

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: Thursday, October 25, 2018

Location: Spokane, 500 North Cedar

Panel: Rebecca Pennell, Kevin Korsmo, George Fearing

9:00 a.m.

1) **No.: 355764**

Case Name: State of Washington v. Jean Paul Whitford

County: Spokane

Case Summary: Jean Whitford was stopped in connection with a reckless driving investigation and subsequently arrested for driving while under the influence (DUI). Following the arrest, law enforcement obtained a search warrant to draw Mr. Whitford's blood. At trial, Mr. Whitford sought to have the blood results suppressed because he was not provided a copy of the search warrant prior to the blood draw in violation of CrR 2.3(d). The trial court denied the motion.

On appeal, Mr. Whitford contends the trial court erred in admitting the blood results. He also claims that the prosecutor committed misconduct by implying Mr. Whitford is an alcoholic and the court violated his right to a public trial when it administered an oath to a replacement bailiff outside of open court.

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PANEL CHANGE
Panel: Robert Lawrence-Berrey, Kevin Korsmo, Laurel Siddoway

9:30 AM

2) **No.: 355551**
Case Name: Tye Sheats v. City of East Wenatchee, et al
County: Douglas

Case Summary: When applying to the Wenatchee Police Department, East Wenatchee Police Officer Tye Sheats made several admissions of incidents of theft, dishonesty, and untruthfulness during a pre-employment polygraph examination. Officer Sheats sought a permanent injunction to prevent dissemination of the redacted polygraph report. The superior court denied the request for an injunction, holding that the redacted report was required to be disclosed under *Brady v. Maryland*, 373 U.S. 83 (1963), to criminal defendants in cases where Officer Sheats is a potential witness. The court further held that the redacted report was subject to public dissemination under Washington's Public Records Act (PRA), chapter 42.56 RCW. Officer Sheats appeals.

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