SUPREME COURT NO. 92930-1
COA NO. 72501-7-I

IN THE SUPREME COURT
OFTHE STATE OF WASHINGTON

STATE OF WASHINGTON

Petitioner

v.

JUDITH E. MURRAY,

Respondent

PETITION FOR REVIEW

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I. IDENTITY OF THE PETITIONER

The State of Washington, petitioner, petitions the Court for review of a decision of the Court of Appeals in State v. Judith Murray, no. 72501-7-I, filed February 16, 2016 (hereinafter, "Slip Opinion").[1]

II. COURT OF APPEALS DECISION

The Court of Appeals filed an unpublished opinion on February 16, 2016, affirming the superior court's reversal of Judith Murray's district court DUI conviction. A copy of the Court of Appeals' decision is attached to this petition as appendix A.

III. ISSUE

In giving implied consent warnings, a police officer omitted language that could not possibly have any rational impact on a person's decision to take the test. Does this omission require suppression of the ensuing test results?

IV. STATEMENT OF THE CASE

The facts of this case are not in dispute and were properly summarized by the Court of Appeals. Briefly, the defendant was stopped for traffic violations on December 8, 2012. The State

[1] The unpublished opinion in this case was issued on the same day as a published opinion involving the same issues: State v. Robison, 72260-3-I, 2016 WL 664111 (Div. 1, Feb. 16, 2016).

Trooper smelled intoxicants and observed typical signs of intoxication. After the Trooper arrested the defendant for DUI, he noticed a pipe and a small bag of marijuana on the passenger seat of the defendant's vehicle. When confronted with this evidence, the defendant admitted smoking marijuana earlier that day.

The Trooper requested a breath sample to measure alcohol concentration. The breath test is incapable of measuring THC concentration. In giving the implied consent warnings, the Trooper omitted any reference to THC concentration in a person's blood because he was not seeking a sample of the defendant's blood. The defendant agreed to take the breath test, which revealed alcohol concentration results above the legal limit.

The defendant was convicted of DUI following a district court bench trial. The Court of Appeals affirmed the Superior Court's reversal of that conviction, holding that the officer did not have the discretion to omit the irrelevant language from the warnings, and that the defendant need not demonstrate any prejudice to justify suppression. Slip Opinion at 3, citing State v. Robison, 72260-3-I, 2016 WL 664111 (Div. 1, Feb. 16, 2016). The State seeks review of the Court of Appeals' decision.

V. ARGUMENT

No one disputes that breath tests are technologically incapable of measuring THC concentration, or detecting THC at all. A blood test is the only available method used by law enforcement to measure THC. When the arresting officer in this case decided to seek only a breath sample despite evidence that the defendant had also consumed marijuana, he eliminated any rational connection between marijuana consumption and the choice facing the defendant - whether to take or refuse a breath test.

In so doing, the arresting officer omitted a potentially confusing set of THC-related warnings that did not apply to the defendant's choice. Despite the fact that no rational connection exists between the information omitted and the test being offered, the Court of Appeals reversed a DUI conviction on the baffling theory that the defendant might have refused the *breath* test if only the Trooper had told him about what happens when a *blood* test yields certain THC concentrations.

The court relied exclusively on the reasoning in Robison in affirming the Court of Appeals. The import of Robison extends far beyond the particular combination of omitted warnings and the inexplicable theory offered by the court. The decision also

dispenses with the long-recognized doctrine of substantial compliance. It embraces suppression of evidence as a just remedy even without a demonstration of prejudice. The court refused to characterize the ruling as one of suppression, instead casting it as a failure to lay foundation for the admissibility of a breath test. In this respect, the court ignored the legislature's list of BAC foundational requirements set forth in RCW 46.61.506(4), which this Court endorsed in City of Fircrest v. Jensen, 58 Wn.2d 384, 143 P.3d 776 (2006). If left untouched as binding precedent, the opinion may be used to justify suppression of large numbers of breath tests based on technicalities. This rule is incompatible with the legislature's consistent plea for breath tests to be admissible absent demonstrable prejudice.

1. The Decision Conflicts With Other Decisions Of The Court Of Appeals Holding That The Substantial Compliance Doctrine Applies To Implied Consent Warnings, And That A Defendant Must Demonstrate Prejudice To Justify Suppression.

To support its conclusion that an officer has "no discretion with regard to the wording he used to warn the accused," the Court of Appeals relied primarily on a 1995 case and a 1986 case. Robison at 8-11, citing State v. Whitman Cty. Dist. Court, 105 Wn.2d 278, 285, 714 P.2d 1183 (1986), and State v. Bostrom, 127

Wn.2d 580, 587, 902 P.2d 157 (1995). The court failed to recognize that in 2004, the legislature modified the officers' mandate to one of substantial compliance. See Laws of 2004, ch. 68, §2(2) ("The officer shall warn the driver, in substantially the following language, that:..."); RCW 46.20.308(2). And while the court did note the legislature's 2015 amendment deleting the statutory warnings' reference to THC blood concentration, it declined to address another 2015 amendment. That amendment clarified that officers only need to read those warnings applicable to the facts and circumstances of each driver's situation. See Laws of 2015 2d Sp. Sess., ch. 3, §5(5)(d)(ii) ("That after receipt of ((~~the~~)) any applicable warnings required by subsection (2)...").

"Substantial compliance has been defined as actual compliance in respect to the substance essential to every reasonable objective of a statute. In the cases where substantial compliance has been found, there has been actual compliance with the statute, albeit procedurally faulty." City of Seattle v. Pub. Employment Relations Comm'n, 116 Wn.2d 923, 928, 809 P.2d 1377 (1991) (internal citations omitted). Analysis of an aggrieved party's prejudice from procedural faults has long been an essential component of determining whether substantial compliance has

occurred. See, e.g., Mut. Life Ins. Co. of New York v. Phinney, 178 U.S. 327, 337, 20 S.Ct. 906, 44 L.Ed. 1088 (1900); State v. Tingdale, 117 Wn.2d 595, 600, 817 P.2d 850 (1991).

The notion of substantial compliance with the implied consent statute is apparent in the text of the statute itself. It instructs officers to use "substantially the following language" and anticipates that they will provide only the "applicable" warnings. RCW 46.20.308(2) & (5)(d)(ii). This Court has recognized the legislature's intent to apply the doctrine of substantial compliance to an officer's reading of the implied consent warnings. City of Fircrest v. Jensen, 158 Wn.2d 384, 411, 143 P.3d 776 (2006) (J. Sanders, dissenting) ("[The 2004 amendments to RCW 46.20.308]...reduce[d] the requirements of implied consent warnings to require only substantial compliance by police...").

Division Three of the Court of Appeals has held that the doctrine of substantial compliance applies to implied consent warnings. Merseal v. State Dep't of Licensing, 99 Wn. App. 414, 422-23, 994 P.2d 262 (2000) ("Under the 'substantial compliance doctrine,' we will not reverse for a merely technical error that does not result in prejudice. The doctrine applies in this case."). The

Court of Appeals opinion in this case directly conflicts with the holding in Merseal on this issue.

Divisions One and Two of the Court of Appeals also hold that it is the defendant's burden to demonstrate prejudice when challenging an inaccurate implied consent warning:

> The result of a breath test must be suppressed if (1) the inaccurate warning deprives the driver of the opportunity to make a knowing and intelligent decision, and (2) the driver demonstrates that she was actually prejudiced by the inaccurate warning.

Lynch v. State Dep't of Licensing, 163 Wn. App. 697, 707, 262 P.3d 65 (Div. 2, 2011); State Dep't of Licensing v. Grewal, 108 Wn. App. 815, 822, 33 P.3d 94, 97 (Div. 1, 2001). In the present case, the court dismissed the value of the Grewal opinion by criticizing the State for "fail[ing] to distinguish between omitted warnings required by statute and additional warnings not required by the language of the implied consent statute. Robison at 12-13. This criticism is unfounded.

Lynch and Grewal distill the reviewing court's task in determining the adequacy of implied consent warnings to a consideration of legal accuracy, potential to mislead, and a requirement of prejudice. The cases do not create a separate analysis or shift the burden of demonstrating prejudice depending

on whether the inaccuracy derived from an omission of statutory language, the addition of non-statutory language, or even a slight alteration in form from statutory language. There are innumerable ways in which an officer could modify the implied consent warnings as he delivers them in the real world to an arrested driver. By focusing on a semantic distinction (omission) rather than on legal accuracy and resulting prejudice, the court avoided discussing the fact that the omitted reference to THC blood concentration has absolutely no impact on a driver's decision to take a breath test.

Division One's opinion in this case appears to require that officers provide warnings completely unrelated to the breath sample they seek to obtain. This new requirement departs from the same court's previous holding on that issue:

> While the court in *Bartels* used the phrase "breath or blood test" in its recitation of the warning, in so doing *it was not mandating that both tests be mentioned every time the warning is given....*
>
> [T]he language on which Rodriguez relies must be read to require only that *the police shall inform the driver that he or she has a right to refuse the type of test the police actually intend to administer.* It would be both confusing and unavailing to do otherwise.

Town of Clyde Hill v. Rodriguez, 65 Wn. App. 778, 782-783, 831 P.2d 149 (1992) (*emphasis* added). In Rodriguez, Division One

rejected the defendant's argument that "law enforcement is required to use the *exact* words of the statute, regardless of whether the modification in wording impacts the driver's understanding of the implied consent warning. We find no such requirement in the cases interpreting and applying the implied consent statute." Id. at 785 (court's emphasis).

The established precedent of the Court of Appeals is to analyze the provided warnings for both accuracy and potential to mislead. This precedent demands that the defendant demonstrate prejudice in order to obtain suppression. Any warnings provided after the 2004 amendment must be analyzed for substantial compliance. The holding in this case conflicts with the Court of Appeals precedent in Merseal, Lynch, Grewal, and Rodriguez.

2. The Decision Of The Court Of Appeals Conflicts With Decisions Of This Court.

The Court of Appeals' greatest departure from precedent lies in its interpretation of State v. Bartels, 112 Wn.2d 882, 774 P.2d 1183 (1989). In Bartels, this Court determined that a DUI suspect is afforded an opportunity to make an intelligent decision about taking or refusing the breath test if the officer's warning covers four essential components:

> 1) "you have the right to refuse the breath or blood test;" 2) "if you refuse to submit to the test your privilege to drive will be revoked or denied;" 3) "your refusal to take the test may be used in a criminal trial;" and 4) "if you take the breath or blood test, you have the right to additional tests administered by any qualified person of your own choosing."

Id. at 886. No one disputes that the officer in this case provided each of the four warnings required under Bartels.

The Court of Appeals erred in holding that the Bartels court "did not require the drivers receiving improper warnings to prove prejudice." Robison at 13. This interpretation is irreconcilable with this Court's own interpretation of Bartels: "Ultimately, our opinions in both Bartels and Gonzales[2] required a showing of prejudice." State v. Storhoff, 133 Wn.2d 523, 531, 946 P.2d 783 (1997). The prejudice requirement flows naturally from this Court's reluctance to allow those who commit serious crimes to escape culpability "due to a minor procedural error that did not actually prejudice" them. Id. at 531-532.

Instead of demanding that the defendant show prejudice, the Court of Appeals held that the burden was upon the State to demonstrate that the incomplete warning was harmless beyond a reasonable doubt. Robison at 13-14. Even though the Court of

[2]Gonzales v. Department of Licensing, 112 Wn.2d 890, 774 P.2d 1187 (1989).

Appeals incorrectly placed the burden on the State, it ultimately did attempt to provide the elusive answer to the question posed throughout this case: Exactly how does a reference to THC concentration in blood impact a driver's decision to take or refuse a breath test incapable of measuring THC concentration in blood? Binding legal precedent should confront this crucial question head on, including explanations of a rational driver's thought process as he or she hears the incomplete warning. Many cases have taken this approach. See, e.g., State v. Bartels, 112 Wn.2d at 887-888; State v. Bostrom, 127 Wn.2d 580, 586-87, 902 P.2d 157 (1995). Instead, the Court of Appeals offered an explanation with no insight into how the altered warnings might have changed the defendant's thinking:

> ...Robison smelled of marijuana when arrested and admitted smoking marijuana to the arresting officer. Under these circumstances, we cannot conclude beyond a reasonable doubt that Robison would have agreed to take the breath test had he received the THC warning."

Robison at 14. The "How" or "Why" aspects of this conclusion are lacking, and only serve to highlight the departure from precedent. There is no suggestion that the officer was *required* to seek a blood test as soon as he became aware of the defendant's marijuana consumption. The officer has the discretion to limit his own

investigation by determining whether to seek a breath or blood sample, even if that limiting decision prevents the State from credibly arguing at trial that marijuana played any role in the driver's impairment. See State v. Entzel, 116 Wn.2d 435, 441, 805 P.2d 228 (1991).

The court also implied that the State has a burden to demonstrate a full, verbatim reading of the statutory warnings as a matter of foundation prior to admitting a breath test result. Robison at 14-15, citing State v. Morales, 173 Wn.2d 560, 575, 269 P.3d 263 (2012) (placing "squarely on the State" the burden of proving the warnings were administered, but declining to adopt an evidentiary standard of proof for evaluating such efforts). The reliance on Morales is unhelpful, because Morales involved a problem in proving that a Spanish translation of the warnings adequately conveyed its terms. Morales at 565–566. In essence, the State had zero evidence that the driver heard any of the implied consent warnings.

Until now, no court has used the Morales case to add verbatim recitation of implied consent warnings to the list of foundational elements necessary for the admission of a breath test. This Court has already ruled that those foundational elements are

within the legislature's power to establish. City of Fircrest v. Jensen, 158 Wn.2d 384, 399, 143 P.3d 776 (2006). Those foundational requirements are set forth in RCW 46.61.506(4). Implied consent warnings are not among them. The same statute contemplates *prima facie* evidence as the evidentiary standard for breath test foundational elements. RCW 46.61.506(4). The Robison court disregarded this statute's list of foundational elements and the evidentiary standard to be applied, but it also extended the Morales logic past the point of reason. Using this logic, any minor deviation from the statutory form of the warnings would render the State incapable of laying the foundation for a breath test.

This result, if allowed to stand, would undermine this Court's deference to the separation of powers in this important intersection of public safety and criminal law: "The legislature has made clear its intention to make BAC test results fully admissible once the State has met its prima facie burden. No reason exists to not follow this intent." City of Fircrest v. Jensen, 158 Wn.2d at 399.

3. The Decision Of The Court Of Appeals Involves An Issue Of Public Interest That Should Be Decided By The Supreme Court.

The carnage left in the wake of the crime of DUI has vexed courts, and the public, for decades. "The increasing slaughter on

our highways, most of which should be avoidable, now reaches the astounding figures only heard of on the battlefield." Breithaupt v. Abram, 352 U.S. 432, 439, 77 S.Ct. 408, 1 L.Ed.2d 448 (1957). This Court has both lamented the menace of drunk driving and noted that few crimes have received more public attention. State v. Bostrom, 127 Wn.2d 580, 591, 902 P.2d 157 (1995).

The Washington Legislature has expressed similar sentiments repeatedly along with its desire that blood and breath tests be admissible in DUI cases. Laws of 2004, ch. 68, §1. Part of this effort included a 2004 revision of Washington's implied consent statute, RCW 46.20.308, to clarify that verbatim recitation of the implied consent warnings was not necessary as long as the arresting officer substantially complied with the statute's terms. RCW 46.20.308(2); Laws of 2004, ch. 68, §2.

In 2012, the citizens of Washington legalized adult recreational use of marijuana through the passage of Initiative 502. The same Initiative called for the establishment of a maximum level of THC in a person's *blood*, above which a person could be found in per se violation of our DUI laws. In explaining the initiative to voters, the Attorney General stated:

> This measure would also amend the law that prohibits driving under the influence. It would specifically prohibit driving under the influence of marijuana. Consent to testing to determine whether a driver's **blood** contains alcohol or any drug would specifically apply to marijuana as well. State law that currently specifies a level of **blood** alcohol concentration for driving under the influence would be amended to also specify a level of the active ingredient in marijuana. A person who drives with a higher **blood** concentration of that active ingredient, or who is otherwise under the influence of marijuana, would be guilty of driving under the influence. For persons under 21, any level of the active ingredient of marijuana would be prohibited.[3]

Accordingly, effective December 6, 2012, the implied consent statute was amended as directed by Initiative 502 to include the disputed warnings involved in this case, which refer only to THC concentration in a person's blood. Laws of 2013, ch. 3, §31(2).

However, effective September 28, 2013, the legislature eliminated the implied consent statute's reference to blood draws as an available method of testing under that statute. Laws of 2013, 2d Sp. Sess., ch. 35, §36(1). This amendment stated that blood draws were only available "pursuant to a search warrant, a valid waiver of the warrant requirement, or when exigent circumstances exist." Id. at §36(3). However, the legislature did not remove the

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Initiative Measure No. 502 Explanatory Statement, available at: https://wei.sos.wa.gov/agency/osos/en/press_and_research/Previouselections/2012/General-Election/Pages/Online-Voters-Guide.aspx (last visited March 9, 2016)(**emphasis** added).

warnings' reference to the per se THC limit applicable to blood tests. Id. at §36(2).

The most recent change to the implied consent statute, effective September 26, 2015, was passed in conjunction with the legislature's expressed intent to "provide appropriate sanctions" and "increase punishment" for DUI offenders. Laws of 2015, 2d Sp. Sess., ch. 3, §1. The same bill included two changes to the implied consent statute which are particularly important in this case.

First, the legislature removed any reference to THC blood concentration from the warnings officers shall provide to the driver. Id. at §5(2)(c)(i) and (ii). In other words, officers are no longer directed to warn DUI suspects about anything related to THC concentration in their blood, because the current implied consent statute applies only to breath tests. Breath tests are incapable of measuring THC concentration.

Second, the legislature corrected any ambiguity regarding whether the mandated warnings must be read verbatim in every instance. As discussed above, strict verbatim compliance is not required. Id. at §5(5)(d)(ii).

This most recent amendment codifies the persistent intent of the legislature to hold DUI offenders accountable despite

discretionary omissions of warnings completely inapplicable to some drivers. For example, portions of the implied consent warnings apply only to those under the age of 21. RCW 46.20.308(2)(c)(ii) and (iii). The defendant in Robison conceded that law enforcement officers routinely exercise discretion in deciding, based on the driver's age, whether to read the "under 21" portion of the statutory warning.[4]

While the defendant in Robison justified this widely-accepted practice as "relatively simple to exempt,"[5] the Court ultimately held that officers have no discretion at all to omit inapplicable portions of the warnings. This holding would preclude officers from omitting even the "relatively simple" under 21 language as has been the practice for over 20 years.

The Court of Appeals' opinions in this case and Robison represent a dramatic departure from the notions of substantial compliance and prejudice, each of which are necessary to prevent DUI offenders from escaping criminal liability based on technical, procedural defects in the warnings they receive. The resulting

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[4] Wash. Court of Appeals oral argument, State v. Robison, No. 72260-3-I (Nov. 2, 2015), at 06:53 – 07:05 (available at https://www.courts.wa.gov/content/OralArgAudio/a01/20151102/1.%20State%20v.%20Robison%20%20%20722603.wma).

[5] Id. at 08:13 – 08:24.

injustice is a matter of great public concern. This Court should accept review of this important issue.

The decision of the Court of Appeals conflicts with the Court of Appeals decisions in Lynch, Grewal, Merseal, and Rodriguez. It also conflicts with this court's decisions in Bartels, Storhoff, and Jensen. It presents an issue of great public importance. Review should be granted under RAP 13.4(b)(1), (2), and (4).

VI. CONCLUSION

For the reasons stated above, this court should grant review, reverse the decision of the Court of Appeals, and reinstate the conviction.

Respectfully submitted on March 17, 2016.

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APPENDIX A

Court of Appeals UnPublished Opinion: Filed February 16, 2016

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON, Petitioner, v. JUDITH E. MURRAY, Respondent.	No. 72501-7-I DIVISION ONE UNPUBLISHED OPINION FILED: February 16, 2016

LEACH, J. — The State asks this court to review a superior court order reversing the trial court's denial of Judith E. Murray's motion to suppress the results of a breath test administered after Murray was arrested for driving under the influence (DUI). The State contends that the trooper was not required to read the entire statutory warning, that the trooper provided Murray with an adequate warning, and that the record does not show actual prejudice. The trooper omitted a portion of the statutory warning related to THC[1] test results. Because the applicable statute required the THC warning and Murray was not required to show prejudice, we affirm.

FACTS

On December 8, 2012, at about 8:10 p.m., Washington State Patrol Trooper Ernest Gerrer stopped Murray in Snohomish County for a traffic violation. Trooper Gerrer smelled an odor of intoxicants coming from inside Murray's vehicle and saw

[1] Tetrahydrocannabinol (THC) is the "chief active ingredient in marijuana, and the one largely responsible for its effects." State v. Smith, 93 Wn.2d 329, 333, 610 P.2d 869 (1980).

Murray's bloodshot and watery eyes. Trooper Gerrer heard Murray's extremely slurred speech. After Murray performed the field sobriety tests, Trooper Gerrer arrested her. Murray did not mention and Gerrer did not observe any marijuana at the time of arrest. After the arrest, Trooper Gerrer's standard inventory search of Murray's vehicle revealed a pipe and a small bag of marijuana in the passenger seat. When Trooper Gerrer asked Murray about the marijuana and pipe, she told him that she had smoked marijuana earlier that day.

Trooper Gerrer read Murray implied consent warnings for breath at the police station. This incident took place approximately two days after new laws took effect that set per se limits on THC concentration in blood.[2] Trooper Gerrer did not provide Murray with any warnings about per se THC concentration in her blood. The breath test administered can determine alcohol concentration in the breath, but it does not test for THC. Murray agreed to a breath test and provided two samples that showed a level over the per se legal limit for alcohol.

The State charged Murray with DUI. Murray filed a pretrial motion to suppress the breath test results. The Snohomish County District Court–Cascade Division held an evidentiary hearing on December 9, 2013. The district court decided that Trooper Gerrer gave Murray the sufficient statutory warnings and denied Murray's motion to

[2] Initiative 502, LAWS OF 2013, ch. 3, § 31 (amending RCW 46.20.308(2)(c)(i), effective December 6, 2012, to September 27, 2013, adding "the alcohol concentration of the driver's breath or blood is 0.08 or more or that the THC concentration of the driver's blood is 5.00 or more").

suppress. After a bench trial, the district court found Murray guilty as charged. Murray appealed the district court's denial of her motion to suppress.

On RALJ appeal,[3] the Snohomish County Superior Court reversed the trial court. It found Trooper Gerrer's warning inadequate because "[o]fficers do not have discretion to decide which of the required warnings are given to subjects suspected to have consumed both alcohol and THC."

The superior court remanded this case back to the district court for further proceedings consistent with its ruling. A commissioner of this court granted the State's petition for discretionary review.

STANDARD OF REVIEW

We review de novo a superior court's legal conclusions about suppression of evidence.[4] We also review de novo the legal sufficiency of implied consent warnings.[5]

ANALYSIS

The State contends that the superior court erred because the warning that Trooper Gerrer gave provided Murray with a sufficient opportunity to make a knowing and intelligent decision about taking the breath test and any deficiency in that warning did not prejudice Murray.

We recently considered and rejected the same arguments.[6] RCW 46.20.308 requires that before an officer gives a breath test to a person reasonably believed to be

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[3] RALJ 1.1(a).
[4] State v. Chacon Arreola, 176 Wn.2d 284, 291, 290 P.3d 983 (2012).
[5] State v. Morales, 173 Wn.2d 560, 567, 269 P.3d 263 (2012).
[6] State v. Robison, No. 72260-3-I, slip op. (Wash. Ct. App. Feb. 16, 2016).

driving under the influence, an officer must provide that driver with certain warnings required by that statute.[7] Here, the State cannot show that an officer gave all the required warnings to Murray. Therefore, the superior court correctly decided that the breath tests to Murray were not admissible as evidence of her guilt. We affirm.

Leach, J.

WE CONCUR:

Dwyer, J.

Schindler, J.

[7] Robison, slip op. at 15-16.

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I

THE STATE OF WASHINGTON, Respondent, v. JUDITH E. MURRAY, Appellant.	No. 72501-7-I DECLARATION OF DOCUMENT FILING AND E-SERVICE

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that on the 17th day of March, 2016, affiant sent via e-mail as an attachment the following document(s) in the above-referenced cause:

PETITION FOR REVIEW

I certify that I sent via e-mail a copy of the foregoing document to: The Court of Appeals via Electronic Filing and to Thomas M. Kummerow, Washington Appellate Project, tom@washapp.org; and wapofficemail@washapp.org.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 17th day of March, 2016, at the Snohomish County Office.

Diane K. Kremenich
Legal Assistant/Appeals Unit
Snohomish County Prosecutor's Office