

WASHINGTON STATE COURT OF APPEALS DIVISION THREE

CASE SUMMARIES FOR ORAL ARGUMENT

The following summaries are drawn from briefs and lower court judgments. The summaries have not been reviewed for accuracy by the judges and are intended to provide a general idea of facts and issues presented in the cases. The summaries should not be considered official court documents. Facts and issues presented in these summaries should be checked for accuracy against records and briefs, available from the Court, which provide more specific information.

Date of Hearing: Tuesday October 25, 2011
Location: Spokane, 500 N. Cedar

9:00 a.m.

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- 1) **No.: 29154-5-III**
Case Name: State of Washington v. James Vincent Adams
County: Spokane
Case Summary: A jury found James Adams guilty of homicide by abuse of his infant son. The court's sentencing order included no contact with minors. Adams requested contact with his minor daughter. The sentencing judge allowed him to file a motion in family court to establish contact with his daughter, but required that he personally serve notice of the motion on the child's mother and to report to the judge. Adams appeals.

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- 2) **No.: 29683-1-III**
Case Name: Patrick H. Kofmehl v. Baseline Lake, LLC

County: Grant

Case Summary: Patrick Kofmehl and Baseline Lake, LLC executed a commercial real estate purchase and sale agreement (REPSA) for property within Farm Unit 182, Block 73 that Kofmehl intended to develop into residential lots for resale. Kofmehl incurred expenses for earnest money, engineering costs and title insurance. Before closing, Baseline recorded a short plat subdividing Block 73 into three lots. Kofmehl claimed lots 1 and 2 were both included in the REPSA, while Baseline contended the parties mutually agreed the sale included only lot 1. On summary judgment, the court ruled the REPSA property description did not satisfy the statute of frauds and granted Kofmehl's claims for rescission, restitution, and attorney fees and costs, while rejecting Baseline's claims for specific performance or promissory estoppel based upon part performance. Baseline appeals.

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3) No.: 29043-3-III

Case Name: James Crownover, et al v. State of Washington, Department of Transportation

County: Franklin

Case Summary: James Crownover, Harold Delgado, Roy Gilliam, Joel Havlina, and Kelli Ginn (employees) were maintenance technicians for the Washington Department of Transportation. Based upon allegations that their supervisors used crude and racist language, they filed a complaint alleging hostile and discriminatory workplace environment, retaliation, and constructive discharge. The trial court dismissed the employees' claims on summary judgment. They appeal.

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11:00 a.m.

4) **No.: 29034-4-III**

Case Name: State of Washington v. Michele Merlynn Martinez

County: Yakima

Case Summary: Michele Martinez's husband, Fidel Medina, was under community custody. Medina's community corrections officer (CCO) went to their residence and, after receiving the "okay" from Martinez, performed a warrantless search of a vehicle jointly driven by Martinez and Medina, but that was owned by Martinez's mother, Mary Campos. The CCO observed a handgun in the car and learned Martinez was a convicted felon. After obtaining Campos's written consent to search the vehicle, officers found methamphetamine in the trunk. Martinez was charged and found guilty of possession of methamphetamine with intent to deliver. She appeals.

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5) **No.: 28417-4-III**

Case Name: In re the Detention of Shawn D. Botner a/k/a Shawn Bower

County: Spokane

Case Summary: In 2006, the State petitioned to civilly commit Shawn D. Botner as a sexually violent predator (SVP) under chapter 71.09 RCW. The parties stipulated to probable cause. The court ordered Botner to undergo a forensic psychological examination that included penile plethysmograph testing. Botner refused the testing on statutory and constitutional grounds. In lieu of being held in contempt, he stipulated that the jury may draw adverse inferences from his test refusal. A jury found Botner is an SVP, and the court entered a civil commitment order. Botner appeals.

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6) **No.: 24944-1-III, consolidated with 29337-8-III**

Case Name: State of Washington v. Jackie Burton

County: Spokane

Case Summary: Jackie Burton appeals her conviction of solicitation to commit first degree murder for paying an undercover officer to kill her former employer, a Spokane attorney.

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