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NO. 53419-3-II

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

STATE OF WASHINGTON,

Respondent,

v.

S.R.G.,

Appellant.

BRIEF OF APPELLANT, S.R.G.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR COWLITZ COUNTY
THE HONORABLE MARILYN K. HAAN, JUDGE

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I. INTRODUCTION

S.R.G., a high school student, was pulled out of class and brought to the principal's office by a teacher. Another student reported that she used a vape pen. The teacher and the principal questioned S.R.G., and she admitted that she had vape juice in her bag. S.R.G. reached into her bag to pull it out, but the school officials stopped her and searched all of her bags. They found contraband including vape juice, a pipe, cigarettes, and a small amount of marijuana.

S.R.G. moved to suppress the items obtained from this warrantless search. She argued that the search was unreasonable after considering the factors set forth in *State v. McKinnon*, 88 Wn.2d 75, 81, 558 P.2d 781 (1977). The trial court refused to consider the *McKinnon* factors and denied her motion. S.R.G. agreed to a stipulated trial and was convicted of unlawful possession of a controlled substance. This Court should reverse because the search was not supported by reasonable suspicion and was unreasonable in scope.

II. ASSIGNMENTS OF ERROR

Assignment of Error 1: The trial court erred by denying S.R.G.'s motion to suppress and by admitting the evidence obtained from the search of her bags. CP 64.

Assignment of Error 2: The trial court erred by finding that the “[u]se of vape pens/juice, cigarettes, [sic] are a problem in schools.” CP 63.

Assignment of Error 3: The trial court erred by concluding that school officials had reasonable suspicion to search S.R.G.’s bags. CP 63-64.

Assignment of Error 4: The trial court erred by refusing to apply the *McKinnon* factors. CP 64.

Assignment of Error 5: The trial court erred by concluding that the search of S.R.G.’s bags was reasonable in scope. CP 64.

Assignment of Error 6: The trial court erred by concluding that exigent circumstances justified the search of S.R.G.’s bags. CP 64.

Assignment of Error 7: The trial court erred by concluding that the search of S.R.G.’s bags was justified by the need to maintain order and discipline in school. CP 64.

Assignment of Error 8: The trial court erred by concluding that the search of S.R.G.’s bags was consistent with the U.S. and Washington Constitutions. CP 64.

Assignment of Error 9: The trial court erred by convicting S.R.G. of unlawful possession of a controlled substance based on the evidence obtained from the warrantless search of her bags. CP 36-45.

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III. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

Issue 1: Did the trial court err by refusing to consider the *McKinnon* factors when Washington courts have repeatedly and consistently considered these factors to determine whether a school search is reasonable?

Issue 2: Did school officials lack reasonable suspicion to search S.R.G. when one student reported that S.R.G. used a vape pen at some unspecified time and place, and S.R.G. reached in her bag to hand over contraband?

Issue 3: Was this search overly broad when S.R.G. clearly indicated which of her bags contained prohibited items, yet school officials searched all of her bags?

IV. STATEMENT OF THE CASE

S.R.G. was a 15-year-old student at Castle Rock High School. CP 1-2. On January 30, 2019, she was pulled out of class by a teacher and taken to the principal's office. Ex. 1. Her bags were searched, revealing items related to smoking and a small amount of marijuana. Ex.s 1-2. Based on this evidence, S.R.G. was charged with, and convicted of, possession of a controlled substance. CP 4-5, 36-45.

The teacher, Shawn Campbell, removed S.R.G. from class after receiving a report from another student. Ex. 1. The student told Mr. Campbell that S.R.G. had and used a vape pen. *Id.* The identity of this student was not disclosed, but Mr. Campbell found the information credible

enough to investigate. *Id.* He brought S.R.G. to see the principal, Ryan Greene. *Id.*

Mr. Campbell and Mr. Greene questioned S.R.G. about the allegations. Ex. 2. They asked if she “had anything in her bags that she shouldn’t have in school.” *Id.* S.R.G. said that she had vape juice in her bag and started to dig through one of her bags. *Id.* Mr. Campbell and Mr. Greene told her that they were going to search all of her bags. *Id.* Mr. Campbell searched S.R.G.’s bags and found the following: a pipe, a small amount of marijuana, two cigarettes, a lighter, a container of vape juice, and a vape pen. Ex.s 1-2. Mr. Greene called the police. Ex. 1.

Officer William Zimmerman of the Castle Rock Police Department responded to the call. CP 1-2. He read S.R.G. her *Miranda* rights and placed her under arrest. CP 2. He also took photos of the items found in her bags. CP 2; Ex. 3. The state charged S.R.G. with violating the Uniform Controlled Substances Act, RCW 69.50.4014, for possessing less than 40 ounces of marijuana. CP 4-5.

S.R.G. moved to suppress the evidence found in her bag. CP 17-19. She argued that school officials conducted an illegal search, without reasonable suspicion. CP 17-19, 32-35. The trial court disagreed and denied the motion to suppress. CP 62-65.

After the court's ruling, the parties agreed to a stipulated bench trial. RP at 34, 37, 54, 64. The parties admitted three exhibits: a statement by Mr. Campbell, a statement by Mr. Greene, and the Castle Rock Police Department report. RP at 40; Ex.s 1-3. Based on this evidence, the trial court found S.R.G. guilty of possessing marijuana beyond a reasonable doubt. RP at 56. The court sentenced S.R.G. to 1 day, time served, and 9 months of community supervision, and 20 hours of community service.¹ RP at 61-63; CP 36-45. S.R.G. appeals. CP 46.

V. ARGUMENT

School officials searched S.R.G. without a warrant. The trial court determined that this search was reasonable because it fell within the school search exception to the warrant requirement. This Court should reverse for three reasons. First, the trial court refused to apply the *McKinnon* factors to determine whether a school search is reasonable. Second, applying these factors, the search was not justified by reasonable suspicion. Third, even if the search was justified, it was impermissibly broad in scope because S.R.G. clearly indicated which bag held the vape juice.

¹ The court also ordered S.R.G. to complete a drug and alcohol evaluation and recommended treatment. RP at 63; CP 41. At the time of sentencing, S.R.G. had already completed the evaluation and was engaged in treatment. RP at 59-60. If S.R.G. completed her treatment early, the court ordered that her supervision could be terminated sooner than nine months. RP at 62. Finally, the court was required to notify the Washington Department of Licensing of S.R.G.'s conviction. RP at 63.

A. The Trial Court Failed to Apply the *McKinnon* Factors to Determine the Reasonableness of this Search.

Students do not lose their constitutional rights at the schoolhouse gate. *See Tinker v. Des Moines*, 393 U.S. 503, 506, 89 S.Ct. 733 (1969); *New Jersey v. T.L.O.*, 469 U.S. 325, 333, 105 S.Ct. 733 (1985). They retain the right to be free from unreasonable searches and seizures by government actors, including school personnel. *T.L.O.*, 469 U.S. at 333. In Washington, courts apply a set of factors from *State v. McKinnon* to determine if a school search is reasonable. 88 Wn.2d 75, 81, 558 P.2d 781 (1977). Here, this Court should reverse because the trial court refused to apply the *McKinnon* factors. RP at 51-53; CP 64.

Under both the state and federal constitutions, a government actor must obtain a warrant supported by probable cause to conduct a search unless an exception applies. U.S. Const. amend. IV; Wash. Const. art. I, § 7; *State v. Meneese*, 174 Wn.2d 937, 943, 282 P.3d 83 (2012). The exceptions to the warrant requirement are “‘jealously and carefully drawn.’” *McKinnon*, 88 Wn.2d at 79 (quoting *Coolidge v. New Hampshire*, 403 U.S. 443, 91 S.Ct. 2022 (1971)).

One exception to the warrant requirement is the “school search exception,” which allows school authorities to conduct a search of a student without probable cause if the search is reasonable under all the

circumstances. *State v. B.A.S.*, 103 Wn. App. 549, 553, 13 P.3d 244 (2000). A search is reasonable if it is: (1) justified at its inception; and (2) reasonably related in scope to the circumstances that justified the interference in the first place. *Id.*; *T.L.O.*, 469 U.S. at 341 (citing *Terry v. Ohio*, 392 U.S. 1, 20, 88 S.Ct. 1868 (1968)).

A search of a student is “justified at its inception” when “there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.” *T.L.O.*, 469 U.S. at 341-42. A search will be permitted in scope “when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.” *Id.* at 342.

Washington courts examine six factors (*McKinnon* factors) to determine whether school officials had reasonable grounds for a search: the student’s (1) age, (2) history, and (3) school record, (4) the “prevalence and seriousness of the problem in the school to which the search was directed,” (5) “the exigency to make the search without delay,” and (6) “the probative value and reliability of the information used as a justification for the search.” *B.A.S.*, 103 Wn. App. at 554 (first enunciated in *McKinnon*, 88 Wn.2d at 81) (reaffirmed post *T.L.O.* in *State v. Brooks*, 43 Wn. App. 560, 567-68, 718 P.2d 837 (1986)).

Although all of the foregoing factors need not be found, “their total absence will render a search unconstitutional.” *Brooks*, 43 Wn. App. at 568. Washington courts have repeatedly considered these factors to determine the reasonableness of a school search. *See State v. A.S.*, 6 Wn. App.2d 264, 269-70, 430 P.3d 703 (2018) (applying the *McKinnon* factors to overturn the search of a 14-year-old’s backpack); *State v. Slattery*, 56 Wn. App. 820, 821-22, 787 P.2d 932 (1990) (applying the *McKinnon* factors to uphold the search of a locked briefcase in a student’s car); *Brooks*, 43 Wn. App. at 561-62 (applying the *McKinnon* factors to uphold the search of a student’s locker).

Here, the state argued that “*McKinnon* is not controlling law,” and the trial court need not consider these factors. RP at 20-21. The state argued that *Meneese* “is the controlling case” and “it completely omits any *McKinnon* factors, even though it does cite *McKinnon* pretty extensively in the context of who can search and be entitled to the warrant exception.” RP at 21.

The state misconstrued *Meneese*. In *Meneese*, a uniformed law enforcement officer, employed as a school resource officer, searched a student’s backpack without a warrant. 174 Wn.2d at 941. The backpack contained an air pistol. *Id.* The student moved to suppress the air pistol as the fruit of an illegal search. *Id.* The *Meneese* Court briefly described the

school search exception before concluding that it applied only to school officials and not to law enforcement. *Id.* at 943-44. Contrary to the state’s argument, the *Meneese* Court did not apply the *McKinnon* factors because it did not apply the school search exception at all. *Id.*

The trial court ultimately agreed with the state and did not consider the *McKinnon* factors. RP at 51-52; CP 64. The court reasoned that considering these factors created a more rigid standard for reasonable suspicion than for probable cause:

The various factors are guidelines to consider to determine reasonableness. That is no different than what we as a court do when determining probable cause, so why would the courts make more narrow a lower standard than probable cause.

CP 64. The court concluded that it did not need to consider the *McKinnon* factors in order to determine that the search was reasonable. *Id.*

Contrary to the trial court’s reasoning, the school search exception is “more narrow” in its application than the probable cause standard because it is limited to school personnel and the school environment. In *Meneese*, the Court summarized *McKinnon* and explained that “a lower standard applied to the principal because his primary duty was to maintain order and discipline at school, not discover and prevent crime like a police officer.” *Meneese*, 174 Wn.2d at 943. The *Meneese* Court elaborated that, “[i]n contrast with teachers and administrators, it is also well settled that law

enforcement officers acting on their own are not entitled to this exception.”

Id. In other words, the school search exception is narrower in its application, even though it applies a lower evidentiary standard of reasonable suspicion. *Id.*

The trial court also refused to consider some of the *McKinnon* factors based on public policy considerations. Specifically, the court refused to consider a student’s history and school record, the second and third *McKinnon* factors:

Why, in this case, would a court consider how a youth does in school, or whether or how often they attend? The use of illegal substances knows no race, economic standard, a student that pulls great grades, or those that may struggle to pass a class. To apply these types of standards to determine if a school search is appropriate would unfairly discriminate against or for any set of youths.

CP 64; *see also McKinnon*, 88 Wn.2d at 81. The trial court erred because this reasoning ignores the purpose of the school search exception.

The underlying rationale for the school search exception is that “teachers and administrators have a substantial interest in maintaining discipline in the classroom and on school grounds’ which often requires swift action.” *Meneese*, 174 Wn.2d at 944, (quoting *Slattery*, 56 Wn. App. at 824). The exception applies the lower standard of reasonable suspicion, but only in the narrow context of school searches, by school personnel, acting as educators and not agents of law enforcement. *Id.* at 943. Because

this exception applies to students in the educational environment, for the purpose of maintaining order and discipline in schools, it is critical that school authorities consider contextual factors like the student’s history and school record before subjecting them to a warrantless search.

For example, the Court of Appeals in *A.S.* concluded that a school search “does not pass muster under the *McKinnon* factors.” 6 Wn. App.2d at 269. There, a middle school principal received a report that a 14-year-old non-student,² A.S., was a threat on campus. *Id.* at 266. The principal looked up her photo but did not review any other information about her. *Id.* He called A.S. into his office, noticed the smell of marijuana, and searched her backpack. *Id.* at 266-67. The *A.S.* Court concluded that the principal lacked reasonable suspicion to search. *Id.* at 269. The Court specifically relied upon the second and third *McKinnon* factors that the trial court refused to consider here, stating that “nothing in the record suggests that [the principal] . . . knew anything about A.S.’s history or school record.” *Id.*

In this case, the trial court erred by refusing to consider the *McKinnon* factors. Courts must consider these factors because, “[w]hile all the factors need not be found, their total absence will render a search

² The Court assumed without deciding that the school search exception applied to non-students on campus. *A.S.*, 6 Wn. App.2d at 269.

unconstitutional.” *Brooks*, 43 Wn. App. at 568. This Court should reverse and remand for consideration of the *McKinnon* factors.

B. Applying the *McKinnon* Factors, School Authorities Lacked Reasonable Suspicion to Search S.R.G.

As explained above, the trial court should have considered the six *McKinnon* factors when evaluating reasonable suspicion in this case. Properly considering these factors leads to the conclusion that school officials lacked reasonable suspicion to search S.R.G.’s bags.

The second and third *McKinnon* factors³ support the conclusion that this search lacked reasonable suspicion. There is no evidence in this case that school officials considered S.R.G.’s history or school record when determining to search her bags. This case resembles *A.S.*, where the principal had some grounds to suspect that A.S. had contraband because smelled like marijuana. 6 Wn. App.2d at 267. The *A.S.* Court concluded that, without considering a child’s history and record, this evidence alone did not justify a search. *Id.* at 269.

Here, the evidence was even less compelling than in *A.S.* School officials received information from another student that, at some point in

³ The first factor, age, does not impact reasonable suspicion in this case. *See, e.g., B.A.S.*, 103 Wn. App. at 555-56 (student was not old enough to drive, which “supported [the school official’s] belief that B.A.S. did not have a valid excuse for being in the parking lot”).

time, S.R.G. had and used a vape pen. Ex.s 1, 2. It is unclear from the record where she had this pen, when she allegedly used it, whether any of this occurred on school grounds, or whether S.R.G. was presently under the influence. *Id.* There was no evidence that S.R.G. had any other controlled substance in her possession. *Id.* When school officials questioned S.R.G., she admitted that she had vape juice and reached into her bag to get it out. Ex. 2. School officials stopped her and decided to search all of her bags instead. *Id.* This escalation to a full search of all of S.R.G.'s bags cannot be justified without at least considering S.R.G.'s history and school record. *See A.S.*, 6 Wn. App.2d at 269.

Similarly, there was no evidence supporting the fourth *McKinnon* factor, that vaping was a problem at the school. The trial court concluded that the “[u]se of vape pens/juice, cigarettes, are a problem in schools.” CP 63. This finding was not supported by substantial evidence, or any evidence. No witnesses testified at this hearing. The only evidence admitted were three exhibits: two witness statements and a police report. Ex.s 1-3. None of these exhibits mentioned a vaping problem at the school. *Id.* Here, there was no evidence establishing the “prevalence and seriousness of the problem in the school to which the search was directed.” *McKinnon*, 88 Wn.2d at 81.

The fifth *McKinnon* factor, exigency, also points to the unreasonableness of this search. The trial court concluded that “the vape juice could have been destroyed or disposed of,” amounting to an exigent circumstance. CP 64. The court also determined that the search was justified by “the schools [sic] interest in maintaining good order and discipline.” *Id.*

The Court of Appeals in *A.S.* specifically rejected the argument that “the exigency component of the *McKinnon* factors is satisfied when there is ‘any threat to the order and discipline of the school.’” 6 Wn. App.2d at 272. Here, there was no evidence that S.R.G. was disruptive or threatening in any way. She was in class, where she was supposed to be, when Mr. Campbell brought her to the principal’s office. There was no indication that she was vaping on campus or during school hours, let alone something more serious like dealing drugs. *See A.S.*, 6 Wn. App.2d at 274 (school officials had “no reason to believe” A.S. was “selling drugs to other students”).

There was also no basis for the trial court’s conclusion that a search was necessary because “the vape juice could have been destroyed or disposed of.” CP 64. S.R.G. did not attempt to hide her bags or destroy the vape juice. *See, e.g., State v. E.K.P.*, 162 Wn. App. 675, 677, 255 P.3d 870 (2011) (search of student’s backpack upheld where student acted suspiciously by trying to hide her backpack). Instead, she actively reached

into her bags to get the vape juice out and surrender it to school authorities. Ex. 2. Mr. Campbell and Mr. Greene stopped her from doing this and instead escalated the situation by searching all of her bags. The trial court erred by concluding that there was a risk S.R.G. would destroy the vape juice when she was in the process of getting it out of her bag and giving it to school officials.

The sixth and final *McKinnon* factor is “the probative value and reliability of the information used as a justification for the search.” *McKinnon*, 88 Wn.2d at 81. According to the trial court, two pieces of information justified this search: the tip from the other student that S.R.G. used a vape pen and S.R.G.’s statement that she had vape juice in her bag. CP 64. As explained above, the tip from the other student was not sufficiently probative or reliable to justify searching S.R.G.’s bags. The student’s tip did not allege when S.R.G. used a vape pen, where this alleged use occurred, or whether she had her vape pen with her at school. S.R.G.’s own statement was also insufficient to justify searching all of her bags. S.R.G. said she had vape juice and immediately reached into her bag to get it out; it was not necessary for school officials to stop her and search all of her bags instead.

The present case differs from other cases where courts have applied the *McKinnon* factors and upheld searches. For example, in *Brooks*, the

Court of Appeals upheld the search of a school locker. In that case, a vice principal received information that Steve Brooks was selling marijuana out of his locker. 43 Wash. App. at 561-62. The vice principal also received reports from three teachers that Brooks appeared to be under the influence. *Id.* at 562. The vice principal herself had confronted Brooks about drug use on three occasions and each time believed that Brooks was under the influence. *Id.* Brooks was also known to spend time during school hours at a place believed by school authorities to be the site of drug trafficking. *Id.* Under these circumstances, the Court applied the *McKinnon* factors and found reasonable suspicion. *Id.* at 561-62, 565.

Similarly, in *Slattery*, the Court of Appeals upheld the search of a locked briefcase in Mike Slattery's car. 56 Wn. App. at 822. In that case, another student notified the vice principal that Slattery was selling marijuana in the school parking lot. 56 Wn. App. at 821-22. The vice principal believed this information was reliable based on his past experience with the informant and because he received other reports that Slattery was involved with drugs. *Id.* at 822. Additionally, Slattery was carrying \$230 cash in small bills and his car also contained a notebook with names and dollar amounts, as well as a pager. *Id.* In applying the *McKinnon* factors, the Court observed that drug use was a "serious, ongoing problem" at the

school and that an exigency existed because Slattery or a friend could have removed Slattery's car from school grounds. *Id.* at 825-26.

Here, unlike in *Brooks* and *Slattery*, there was no evidence about S.R.G.'s history or school record, no information about the prevalence of vaping at the school, no exigency, and far less reliable or probative information from a single student. This Court should reverse because, applying the *McKinnon* factors, school officials lacked reasonable suspicion to conduct a warrantless search of S.R.G.'s bags.

C. School Authorities Exceeded the Permissible Scope of a Search.

A search of a student must be both justified at its inception and reasonable in its scope. *T.L.O.*, 469 U.S. at 341. As explained above, the search of S.R.G. was not justified at its inception because school officials lacked reasonable suspicion. In addition, this search was not reasonable in scope because school officials searched all of S.R.G.'s bags, even after she indicated which one contained vape juice.

A search will be permitted in scope “when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.” *T.L.O.*, 469 U.S. at 342. It is not enough for school officials to believe that a student broke a rule, “[t]here must be a nexus between the

item sought and the infraction under investigation.” *B.A.S.*, 103 Wn. App. at 554.

The Court of Appeals examined this nexus in *B.A.S.* In that case, the school had a closed campus policy. *Id.* at 551-52. Students were not allowed to be in the parking lot during school hours without permission. *Id.* An attendance officer noticed that B.A.S. was in the parking lot in violation of this rule. *Id.* at 552. The attendance officer became suspicious because B.A.S. was only 15 and not old enough to drive. *Id.* He searched B.A.S. and found baggies of marijuana. *Id.*

The *B.A.S.* Court reversed. *Id.* at 553. The Court found no nexus between the infraction—violating the closed campus policy—and the search. *Id.* at 554. The Court rejected the “blanket supposition” that “by violating school rules, a student necessarily draws individualized suspicion on himself.” *Id.* The school “understandably has in place a system of punishment for students who go into the parking lot without permission, but violating that rule without more does not warrant an automatic search.” *Id.* at 554-55.

Here, like in *B.A.S.*, the scope of the search exceeded the infraction under investigation. School officials received a report from another student that S.R.G. used a vape pen. Ex. 2. It is unclear from this evidence where or when this use allegedly occurred, whether it happened on school grounds,

or whether S.R.G. had a vape pen with her at school that day. Ex.s 1, 2. Mr. Campbell and Mr. Greene asked S.R.G. if she had anything she shouldn't, and S.R.G. said she had vape juice in her bag. Ex. 2. She reached into her bag to get the vape juice, but school officials stopped her and searched all of her bags. *Id.*

First, this search exceeded the scope of the alleged infraction. Based on S.R.G.'s statement, school officials at most had grounds to believe that she had vape juice, a prohibited item. S.R.G. was getting this item out of her bag to hand over to school officials. Mr. Campbell and Mr. Greene did not need to search all of her bags in order to secure this contraband. Like in *B.A.S.*, breaking a rule “without more does not warrant an automatic search.” 103 Wn. App. at 555. A search is only justified to find evidence of the alleged infraction, which is not necessary where a student hands over the evidence voluntarily.

Second, even if school officials were justified in searching for the vape juice themselves, they did not have a basis to search all of S.R.G.'s bags. S.R.G. clearly indicated which bag contained the vape juice—she started reaching into that bag to get it out. Ex. 2. Even assuming that Mr. Campbell and Mr. Greene had grounds to search this bag, they had no basis for searching S.R.G.'s remaining belongings. This Court should reverse because the search was not reasonable in scope.

D. All Evidence Obtained from this Illegal Search Must be Suppressed, and S.R.G.’s Conviction Overturned.

All evidence derived from this unlawful search must be suppressed.

“The exclusionary rule mandates the suppression of evidence gathered through unconstitutional means.” *State v. Duncan*, 146 Wn.2d 166, 176, 43 P.3d 513 (2002). “The exclusionary rule has traditionally barred from trial physical, tangible materials obtained either during or as a direct result of an unlawful invasion.” *Wong Sun v. United States*, 371 U.S. 471, 485, 83 S.Ct. 407 (1963).

Suppression of this evidence also requires reversal of S.R.G.’s conviction. “The State must prove every element of a crime beyond a reasonable doubt for a conviction to be upheld.” *State v. Sibert*, 168 Wn.2d 306, 311, 230 P.3d 142 (2010) (quoting *State v. Byrd*, 125 Wn.2d 707, 713, 887 P.2d 396 (1995)). S.R.G.’s conviction was entirely based on the evidence obtained from the search of her bags. Absent this evidence, nothing supports S.R.G.’s conviction. This Court must reverse.

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VI. CONCLUSION

For the foregoing reasons, S.R.G. respectfully requests that this Court exclude the evidence obtained from this illegal search and reverse her conviction.

RESPECTFULLY SUBMITTED this 21st day of October, 2019.



STEPHANIE TAPLIN
WSBA No. 47850
Attorney for Appellant, S.R.G.

No. 53419-3-II

CERTIFICATE OF SERVICE

I, Stephanie Taplin, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct to the best of my knowledge:

On October 21, 2019, I electronically filed a true and correct copy of the **Brief of Appellant, S.R.G.**, via the Washington State Appellate Courts' Secure Portal to the Washington Court of Appeals, Division II. I also served said document as indicated below:

| | |
|--|--|
| Meghan E Dunlap Cowlitz County Prosecutor's Office 312 SW 1st Ave, Rm 105 Kelso WA 98626-1799 | (X) via email to: Dunlapm@co.cowlitz.wa.us; Appeals@co.cowlitz.wa.us |
|--|--|

| | |
|--------------------------------|---------------------|
| S.R.G. Confidential address | (X) via U.S. mail |
|--------------------------------|---------------------|

SIGNED in Port Orchard, Washington, this 21st day of October,
2019.



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