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No. 53645-5-II

**Court of Appeals, Div. II,  
of the State of Washington**

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State of Washington,

Respondent,

v.

**Brian Glaser,**

Appellant.

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**Brief of Appellant Brian Glaser**

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## **1. Introduction**

The police investigation in this case was full of errors and overreach. Detectives arrested Glaser and sought search warrants before building a sufficient case for probable cause. They unlawfully interrogated him for hours after he invoked his right to counsel. They based their search warrant application on statements made by Glaser in the unlawful interrogation. They seized physical evidence that Glaser pointed out to them as part of the interrogation. The trial court suppressed some of the evidence, but not enough to vindicate Glaser's rights.

This Court should reverse the conviction and the trial court's orders, suppress the evidence, and remand for further proceedings.

## **2. Assignments of Error**

### **Assignments of Error**

1. The trial court erred in not suppressing evidence of the backpack and firearm discovered as a result of the unlawful interrogation of Glaser by police.
2. The trial court erred in not suppressing all evidence obtained from the search of Glaser's home where the inventory violated CrR 2.3(d) because it was inaccurate and not reviewed or witnessed by a second officer.
3. The trial court erred in not suppressing evidence obtained from the search of Glaser's truck.

### **Issues Pertaining to Assignments of Error**

1. Improperly obtained evidence can still be admissible under the independent source doctrine if the untainted facts in a warrant still support a finding of probable cause. Here, the untainted facts in the warrants for the truck and the house do not give rise to probable cause. Did the trial court err in denying Glaser's motions to suppress? (assignments of error 1, 3)
2. Violation of the inventory requirements of CrR 2.3(d) may result in suppression of evidence if the violation prejudices the defendant. Under *Linder*, Glaser was prejudiced by being forced into a "swearing contest" with law enforcement. Did the trial court err in denying Glaser's motion to suppress? (assignment of error 2)

### **3. Statement of the Case**

Glaser’s appeal assigns error to pre-trial rulings on suppression of evidence. His statement of the case will be drawn primarily from the trial court’s Findings of Fact and Conclusions of Law filed July 17, 2019, in support of the pre-trial rulings. CP 629-36.

#### **3.1 Brian Glaser was arrested and interrogated on suspicion of murder, and his home searched.**

Donald Duckworth was found dead at a work site from multiple gunshot wounds. 3 RP 459-62.<sup>1</sup> Police quickly focused on Brian Glaser as a suspect. *See* CP 630 (Finding of Fact #1). The day after the murder, police arrested Glaser and interrogated him. CP 630. Glaser was read his *Miranda* rights. CP 630. The interview was recorded. CP 630.

Early in the interview, Glaser stated in response to a question, “I think I need a lawyer.” CP 630. The detectives asked two confirming questions, which Glaser answered in the affirmative. CP 630.

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<sup>1</sup> The Report of Proceedings in this case includes many volumes. Some are numbered, some are not. The report of the trial consists of numbered volumes 1-9, which are consecutively paginated. This brief will cite the trial proceedings with volume and page numbers, as here (*e.g.*, “3 RP 459-62”). All other proceedings will be cited with date and page number, such as, “RP, Feb. 25, 2019, at 123.”

Despite Glaser's request for counsel, the detectives continued to interrogate Glaser for hours. CP 630. Ultimately, the detectives escorted Glaser to his residence, where they continued to ask him questions. CP 630.

While the interview was still going, other detectives obtained a search warrant for Glaser's residence. CP 632-33 (Finding of Fact #5). The warrant was brought to Glaser's residence, but was never shown to Glaser. RP, Feb. 21, 2019, at 50. Glaser pointed out the locations of a backpack containing the suspected murder weapon; the jacket he wore on the day of the murder; and spent shell casings he had collected from the murder scene. CP 633 (Finding of Fact #6).

Detective Birkenfeld removed the backpack from the home and took it to the police station. RP, Feb. 21, 2019, at 29. Glaser was also transported to the police station. RP, Feb. 21, 2019, at 68-69. Detective Peffer completed the search warrant and prepared an inventory of the items taken. CP 633-34 (Finding of Fact #8). The inventory contains errors and omissions and was not witnessed by the other officers. CP 633-34.

### **3.2 The trial court suppressed some evidence from the interrogation and search but did not suppress the backpack and firearm.**

Glaser moved to suppress all of his statements and the physical evidence obtained as a result of the arrest, interrogation, and search of his home and truck. *See* CP 634-36 (each conclusion of law addresses a different aspect of Glaser's motions). The trial court found that Glaser had unequivocally invoked his right to counsel, and suppressed all statements made after that point. CP 634. The trial court excised some improper statements from the search warrants but retained others, and concluded that the remaining information still supported probable cause for the warrants. CP 635. Although it suppressed the shell casings, which would not have been found without Glaser's statements, the trial court did not suppress the backpack and firearm, applying the independent source doctrine to cure the taint of the unlawful interrogation. CP 635. The trial court agreed with Glaser that the inventory violated CrR 2.3(d), but declined to suppress the evidence, reasoning that Glaser had not been prejudiced by the violation.

### **3.3 The jury found Glaser guilty of first degree murder.**

The court held a lengthy trial. *See, generally*, RP volumes 1-9 (dated May 8, 2019 through May 29, 2019). There were numerous pre-trial motions in limine, *see* RP, Mar. 27, 2019, and

hotly-contested evidentiary objections, some of which generated supplemental briefing during the trial, *see, e.g.*, CP 568-73. The trial court rejected Glaser’s request for a lesser-included instruction on manslaughter, but granted a lesser-included instruction on second-degree murder. 8 RP 1279-83.

The jury found Glaser guilty of first-degree murder and found that he was armed with a firearm. CP 606-07. The court sentenced Glaser to 380 months in prison, the top of the standard range. CP 611-12.

## **4. Argument**

### **4.1 Decisions relating to suppression of evidence are reviewed de novo.**

The issues raised in this appeal all deal with suppression of evidence. Conclusions of law relating to suppression of evidence are reviewed de novo. *State v. Betancourth*, 190 Wn.2d 357, 363, 413 P.3d 566 (2018). Findings of fact are reviewed for substantial evidence. *State v. Linder*, 190 Wn. App. 638, 643, 360 P.3d 906 (2015). Application of the “independent source doctrine,” including determining anew whether probable cause exists after striking improper information from a warrant, is necessarily a de novo exercise. *See Detention of Petersen*, 145 Wn.2d 789, 799-801, 42 P.3d 952 (2002) (holding that the

question of whether certain factual information establishes probable cause must be reviewed de novo).

**4.2 This Court should reverse the trial court's denial of Glaser's motion to suppress the fruits of the search of his house as fruit of the poisonous tree.**

Under article I, section 7 of the state constitution, evidence obtained from an illegal search and seizure must be suppressed, including any evidence obtained as “fruit of the poisonous tree.” *Betancourth*, 190 Wn.2d at 364. The purposes of this “exclusionary rule” are to protect an individual’s privacy interests against unreasonable government intrusions; to deter police from acting unlawfully in obtaining evidence; and to preserve the integrity of the judicial system by not tainting proceedings with illegally obtained evidence. *Id.*

Brian Glaser was unlawfully interrogated by police after invoking his right to counsel. CP 634 (Conclusion of Law #2). The trial court correctly suppressed all statements made to law enforcement after invoking his right to counsel. After hours of interrogation, the detectives escorted Glaser to his residence, where they continued to question him. CP 630 (Finding of Fact #1). At the home, Glaser showed detectives a backpack containing the suspected murder weapon; the jacket he wore on the day of the murder; and spent shell casings he had collected from the murder scene. CP 633 (Finding of Fact #6). The trial

court suppressed the spent shell casings, which would not have been found without Glaser's assistance. *See* CP 633 (Finding of Fact #7).

Under the "independent source doctrine," an exception to the exclusionary rule, tainted evidence may still be admissible, "provided that it ultimately is obtained pursuant to a valid warrant or other lawful means independent of the unlawful action." *State v. Gaines*, 154 Wn.2d 711, 718, 116 P.3d 993 (2005). The independent source doctrine may be applied when two elements are met: 1) the unlawful activity in no way contributed to the issuance of the warrant; **and** 2) police would have sought the warrant even absent the initial illegality. *Betancourth*, 190 Wn.2d at 365.

The independent source doctrine in Washington is more strict than the "inevitable discovery doctrine" applied in other jurisdictions. *Betancourth*, 190 Wn.2d at 366 n.3 (citing *State v. Winterstein*, 167 Wn.2d 620, 636, 220 P.3d 1226 (2009) (rejecting the inevitable discovery doctrine)). The inevitable discovery doctrine, rejected under the Washington Constitution, applies to evidence that **could have been** discovered by legal means, whereas Washington's independent source doctrine applies only to evidence that **was actually** discovered by legal means. *Id.* A court may not speculate as to whether the evidence could hypothetically have been obtained through lawful means. *Id.*

What a court may do in analyzing a tainted warrant is to determine whether, if all unlawfully obtained information is stricken from the warrant, probable cause still exists to support the warrant. *Betancourth*, 190 Wn.2d at 368-69 (citing *Gaines*, 154 Wn.2d 711). This is because the inclusion of illegally obtained information in a warrant affidavit does not render the warrant *per se* invalid. *Gaines*, 154 Wn.2d at 718. If, with the taint removed, the warrant would have been valid to allow seizure of the challenged evidence, the first prong of the independent source test is satisfied.

The trial court found that the second prong—that the police would have sought the warrant even absent the illegally obtained information—was met in this case. CP 632 (Finding of Fact #4). Although Glaser disagrees with this finding, it is supported by substantial evidence in the testimony of Detective Peffer and therefore will not be disturbed on appeal. The issue here is the first prong, which this Court should review *de novo*.

After all improper information is removed from the warrant affidavit, there is no longer probable cause for the search. Therefore, the independent source doctrine cannot cure the improper seizure of the backpack and firearm. This Court should reverse the trial court's denial of the motion to suppress.

**4.2.1 The trial court should have stricken the fingerprint evidence because the warrant affidavit failed to establish Detective Grant's qualifications as a fingerprint examiner.**

In determining whether a statement from an officer claiming specialized knowledge can form the basis for a valid warrant, courts examine whether there was sufficient information for the magistrate to infer that the officer was actually qualified to draw the conclusion they did. *State v. Olson*, 74 Wn. App. 126, 131, 872 P.2d 64 (1994). To show that an officer's professional opinion is more than an inadequate personal belief, the officer must set forth in the affidavit the necessary skill, training, or experience to justify the offered opinion. *State v. Ibarra*, 61 Wn. App. 695, 702, 812 P.2d 114 (1991). Where the proffered qualifications are insufficient, the opinion must be stricken. *See Id.* at 702-03.

The qualifications set forth in this case for Detective Grant fall far short of the qualifications approved of by the court in *Olson*. In *Olson*, the officer set forth his qualifications to identify the smell of burning or growing marijuana:

[Brossard] graduated from the Basic Drug Enforcement Administration (DEA) course for controlled substances in February 1992. As of this date he has attended one controlled substances investigation seminars [sic]. He graduated from a 36 hour patrol officer course in controlled substances investigation....

As of this date, while assigned to the task force, he participated in approximately 60 controlled substances investigations. In investigating these cases he has handled substances later identified as cocaine and marijuana. He has investigated approximately five cases involving the manufacture of marijuana.

*Olson*, 74 Wn. App. at 131 (alterations in the opinion). The statement of qualifications demonstrated that the officer's training related to investigation of controlled substances. It set forth the officer's practical experience in investigating and handling marijuana. The appellate court held this was sufficient to raise an inference that the officer was qualified to identify marijuana by smell. *Olson*, 74 Wn. App. at 131.

Detective Grant's stated qualifications in this case, in contrast, do not sufficiently connect to his proffered opinion of a fingerprint match to Brian Glaser. Detective Grant's qualifications were stated as follows:

Attended the scientific basic fingerprints course, 24 hours at the Biometric Technology Center of the FBI in Clarksburg, West Virginia, 40 hours at the Michigan State forensic lab in Lansing, Michigan, and FBI advanced crime scene photography in Bremerton, Washington.

CP 631-32 (Finding of Fact #3).

None of these trainings are explained. Only one (basic fingerprints course) clearly relates to fingerprints, and there is not enough information about it to know if Detective Grant was

actually trained in the process of collecting and rigorously comparing fingerprint samples. The other courses are not described in sufficient detail to know if they have any relation to fingerprints at all. Nothing is said about Detective Grant's practical experience in collecting or comparing fingerprint samples. There is no way to know from this statement whether Detective Grant has ever done such work at all.

From these stated qualifications, it is impossible to know whether Detective Grant has any practical competency in the field in which he is offering an opinion. Based on these stated qualifications, it is not possible to reasonably infer that Detective Grant was qualified to offer the opinion that fingerprints found at the crime scene were a match to Brian Glaser. Because there was no factual basis for the opinion, the opinion must be stricken from the warrant.

**4.2.2 After striking all improper information, there was not probable cause to search Glaser's house.**

To establish probable cause, the revised affidavit must set forth facts sufficient to convince a reasonable person of the probability that the defendant engaged in criminal activity and that evidence of the criminal activity can be found at the place to be searched. *State v. Lyons*, 174 Wn.2d 354, 359, 275 P.3d 314 (2012). Because the Court is now reviewing a revised affidavit,

with all improper information stricken, a de novo review is required. *See Detention of Petersen*, 145 Wn.2d at 799-801 (holding that the question of whether certain factual information establishes probable cause must be reviewed de novo).

The trial court correctly struck information obtained from the unlawful interrogation of Glaser and from unidentified informants “Pinky” and “Sue.” CP 635 (Conclusion of Law #4 (“Pinky”) and Conclusion of Law #5 (Glaser)); *see* CP 70 (State conceded “Sue” was insufficiently identified). This Court should also strike Detective Grant’s fingerprint opinion.

Without the offending information, there was not enough left to establish probable cause to search Glaser’s truck or his home. The remaining information in the truck search warrant was that Mrs. Duckworth indicated that Brian Glaser, a former employee, had recently had a falling out with Mr. Duckworth. CP 263. Glaser had filed an L&I claim, and Mr. Duckworth was upset about it. CP 263. Some time after Glaser quit his job, Mr. Duckworth was concerned about Glaser’s behavior, calling him aggressive and crazy. CP 263.

Eugenia Vansickle, who resides near the crime scene, told detectives that she had seen a pickup truck with a lift in the back at the work site around 1:30 in the afternoon the day of Mr. Duckworth’s death. CP 264. She saw three males speaking near the work site and the vehicle. CP 264. Officers determined

that Brian Glaser was associated with a Nissan pickup truck. CP 263. Officer's drove by Glaser's last known address and found a pickup truck with a lift in the back. CP 263-64.

While it is certain that these facts give rise to a need to investigate further, they do not rise to the level of convincing a reasonable person that Brian Glaser committed murder or that evidence of the murder would be found in Glaser's truck. Without Detective Grant's deficient fingerprint opinion, there is insufficient information in the warrant application from which to infer that Glaser was at the crime scene that day. There is insufficient information to conclude that the truck seen by Ms. Vansickle was actually Glaser's truck. The warrant application does not even indicate that Glaser actually owned or operated the truck that was seen at his residence (stating only that he was "associated" with it).

To establish probable cause, the revised affidavit must set forth facts sufficient to convince a reasonable person of the probability that the defendant engaged in criminal activity and that evidence of the criminal activity can be found at the place to be searched. *Lyons*, 174 Wn.2d at 359. Without the additional information provided by "Pinky," "Sue," and in particular, Detective Grant, the remaining facts are not sufficient to convince a reasonable person that Glaser probably was involved in the murder of Mr. Duckworth. After striking the improper

information, the search warrant for the truck was not supported by probable cause. All evidence obtained from the search should have been suppressed.

The search warrant for Glaser's house also falls because it was based on the same information as the warrant for the truck. *See* CP 277 (incorporating the prior information). The warrant application also added some new information. Glaser's mother had not noticed Glaser leave on the day of the murder, but she saw him come home at 3:26 that afternoon. CP 278. She described the clothing he was wearing. CP 278. The home had two gun safes containing handguns and a few shotguns. CP 278. There was ammunition in the house. CP 278. Glaser had access to one of the gun safes. CP 278. The house was located about 1.5 miles away from the crime scene, over rural roads with low speed limits. CP 278.

Without the stricken information from the unlawful interrogation, there is still no information to place Glaser at the crime scene. Without the excluded information of "Sue" regarding when she heard gunshots, there is no information about the time of the murder or whether that would correspond with the time that Glaser was away from the home. There is no information about the location of the truck before or after Glaser came home.

Again, the remaining facts are not sufficient to convince a reasonable person that Glaser probably was involved in the murder of Mr. Duckworth. The remaining facts are not sufficient to convince a reasonable person that evidence of the crime would probably be located at Glaser's home. Contrary to the detective's assertion in the warrant application, there was not probable cause to believe Glaser was at the crime scene or that he traveled from the crime scene to his home in his truck. *See* CP 279.

After striking the improper information, the search warrant for Glaser's residence was not supported by probable cause. The independent source doctrine cannot cure the improper seizure of the backpack and firearm, which was fruit of the unlawful interrogation. All evidence obtained from the search, particularly the backpack and firearm, should have been suppressed. This Court should reverse the conviction and the trial court's order, suppress the evidence, and remand for further proceedings.

**4.3 This Court should reverse the trial court's denial of Glaser's motion to suppress the fruits of the search of his house due to the State's violations of CrR 2.3(d).**

Criminal Rule 2.3(d) requires that an officer executing a search warrant must prepare an inventory and a receipt listing all property taken pursuant to the warrant:

The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and a receipt for the property taken. If no such person is present, the officer may post a copy of the search warrant and receipt. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one person other than the officer.

CrR 2.3(d).

The rule is violated if the inventory is inaccurate or not witnessed by a second person. *See Linder*, 190 Wn. App. at 651. The purpose of the witness requirement is “to safeguard, if possible, against errors, willful or inadvertent, by one officer acting alone.” *State v. Wraspir*, 20 Wn. App. 626, 629, 581 P.2d 182 (1978). In order to satisfy this purpose, the “person other than the officer” must not only be physically present but also directly cognizant of the inventory and the property being taken, such that the person can perform this fact-checking function to ensure the accuracy of the inventory.

The remedy for violation of CrR 2.3(d) is suppression of the evidence seized. *Linder*, 190 Wn. App. at 651-52. If the defendant fails to show prejudice from the violation, the evidence need not be suppressed. *Id.* at 651. Prejudice exists

where the inventory is inaccurate or where no other remedy short of suppression could cure the violation. *Id.*

In *Linder*, the trial court was unwilling to find that the unwitnessed inventory was accurate. *Linder*, 190 Wn. App. at 651. The appellate court agreed that the violation could not be cured short of suppression because “a defendant’s only recourse would be to deny the accuracy of the inventory in opposition to the word of a police officer, and from common experience, this places defendant at a disadvantage.” *Id.* In such a case, suppression is the only remedy that will serve the purposes of protecting individuals’ privacy interests, deterring unlawful actions by police, and preserving the dignity of the judiciary by refusing to consider evidence that was improperly obtained. *See Id.* at 651-52.

In this case, the trial court correctly found that Detectives Switzer and Butler were not cognizant of the inventory prepared by Detective Peffer. CP 633-34 (Finding of Fact #8), 636 (Conclusion of Law #7). The trial court correctly concluded that the witness requirement of CrR 2.3(d) requires that the witness must “have both physical proximity and meaningful awareness.” CP 636 (Conclusion of Law #7); *see also* CP 455 (Glaser’s argument about the role of the witness). The trial court correctly concluded that the inventory was not properly witnessed under the rule. CP 636 (Conclusion of Law #7).

The trial court also correctly found that the inventory was not accurate. CP 633-34 (Finding of Fact #8). The trial court's finding states, "The inventory form contains errors. The inventory omits some items that were collected, and the description of some items listed lack specificity as to avoid confusion." CP 633-34 (Finding of Fact #8). The trial court correctly concluded, "the inventory created by Detective Peffer violated CrR 2.3(d) because it is inaccurate, containing certain omissions and vague descriptions." CP 636 (Conclusion of Law #7).

The inventory omitted the backpack and its contents, including the alleged murder weapon; the shell casings found outside the home only with Glaser's assistance; and currency that was seized without authority under the warrant. Trial Ex. 199A; 4 RP 585 (backpack and firearm omitted); RP, Feb. 25, 2019, at 123, 125 (Detective Peffer claims his vague description of "boxes of ammunition" included the spent shell casings buried outside the house); *see* CP 458. The inventory and the receipt were inconsistent with each other, and both had the same omissions. Trial Exs. 199A, 199B; RP, Feb. 25, 2019, at 113-14. The most important item taken from the house—the alleged murder weapon—was nowhere to be found in the warrant inventory. 4 RP 585.

The trial court erred in concluding that there was no prejudice from this violation. As we learn from *Linder*, an inaccurate, unwitnessed inventory prejudices the defendant by placing them at an unfair disadvantage in defending against the physical evidence that would be used against them at trial if it is not suppressed. *Linder*, 190 Wn. App. at 651. “Individuals still have an interest ... in being protected from the admission into evidence of an inventory that is conducted in violation of the rule and that is irretrievably tainted by having been prepared by a single officer, with literally no one else around.” *Id.* at 651-52. The unspoken implication of *Linder* is that the police could have tampered with or fabricated evidence and *Linder* would have had no way to raise the issue without ending up in a “swearing contest” against a police officer over the accuracy of the inventory.

Here, the backpack and firearm were omitted from the inventory. Police testified that they were seized pursuant to the warrant and that the firearm was in the backpack at the time it was seized, yet neither item was ever included in the inventory. The detectives attempted to explain the discrepancy as a simple mistake. But it would seem that, in fact, the backpack had been seized as part of the unlawful interrogation of Glaser. The detectives seized the backpack because Glaser pointed it out to them. RP, Feb. 21, 2019, at 28. Without searching it thoroughly,

Detective Birkenfeld took the backpack to the police department. RP, Feb. 21, 2019, at 29. Detective Peffer's report indicated that after Glaser and Detective Birkenfeld were gone, that is when he executed the search warrant. RP, Feb. 21, 2019, at 69. Detective Peffer's report says nothing about announcing or executing the warrant while Glaser was present. RP, Feb. 21, 2019, at 67-68. Neither Peffer nor Birkenfeld showed Glaser the warrant or gave him a copy. RP, Feb. 21, 2019, at 40-41, 50.

If the backpack was not seized as part of the search warrant, it must have been seized without a warrant as part of the unlawful interrogation of Glaser. As the trial court realized with the spent shell casings, any evidence recovered as a result of the unlawful interrogation must be suppressed. If the backpack was, in fact, seized as part of the unlawful interrogation and not pursuant to the search warrant, the backpack and its contents should have been suppressed.

If the backpack was seized under the search warrant, the issue of the inaccurate, unwitnessed inventory remains. The trial court reasoned, erroneously, that because the state conceded the inaccuracy of the inventory, Glaser would not be forced into "the presumptive losing end of a swearing contest with law enforcement." CP 636 (Conclusion of Law #7). But that is precisely what Glaser was forced into.

Glaser’s only defense against the physical evidence presented by the State at trial was to attempt, through cross-examination, to raise a reasonable doubt as to authenticity of the evidence by challenging the accuracy of the inventory and the veracity of the detectives themselves in explaining the discrepancies. *See, e.g.*, 4 RP 522-23 (police errors in this investigation resulted in new procedures being put in place), 528-29 (inventory should include all items taken and should be consistent with receipt), 564 (inventory and receipt did not match), 583-85 (“ammunition” entry should have been split into separate items), 585 (most important evidence does not appear anywhere on the inventory). A significant portion of Glaser’s closing argument was devoted to the issue of how the detectives failed to properly account for how they obtained and handled the alleged murder weapon. 9 RP 1432-41. This is precisely the kind of “swearing contest”—challenging the veracity of the investigating detectives regarding the physical evidence—that the *Linder* court held was unfairly prejudicial and required suppression of the seized evidence.

The trial court erred in concluding that there was no prejudice. Because Glaser was prejudiced by the inaccurate, unsworn inventory, all evidence seized from his home should have been suppressed, including the backpack and firearm. This

Court should reverse the conviction and the trial court's order, suppress the evidence, and remand for further proceedings.

## **5. Conclusion**

The independent source doctrine cannot cure the improper seizure of the backpack and firearm as fruit of the unlawful interrogation of Glaser. Once all improper information is stricken from the warrants, there is no probable cause. Additionally, Glaser was prejudiced by the officers' violations of CrR 2.3(d), under *Linder*. Either way, the remedy is the same: This Court should reverse the conviction and the trial court's order, suppress the evidence obtained from the truck and the residence, and remand for further proceedings.

Respectfully submitted this 24<sup>th</sup> day of March, 2020.

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## Certificate of Service

I certify, under penalty of perjury under the laws of the State of Washington, that on March 24, 2020, I caused the foregoing document to be filed with the Court and served on counsel listed below by way of the Washington State Appellate Courts' Portal.

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I further certify that on March 24, 2020 (having missed the March 24 cutoff at the post office), I served the Brief of Appellant and a copy of RAP 10.10 on the Appellant, Brian Glaser, by depositing a copy in the U.S. mail, postage paid, to the following address:

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SIGNED in Lewis County, WA, this 24<sup>th</sup> day of March, 2020.

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