:07 PM**

**Transmittal Information**

**Filed with Court:** Court of Appeals Division II  
**Appellate Court Case Number:** 53365-1  
**Appellate Court Case Title:** State of Washington, Respondent v. Troy C. Restvedt, Appellant  
**Superior Court Case Number:** 18-1-00643-5

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Motion 1 - Extend Time to File  
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