

91642-0

RECEIVED BY E-MAIL

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT

v.

CORTNEY L. BLOOMSTROM, BROOKE M. BUTTON,
CHRISTOPHER V. CROOPER, APPELLANTS

APPEAL FROM THE SUPERIOR COURT
OF SPOKANE COUNTY

(Spokane Superior Court No. 15-2-00674-1, 15-2-00725-9, 15-2-00828-0)

RESPONSE TO MOTION FOR DISCRETIONARY
REVIEW

LAWRENCE H. HASKELL
Prosecuting Attorney

Katherine McNuly WSBA# 48448
Deputy Prosecuting Attorney
Attorneys for Respondent

County-City Public Safety Building
West 1100 Mallon
Spokane, Washington 99260
(509) 477-3662

FILED AS
ATTACHMENT TO EMAIL

 ORIGINAL

INDEX

I. IDENTITY OF PARTIES..... 1

II. ISSUE PRESENTED..... 1

III. STATEMENT OF THE CASE 1

**IV. ARGUMENT OF WHY REVIEW SHOULD NOT BE
ACCEPTED 6**

V. CONCLUSION 10

TABLE OF AUTHORITIES

WASHINGTON CASES

City of Seattle v. Holifield, 170 Wn.2d 230, 240 P.3d 1162 (2010) 9

RULES

CrRLJ 3.2 7

RAP 4.2 6, 7

I. IDENTITY OF PARTIES

Cortney L. Blomstrom, Brooke M. Button and Christopher V. Cooper are the petitioners in this case. Respondent is the State of Washington.

II. ISSUE PRESENTED

Should the petition for discretionary review be denied?

III. STATEMENT OF THE CASE

Cortney Blomstrom:

Cortney Blomstrom pled guilty to this offense and was sentenced on May 12, prior to the filing of the Statement of Grounds for Discretionary Review filed on October 1, 2015. Attach. A. She no longer is subject to conditions of pre-trial release. On February 1, 2015, Trooper Sanders was on routine patrol in Spokane County, Washington. He observed a vehicle ahead of him having difficulty staying within its lane of travel. The vehicle continued to swerve and drift between lanes. Trooper Sanders made contact with the driver, identified as the Petitioner Cortney Blomstrom. Ms. Blomstrom exhibited the signs of intoxication and admitted to having three drinks that evening. She provided two valid breath samples with results of .191/.184.

On February 2, 2015, Ms. Blomstrom appeared before Judge Tripp and the court found probable cause for the crime and set release conditions. The court ordered, among other conditions, that Ms. Blomstrom submit to

random ETG/THC testing two times per month. On February 27, 2015, Petitioner filed the request for a writ of review under *Blomstrom vs. Honorable Gregory Tripp and District Court, et. al.*, Superior Court No. 15-2-00725-9 alleging that the court exceeded its lawful authority by ordering random testing for alcohol/marijuana.

On March 31, 2015, Superior Court Judge Salvatore Cozza denied the request for a writ of review and stated that the petitioners' challenge was barred from consideration by writ and that the challenge can only be undertaken by a RALJ appeal if the petitioners are convicted or plead guilty to the charges.

On May 15, 2015, the Spokane County Public Defender's Office filed a request for direct review to the Supreme Court. The Public Defender's Office subsequently filed a motion for discretionary review on October 1, 2015. Their basis for the request is that this case involves a fundamental and urgent issue of broad public importance. They also claim, without any supporting evidence, that the pretrial monitoring practices at issue are being routinely imposed across the State.

Brooke Button:

On June 10, 2015, the defendant was found guilty at jury trial of DUI; she was sentenced on June 29, 2015. Attach. B. She is no longer

subject to conditions of pretrial release. This Petitioner has a prior conviction for DUI (2009).¹ Attach. C.

On February 27, 2015, Deputy Miller was on routine patrol in Spokane County, Washington. He observed a vehicle constantly swerving from side to side and braking on and off for no apparent reason. He contacted the driver, later identified as the Petitioner. She had red, glassy eyes, droopy eyelids, slow movements and there was an odor of marijuana coming from inside the car. She later admitted to taking some hydrocodone in the morning. The Petitioner had difficulty following instructions on the field sobriety tests and the officer, who is a certified DRE, believed that she was under the influence of a drug. A search warrant for blood was obtained. While at the hospital, the Petitioner said numerous times that she would “sue” the officer and that she knows why people “shoot cops in the face.”

On March 2, 2015, the Petitioner appeared before Judge Tripp and the court found probable cause for the crime and set release conditions. The court ordered, among other conditions, that the Petitioner submit to testing. While the defendant was initially required to install an ignition interlock device, at the March 2 hearing Judge Tripp did not require the

¹ In the Statement of Grounds for Review, Petitioner claims the Petitioner “have no prior DUI history.” Page 1, Issues Presented for Review, No. 2.

defendant to install an ignition interlock device because the charge did not involve an allegation of alcohol use. Attach. D. On March 6, 2015, the Petitioner filed the request for a writ of review under *Button vs. Honorable Gregory Tripp and District Court, et. al.*, Superior Court No. 15-2-00828-0 alleging that the court exceeded its lawful authority by ordering random testing for alcohol/marijuana.

On March 31, 2015, Superior Court Judge Salvatore Cozza denied the request for a writ of review and stated that the petitioners' challenge was barred from consideration by writ and that the challenge can only be undertaken by a RALJ appeal if the petitioners are convicted or plead guilty to the charges.

On May 15, 2015, the Spokane County Public Defender's Office filed a request for direct review to the Supreme Court. The Public Defender's Office subsequently filed a motion for discretionary review on October 1, 2015. Their basis for the request is that this case involves a fundamental and urgent issue of broad public importance. They also claim, without any supporting evidence, that the pretrial monitoring practices at issue are being routinely imposed across the State.

Christopher Cooper:

On February 7, 2015, Trooper Thoet was on routine patrol in Spokane County, Washington. He observed a red Acura swerve around a

group of vehicles into the outside lane of travel and rapidly accelerate. The driver was slowly weaving side to side in his lane of travel and drove over the skip line multiple times. Trooper Thoet made contact with the driver, identified as the Petitioner Christopher Cooper. Mr. Cooper admitted to drinking a few drinks at the "Corner Club." The trooper noticed an obvious odor of intoxicants on Mr. Cooper's breath. He provided a valid breath sample of .175/.174.

On February 9, 2015, Mr. Cooper appeared before Judge Tripp and the court found probable cause for the crime and set release conditions. The court ordered, among other conditions, that Mr. Cooper submit to random ETG/THC testing four times per month.

On February 24, 2015, Petitioner filed the request for a writ of review under *Cooper v. Honorable Tripp and District Court, et. al.*, Superior Court No. 15-2-00674-1 alleging that the court exceeded its lawful authority by ordering random testing for alcohol/marijuana.

On March 31, 2015, Superior Court Judge Salvatore Cozza denied the request for a writ of review and stated that the petitioners' challenge was barred from consideration by writ and that the challenge can only be undertaken by a RALJ appeal if the petitioners are convicted or plead guilty to the charges.

On May 15, 2015, the Spokane County Public Defender's Office filed a request for direct review to the Supreme Court. The Public Defender's Office subsequently filed a motion for discretionary review on October 1, 2015. Their basis for the request is that this case involves a fundamental and urgent issue of broad public importance. They also claim, without any supporting evidence, that the pretrial monitoring practices at issue are being routinely imposed across the State.

Mr. Cooper is still subject to pretrial release conditions as he has requested that his case be continued pending this action. Attach. E. While Mr. Cooper is still subject to pretrial release conditions he has not reported for random testing since March 16, 2015. Attach. F.

IV. ARGUMENT OF WHY REVIEW SHOULD NOT BE ACCEPTED

The defendants are requesting that this Court accept discretionary review under RAP 2.3(d); however, what they are actually seeking is direct review by this Court which is governed by RAP 4.2(a). A party may seek direct review in the Supreme Court of the State of Washington of a decision of a superior court which is subject to review as provided in Title 2 only in the following types of cases: (1) Authorized by Statute; (2) Law Unconstitutional; (3) Conflicting Decisions; (4) Public Issues; (5) Action Against State Officer; or (6) Death Penalty. RAP 4.2(a).

Appealable Decisions: “If the Supreme Court denies direct review of a superior court decision appealable as a matter of right, the case will be transferred without prejudice and without costs to the Court of Appeals for determination.” RAP 4.2(e)(1).

Discretionary Review: “A motion for discretionary review in the Supreme Court of a superior court decision may be granted, denied, or transferred to the Court of Appeals for determination. If the Supreme Court denies a motion for discretionary review of a superior court decision, the moving party may not file the same motion in the Court of Appeals.” RAP 4.2(e)(2)

While there are six allowable grounds for seeking direct review, Petitioners seek direct review only under case RAP 4.2(a)(4): “A case involving a fundamental and urgent issue of broad public import which requires prompt and ultimate determination.”

Petitioner argues that the pretrial requirements imposed by the trial court are a matter of significant public importance, which is one of the six allowable grounds for seeking direct review. However, release conditions are fact specific to each case as outlined in CrRLJ 3.2. The trial court has the discretion, under this rule, to consider factors such as future appearance and substantial danger. CrRLJ 3.2.

It is not clear what decision the Petitioner is requesting this Court to decide. The Superior Court did not decide the issues now presented by Petitioner, other than the first issue for review which entails solely the question of whether the writ is the only adequate remedy at law.

The petitioners otherwise request this Court review the factual and legal issues involved in each of the separate individual cases, to determine whether pretrial conditions, individually determined on case by case basis, pursuant to CrRLJ 3.2, should have or could have been imposed. [Issues 2 and 3, Page 1-2 Statement of Grounds for Discretionary Review]. The superior court did not address these individual factors. The proper procedure would have been to file a notice for (direct) appeal in Division III on the denial of the writ, which is a separate action from the lower court's cases.

Moreover, two cases are apparently moot, as Ms. Cortney Blomstrom and Ms. Brooke Button are no longer under pretrial conditions of release. The third defendant, Mr. Cooper is still under pretrial release conditions but has not been complying with the complained off requirement of random testing since March 16, 2015.

The only issue presented that was addressed by the superior court is one of law which was settled by this Court in *City of Seattle v. Holifield*, 170 Wn.2d 230, 240 P.3d 1162 (2010):

We hold that, for purposes of RCW 7.16.040, an inferior tribunal, board or officer, exercising judicial functions, acts illegally when that tribunal, board, or officer (1) has committed an obvious error that would render further proceedings useless; (2) has committed probable error and the decision substantially alters the status quo or substantially limits the freedom of a party to act; or (3) has so far departed from the accepted and usual course of judicial proceedings as to call for the exercise of revisory jurisdiction by an appellate court.

We borrowed this formula from our rule governing interlocutory review, *see* RAP 13.5(b), and that governing discretionary review of a trial court decision. *See* RAP 2.3(b). These standards for granting the statutory writ of review under the “acting illegally” prong lie somewhere between the standards sought by each party here. They are not so strict that the writ applies merely to cases that exceed jurisdiction. Nor are they so lax that the writ applies only to correct mere errors of law. In any event, these standards are “specific and stringent.” Geoffrey Crooks, *Discretionary Review of Trial Court Decisions Under the Washington Rules of Appellate Procedure*, 61 Wash. L.Rev. 1541, 1545 (1986). They are also “simple and straightforward.” *Id.* at 1554.

Id., at 244-45 (footnotes omitted).

Nothing in these separate cases demands this Court’s immediate attention. The petitioners’ claims that these cases involve a fundamental and urgent issue of broad public import which requires prompt and ultimate determination, and that the “pretrial monitoring practices complained of by Petitioners are being imposed routinely in other Counties around the State”

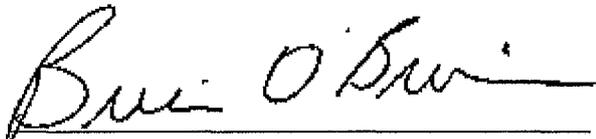
are claims that are unsupported in fact or in law. Two cases are over and the other case would be better addressed by a district court motion to modify conditions of release under CrRLJ 3.2, or by direct appeal to Division III under RAP 2.2.

V. CONCLUSION

The petitioners' motion for direct discretionary review should be denied. The petitioners fail to provide any reason necessitating immediate and direct review other than their unsupported opinion that such review is warranted.

Dated this 13 day of October, 2015.

LAWRENCE H. HASKELL
Prosecuting Attorney

A handwritten signature in black ink, appearing to read "Brian O'Brien", written over a horizontal line.

Brian C. O'Brien WSBA 14921, for
Katherine McNulty, WSBA 48448
Deputy Prosecuting Attorney
Attorney for Respondent

Attachment A

SPOKANE COUNTY DISTRICT COURT, SPOKANE, WASHINGTON

JUDGMENT/SENTENCE/COMMITMENT/PROBATION ORDER

Alcohol/Drug-Related Offenses

STATE OF WASHINGTON, PLAINTIFF

MAY 12 2015

CASE NUMBER(S): 5720097

VS.

SPOKANE COUNTY DISTRICT COURT

Blomstrom, Courtney L. 4/1/89

REPORT NUMBER(S): 15-900395

DEFENDANT

DOB

Inmate

The Court has entered a judgment of GUILTY and imposes the following sentence:

CASE #	CHARGES	JUDGMT	FINE	SUSP	DAYS	SUSP	CFTS	EHM	MAN. MIN.
5720097	DUI (1) (as)	G	5000	4059	364	363			

REPORT TO: SPOKANE COUNTY JAIL GEIGER CORRECTION CENTER OTHER FACILITY
ON: May 26, 2015, at 7 am / 7:00 **You must appear drug & alcohol free.**

- Gelger Confinement Work Release Work Crew Weekends 24-Hr. Alternative GPS
- Electronic Monitoring (with Sobriator) Other: _____
- Contact Jail/Geiger/Other Facility by telephone within 48 hours to arrange a report date.

JAIL PHONE: 477-2278 / GEIGER PHONE: 477-3259

FAILURE TO CONTACT OR REPORT AS ORDERED MAY RESULT IN THE ISSUANCE OF A BENCH WARRANT

ORDER OF RELEASE (Release Defendant Immediately)

The Defendant is placed on Supervised Monitored Probation for: 60 Months 24 Months 12 Months or _____ Months and SHALL IMMEDIATELY (unless directed otherwise):

- Probation shall terminate upon successful completion of all terms of probation and payment of all costs.
- DUI Intensive Supervision Therapeutic Court (Including MRT and testing).
- Apply for Ignition Interlock License or Monitor for alcohol use for _____ months on _____ through _____
- Obtain a Mental Health Evaluation and complete the recommended treatment. Device _____ Agency _____
- Install and Maintain the Ignition Interlock Device as required by DOL. Ignition Interlock for an additional _____ months.
- Complete an Alcohol/Drug Evaluation within _____ days and enroll in the recommended treatment by: 60 days
- Complete the DUI Victims Impact Panel within 60 days Complete the Minors In Prevention Program within 90 days.
- Appear for a Treatment Review hearing on 7/17, 2015, at 9 am/pm.
- Have no violations of any criminal laws. No similar criminal law violation. No criminal traffic law violations.
- Drive a motor vehicle only with a valid driver's license, insurance, and IID (if IID required by DOL). Have no alcohol related violations.
- Do not possess or consume any alcohol or controlled substances unless prescribed by a physician; including marijuana
- Other: _____

Pay all fines, fees and restitution as directed below:

BAC: Shp 6.15 NO BAC REFUSAL DRUG RELATED OTHER _____

COSTS: <input checked="" type="checkbox"/> Probation Fee (Pg 2) \$ <u>960</u>	<input type="checkbox"/> Restitution \$ _____	<input type="checkbox"/> Jail Fee \$ _____
<input type="checkbox"/> Conviction Fee \$ _____	<input checked="" type="checkbox"/> DUI Recoupment Fee \$ <u>213.59</u>	<input type="checkbox"/> Warrant Fee \$ _____
<input type="checkbox"/> BAC Fee \$ _____	<input checked="" type="checkbox"/> PD Recoupment Fee \$ <u>250</u>	<input type="checkbox"/> Booking Fee \$ _____

PAY TOTAL AMOUNT DUE TO COURT WITHIN THIRTY (30) DAYS OR MONTHLY TIME PAYMENTS WILL BE SET UP THROUGH PAR ACCEPTANCE CORPORATION AS DIRECTED ON PAGE 2.

DATED In Spokane County, WA this _____ day of 5/12/15, 20____.

YOU MUST COMPLY WITH THE ORDERS & INSTRUCTIONS IDENTIFIED ON BOTH SIDES OF THIS FORM
I HAVE READ & UNDERSTAND THE RIGHTS, CONDITIONS & WARNINGS ON BOTH SIDES OF THIS FORM.

Courtney L. Blomstrom
Defendant's Signature

Cery Tron
JUDGE

915 E Queen Ave Spokane WA 99207 (509) 318-1858
Defendant's Address Defendant's Phone Number

Attachment B

SPOKANE COUNTY DISTRICT COURT, SPOKANE, WASHINGTON

JUDGMENT/SENTENCE/COMMITMENT/PROBATION ORDER

Alcohol/Drug Related Offenses

FILED

STATE OF WASHINGTON, PLAINTIFF

JUN 29 2015

CASE NUMBER(S): 52312786

VS.

Button, Brooke M SPOKANE COUNTY DISTRICT COURT 410181

REPORT NUMBER(S): 15-067133

DEFENDANT

DOB

Inmate

The Court has entered a judgment of GUILTY and imposes the following sentence:

CASE #	CHARGES	JUDGMT	FINE	SUSP	DAYS	SUSP	CFTS	EHM	MAN. MIN.
52312786	DUI (2)(a)	G	5000	3805	364	28		160	

REPORT TO: SPOKANE COUNTY JAIL GEIGER CORRECTION CENTER OTHER FACILITY

ON: 7/27/15, 20, at 5 am (pm) You must appear drug & alcohol free.

Geiger Confinement Work Release Work Crew Weekends 24-Hr. Alternative GPS

Electronic Monitoring (with Sobriety) Other:

Contact Jail/Geiger/Other Facility by telephone within 48 hours to arrange a report date.

JAIL PHONE: 477-2278 (GEIGER PHONE: 477-3259)

FAILURE TO CONTACT OR REPORT AS ORDERED MAY RESULT IN THE ISSUANCE OF A BENCH WARRANT

ORDER OF RELEASE (Release Defendant Immediately)

The Defendant is placed on Supervised Monitored Probation for: 60 Months 24 Months 12 Months or 30 Months and SHALL IMMEDIATELY (unless directed otherwise):

Probation shall terminate upon successful completion of all terms of probation and payment of all costs.

DUI Intensive Supervision Therapeutic Court (Including MRT and testing).

Apply for Ignition Interlock License or Monitor for alcohol use for ___ months on ___ through ___

Obtain a Mental Health Evaluation and complete the recommended treatment.

Install and Maintain the Ignition Interlock Device as required by DOL. Ignition Interlock for an additional ___ months.

Complete an Alcohol/Drug Evaluation within 30 days and enroll in the recommended treatment by: 60 days

Complete the DUI Victims Impact Panel within 60 days Complete the Minors in Prevention Program within 90 days.

Appear for a Treatment Review hearing on 8/25/15, 20, at 1:30 am/pm

Have no violations of any criminal laws. No similar criminal law violation. No criminal traffic law violations.

Drive a motor vehicle only with a valid driver's license, insurance, and IID (if IID required by DOL). Have no alcohol related violations.

Do not possess or consume any alcohol or controlled substances unless prescribed by a physician. no marijuana

Other: Remove from testing at Absolute Drug Testing

Pay all fines, fees and restitution as directed below:

BAC: NO BAC REFUSAL DRUG RELATED OTHER

COSTS:	<input checked="" type="checkbox"/> Probation Fee (Pg 2) \$ 1440	<input type="checkbox"/> Restitution \$	<input type="checkbox"/> Jail Fee \$
	<input type="checkbox"/> Conviction Fee \$	<input checked="" type="checkbox"/> DUI Recoupment Fee \$ 2340	<input type="checkbox"/> Warrant Fee \$
	<input type="checkbox"/> BAC Fee \$	<input type="checkbox"/> PD Recoupment Fee \$	<input type="checkbox"/> Booking Fee \$

PAY TOTAL AMOUNT DUE TO COURT WITHIN THIRTY (30) DAYS OR MONTHLY TIME PAYMENTS WILL BE SET UP THROUGH PAR ACCEPTANCE CORPORATION AS DIRECTED ON PAGE 2.

DATED in Spokane County, WA this 29th day of June, 2015.

YOU MUST COMPLY WITH THE ORDERS & INSTRUCTIONS IDENTIFIED ON BOTH SIDES OF THIS FORM

I HAVE READ & UNDERSTAND THE RIGHTS, CONDITIONS & WARNINGS ON BOTH SIDES OF THIS FORM.

Brooke Button Defendant's Signature

JUDGE

3022 Avalon Defendant's Address 99214

Defendant's Phone Number

Attachment C

FIRST JUDICIAL DISTRICT COURT, STATE OF IDAHO, COUNTY OF KOOTENAI
324 W. GARDEN AVENUE, P.O. BOX 9000, COEUR D'ALENE, IDAHO 83816-9000

STATE OF IDAHO V
BROOKE MARIE BUTTON
EMISSION
5.3022 Avalon
DL# BUTTOBM199JW WA Spok. Valley 99216
DOB: 4/16/1981 AGENCY: COEUR D'ALENE PD
CASE # CR-2009-0025552 CITATION # 101372
CHARGE: I18-8004 M DRIVING UNDER THE INFLUENCE
AMENDED:

JUDGMENT
FILED 4/23/10 AT 2:00 p.m.
CLERK OF THE DISTRICT COURT
BY Deanne DEPUTY
BOND: Surety \$2000.00

The defendant having been fully advised of his/her statutory and constitutional rights including the right to be represented by counsel, and

- Been advised of right to court appointed counsel if indigent
- Defendant waived right to counsel
- Defendant represented by counsel
- Judgment, Plea of Guilty / Rights Waived
- Withheld Judgment Accepted
- Dismissed
- Judgment--Not Guilty
- Judgment on Trial--Guilty
- Judgment for Defendant / Infraction
- Judgment for State / Infraction
- Bond Forfeited / Conviction Entered - Case Closed
- Bond Forfeited / Dismissed

MONIES ORDERED PAID: A \$2.00 handling fee will be imposed on each installment.

Fine / Penalty \$ 750 which includes costs, and probation fee if applicable. Suspended \$ _____

Pay within 30 days of today, or enroll in time payment program BEFORE due date.

Community Service _____ hours by _____ Setup Fee \$ _____ Insurance Fee \$ _____

Must sign up within 7 days.

Reimburse _____

Restitution _____

Bond Exonerated, provided that any deposit shall first be applied pursuant to Idaho Code 19-2923 in satisfaction of outstanding fines, fees and costs with any remainder to be refunded to the posting party. Authorization from defendant to pay restitution +/or infractions from bond.

No Contact Order, as condition of bond, terminated.

INCARCERATION ORDERED:

Jail 180 days, Suspended 175 days, Credit _____ days, Unscheduled Jail _____ days are imposed & will be scheduled by the Adult Misdemeanor Probation Office, or Court, for violations of the terms below or on the attached addendum.

Report to Jail July 10 - 6pm Release July 6 Work Release Authorization (if you qualify)

Sheriff's Community Labor Program in lieu of Jail (if you qualify) 40 hours by July 1, 10 (Must sign up within 7 days.)

Follow the Labor Program schedule and policies.

15 days

DRIVING PRIVILEGES SUSPENDED 90 days commencing JAN 21, 10

REINSTATEMENT OF DRIVING PRIVILEGES MUST BE ACCOMPLISHED before you can drive. Apply to DRIVER'S SERVICES, P.O. Box 7129, Boise, ID. 83707-1129.

Temporary Driving Privileges Granted commencing _____

To, from and for work purposes / required medical care / court ordered alcohol program / community service. Must carry proof of work schedule and liability insurance at all times. Not valid if insurance expires.

PROBATION ORDERED FOR 2 YEAR(S) ON THE FOLLOWING CONDITIONS: Supervised - See Addendum

Violate no federal, state or local laws more serious than an infraction. Commit no similar offenses.

Maintain liability insurance on any vehicle that you drive.

Do not operate a motor vehicle with any alcohol or controlled substances in your bloodstream.

You must submit to any blood alcohol concentration test requested of you, with reasonable cause, by a peace officer.

Obtain a Substance Abuse/Battery Evaluation, and file proof of evaluation, within 60 days.

Enroll in & complete forfeited program. File proof of completion within 270 days.

Notify the court, in writing, of any address change within 10 days. Agrees to accept future service by mail at the last known address.

Interlock ignition device required on vehicle for _____ year(s). To be installed per attached addendum.

Other complete victim's panel + file proof w/in 60 days

THE SUSPENDED PENALTIES ARE SUBJECT TO YOUR COMPLIANCE WITH ALL TERMS HEREIN

THE DEFENDANT HAS THE RIGHT TO APPEAL
THIS JUDGMENT WITHIN 42 DAYS

Copies To: _____ Date 4/23/10 Judge # 348

Def. 10 Def. Atty Anderson [] Proc Abraham [] Other _____ [] Comm. Serv. Jail (fax 446-1407)

[] KOSO RECORDS fax 446-1307 (re: NCO) [] Agency _____ fax _____ (re: NCO) [] Dr. Serv. fax 208-334-8739 [] Auditor fax 446-1661 [] AMP (fax 446-1990)

Attachment D

ANT

STATE OF WASHINGTON - SPOKANE COUNTY DISTRICT COURT

STATE OF WASHINGTON,

Plaintiff,

Case No.

5Z0312786

1. DUI

FILED

MAR 02 2015

vs.

Report No(s). 15-067133

SPOKANE COUNTY DISTRICT COURT

BUTTON, BROOKE MARIE

Defendant.

ORDER: ON PROBABLE CAUSE,
SETTING RELEASE CONDITIONS,
COURT DATE &/OR COMMITMENT

PROBABLE CAUSE: The Court finds:

- Probable cause exists to believe the accused committed the offense(s) charged. CrRLJ 3.2.1(e)(2)
- Not Guilty Plea entered: 3/2/15

CONDITIONS OF RELEASE: after finding probable cause, reviewing the case file, examining defendant's criminal and warrant history, the court orders the defendant to comply with conditions ordered below:

- Jail/Geiger to RELEASE Defendant on OWN RECOGNIZANCE.
- Must not commit any further criminal law violations.
- Must not use, possess, or consume alcohol or drugs including marijuana except as prescribed for the defendant by a physician.
- Within 24 hours defendant must report to: Absolute Drug Testing, 523 S Division, Spokane WA. 99202, 509.747.8855
For: EHM GPS Alcohol Monitor Bracelet UA ETG/THC Home Alcohol Monitoring
Frequency: (Random four times monthly testing)
CLERK ACTION: fax to Monitoring Agency. Agency to confirm/deny compliance by e-mail to DCP probationEMtesting@SpokaneCounty.org
- The current offense and a prior qualified offense involve alcohol
 Defendant MUST install Ignition Interlock Device on ALL vehicles operated by him/her AND PROOF of installation must be filed with the court through its Probation Department within 5 days of the date of release to Smart Start, email:spokane24-7@smartstartinc.com.
CLERK ACTION: Email order to Monitoring Agency.
Agency to confirm/deny compliance by e-mail to DCP probationIILD24-7monitoring@SpokaneCounty.org
- Must not drive motor vehicle after/while using, consuming, possessing or under the influence of drugs or alcohol.
- Must not operate motor vehicle without valid driver's license, insurance & ignition interlock device (if ordered).
- Timely appear for all court dates scheduled for defendant

COURT DATE: DEFENDANT MUST APPEAR for: Pre Trial Hearing on Apr. 1, 2015 at 9:00 am
before JUDGE Gregory Tripp in Courtroom 4. [Public Safety Bldg. Floor 2]

DEFENDANT MAY BE ARRESTED AND / OR HAVE BOND OR RELEASE REVOKED IF DEFENDANT VIOLATES RELEASE CONDITIONS OR FAILS TO APPEAR FOR COURT DATE.

<p style="text-align: right;">Defendant</p> <p style="text-align: center;"><i>Brooke Button</i></p> <p>04/10/2012 11:04:08 am</p>	<p style="text-align: center;"><i>Greg Tripp</i></p>
<p>Defendant's Signature</p> <p>Address on file: (Defendant states is: correct <input checked="" type="checkbox"/> incorrect <input type="checkbox"/> 3022 S AVALON RD SPOKANE VALLEY WA 992160215</p> <p>HomePh: 509-270-9750 WorkPh: 509-747-1554 CellPh: <u>509-808-9794</u></p>	<p>Judge Gregory Tripp</p> <p>DATED in Spokane County, WA on <u>March 2, 2015 3:49 PM</u></p>
<p>Corrected address:</p>	

District Court complies with Americans with Disability Act requirements - for accommodations contact Court Operations Manager 477-2903 (Rev. 10/11)

Attachment E

7/16

SPOKANE COUNTY DISTRICT COURT, STATE OF WASHINGTON

STATE OF WASHINGTON,

CASE NO. 520066463

Plaintiff,

vs.

- SCHEDULING ORDER
- AMENDED SCHEDULING ORDER & SPEEDY TRIAL WAIVER

FILED
JUL 02 2015

SPOKANE COUNTY DISTRICT COURT

Cooper, Christopher
Defendant.

MOTION

The Plaintiff Defendant moves the Court, pursuant to CrRLJ 3.3, to continue the:

- Arraignment
- Pre-Trial
- Trial Ready & Trial
- Mitigation Hearing
- Motion
- Show Cause
- Contested Infraction Hearing

The basis for the continuance is: Still waiting for Supreme Court decision on notice for discretionary review
and the granting of the motion to continue will not prejudice the Defendant.

I am aware that I have the right to a trial within 60 days of the commencement date if I am in jail on this case, or within 90 days of the commencement date if I am not in jail on this case. I voluntarily give up this right and I agree to the dates as ordered below. [Signature], Defendant

I have explained this waiver to my client. I am satisfied that he/she understands it and is voluntarily giving up his/her right as set forth above. [Signature], Attorney

[Signature]
Defendant:

[Signature]
Defense Attorney/WSBA #

[Signature]
Prosecuting Attorney/WSBA #

4/2/08
for Stearns 48119

ORDER

IT IS ORDERED that the motion for continuance is: GRANTED DENIED and the following court dates are set:

- Arraignment _____ @ _____ am / pm
- Pre-Trial 9/3/15 @ 9:00 am / pm
- Show Cause _____ @ _____ am / pm
- Trial Ready _____ @ _____ am / pm with Trial _____ @ _____ am / pm
- Motion _____ @ _____ am / pm
- Contested _____ @ _____ am / pm
- Mitigation _____ @ _____ am / pm

New Commencement Date: 9-3-15 New Expiration Date: _____

7/2/15
Date

[Signature]
Judge

DEFENDANT MUST APPEAR AT ALL HEARINGS OR A WARRANT FOR ARREST MAY BE ISSUED. DEFENDANT'S FAILURE TO APPEAR AT INFRACTION HEARINGS WILL RESULT IN ADJUDICATION OF COMMITTED AND ASSIGNMENT TO A COLLECTION AGENCY

Attachment F

Pretrial



ABSOLUTE DRUG TESTING LLC.

Corporate Office:
5433 N. Government Way, Suite B, 838154
Phone : (208)758-0051
Fax: (208)758-0401

Spokane Office
523 S. Division St., 99202
Phone: (509)-747-8855
Fax: (509)-747-9966

Spokane Valley
15210 E. Sprague Ave #7, 99216
Phone: (509)-926-5859

Kellogg Office
204 Oregon St.
Phone (208)-758-0051

Non-Compliance Notice

Case # 5Z0066463
Client Name: Christopher Cooper
Report Date: February 10, 2015
Date: April 23, 2015

RECEIVED
APR 27 2015
DISTRICT COURT PROBATION

Report to: Spokane County District Court

The above referenced client was to test with Absolute Drug Testing 1 time per week. The above client has not reported since 3/16/15. Client is being archived from testing.

Absolute Drug Testing
Spokane Valley Office

Hold for hearing
 Order for SC
 Order for B W
 Pretrial
 Sentence
Bond: _____
Judge JA
Date 4/30/15

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent.

v.

CORTNEY L. BLOMSTROM,
BROOKE M. BUTTON,
CHRISTOPHER V. COOPER,

Petitioners,

No. 91642-0

SC# 2015-2-00674-1
2015-2-00725-9
2015-2-00828-0

PROOF OF SERVICE

PROOF OF SERVICE

I, Kim Cornelius, do hereby certify under penalty of perjury that on October 13, 2015, I hand delivered to the Spokane County Public Defender's Office, a true and correct copy of the State's Response to Motion for Discretionary Review.

DATED this 13th day of October, 2015.

Kim Cornelius

Kim Cornelius

OFFICE RECEPTIONIST, CLERK

To: Cornelius, Kimberly A.
Cc: Lindholdt, Karen S.; Heintz, Steve; Sterett, Rachel; McNulty, Katie
Subject: RE: Cortney Bloomstrom et al, No. 91642

Received 10-13-15

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Cornelius, Kimberly A. [mailto:KCORNELIUS@spokanecounty.org]
Sent: Tuesday, October 13, 2015 8:59 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Lindholdt, Karen S. <KLINDHOLDT@spokanecounty.org>; Heintz, Steve <SHEINTZ@spokanecounty.org>; Sterett, Rachel <RSterett@spokanecounty.org>; McNulty, Katie <KMCNULTY@spokanecounty.org>
Subject: Cortney Bloomstrom et al, No. 91642

Attached please find the State's Response to Motion for Discretionary Review. Note the Proof of Service is attached as the last page.

Kim Cornelius
Spokane County Prosecutor's Office
kcornelius@spokanecounty.org
(509) 477-2873

Confidential & Privileged Legal/Personnel Materials - PLEASE NOTE: This e-mail, its contents and attachments are confidential and privileged. If you are not an intended recipient, promptly notify sender that you received this e-mail in error and destroy all copies. You are not to print, copy, forward or use this e-mail or its contents for any purpose. Thank you.