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SUPREME COURT
STATE OF WASHINGTON
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CLERK

Supreme Court No.

96471-8

COA No. 354610-III

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

NICHOLAS TAYLOR

Appellant.

PETITION FOR REVIEW

DEAN T. CHUANG
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A. IDENTITY OF PETITIONER

Nicholas Taylor, by and through his attorney, Dean T Chuang, asks this Court accept review of the Court of Appeals decision upholding the actions of Spokane County Superior Court, and seeks relief designed in part B of this petition.

B. RELIEF REQUESTED

Mr. Taylor seeks review of the Division III Court of Appeals ruling filed October 2, 2018, Case 35461-0-III. This ruling affirms the subject matter jurisdiction of Spokane County District Court over Mr. Taylor and rejects exclusive original criminal jurisdiction of the City of Spokane Municipal Court over the defendant based on the citing officer. Mr. Taylor requests this ruling be overturned.

A copy of the decision is attached hereto as Appendix A.

C. ISSUES PRESENTED FOR REVIEW

1. Whether the decision in *State v. Taylor* directly subverts RCW 3.50.020 and a municipalities exclusive original criminal jurisdiction by allowing the citing officer to determine which court has subject matter jurisdiction over the defendant?
2. Whether the decision in *State v. Taylor* violates the Washington State Constitution under Article IV, §12, by allowing a citing officer to determine the jurisdictional powers of the district and municipal courts over a defendant?

D. STATEMENT OF THE CASE

On March 6, 2015, Trooper Bruner was heading northbound on Washington Street when he saw a Toyota Rav4 make a quick lane change in a jerking motion. The officer followed the vehicle northbound and observed the driver drift over the center line twice, each time swerving back into the lane. The officer then turned on his radar and checked the Rav4 speeding at 42mph. He then activated his emergency lights. The Toyota pulled right onto Cataldo Street and entered an apartment parking lot, hitting the curb with his front tires while pulling into a parking spot. The traffic stop occurred within the City of Spokane. CP 2; 187-190; RP 7.

The officer contacted the driver, and later identified him as Mr. Taylor through his driver's license. The officer could smell a strong odor of intoxicants coming from inside the car. He asked Mr. Taylor how much she had to drink, and he replied "I haven't it's her birthday." Mr. Taylor then was asked to step out of the car, and asked again how much he had to drink. He stated "I had a beer." Mr. Taylor was then asked if he would submit to a field sobriety test, which he agreed to. RP 187-190

A horizontal gaze nystagmus test was performed, and Mr. Taylor exhibited all six clues. Mr. Taylor stepped off the line twice in walk and turn, and was asked to stare at his toe during the one leg stand. The officer

then asked if he would submit to a PBT sample, and he agreed. Mr. Taylor blew a .132. CP 156-159.

Mr. Taylor was then arrested at 2:05 am. At 2:07 am, Mr. Taylor was transported to the Public Safety Building for BAC processing. At 2:51 am, a mouth check was performed on Mr. Taylor. Then at 2:53 am, Mr. Taylor was read his Miranda rights. Mr. Taylor then provided another breath sample which read .120 and .126. At this point, Mr. Taylor was cited for driving under the influence and booked into Spokane County Jail. Mr. Taylor was prosecuted by the Spokane County Prosecutor's Office and his matter was set before the Spokane County District Court. CP 155-160.

The matter proceeded to trial before Judge Tripp where Mr. Taylor was convicted for driving under the influence. Mr. Taylor sought appellate review to the Superior Court.

On February 17, 2017, the Honorable Maryann C. Moreno heard oral arguments by the parties. RP 2-32. The issue of the Spokane County District Court's subject matter jurisdiction was raised for the first time on appeal. On May 17, 2017, a letter opinion was issued by the Superior Court rejecting Mr. Taylor's argument. CP 187-190. On June 23, 2017, a final order was presented regarding the matter. CP 191. Mr. Taylor filed

for discretionary review with this court on July 21, 2017. CP 192-197.

Review was granted on September 20, 2017.

The Court of Appeals issued a published opinion on October 2, 2018. This opinion upholds the Spokane County District Court's jurisdiction over the defendant. It is this published opinion the defendant now seeks to be reviewed by the Supreme Court.

E. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED.

- 1. The decision in *State v. Taylor* directly subverts RCW 3.50.020 and a municipalities exclusive original criminal jurisdiction by allowing the citing officer to determine which court has subject matter jurisdiction over the defendant. Such unbridled discretion in the hands of the citing officer threatens the fair and orderly processing of misdemeanor citations and represents an issue of substantial public interest that should be determined by the Supreme Court under RAP 13.4(b)(4).**

The question of whether a municipal court has original criminal jurisdiction over a defendant that commits a crime under municipal ordinance and within that city limits is an issue of substantial public interest. A decision that has the potential to affect a number of proceedings in the lower courts may warrant review as an issue of substantial public interest if review will avoid unnecessary litigation and confusion on a common issue. *See State v. Watson*, 155 Wn.2d 574, 577, 122 P.3d 903 (2005). Here, this issue deals directly with the jurisdiction of the district and municipal courts over criminal defendants. Every

municipal and district court in the State of Washington has the potential to be affected by the *Taylor* decision. Thus, the amount of cases and commonality of exclusive original jurisdiction of misdemeanor defendants warrant review under RAP 13.4(b)(4).

a. The *Taylor* decision puts into question municipalities' original criminal jurisdiction of their court systems.

The Court of Appeals ruled that the district court has concurrent jurisdiction with the municipal courts despite the clear and unambiguous language of RCW 3.50 and Spokane Municipal Code (SMC) 05A.02.010 that a municipal court has “exclusive original jurisdiction of all violations of city ordinances duly adopted by the city...” RCW 3.50.020. Affirming this position would have grave consequences not only for the City of Spokane, but also many municipalities around Spokane County and Division III. Furthermore, the Court Appeals stated that the City of Spokane had not adopted the DUI statute, RCW 46.61.502, thus putting into question its ability of enforce its own ordinance.

Municipal Codes around the County have adopted by reference the Washington Model Traffic Ordinance. Holding that the City of Spokane does not have any jurisdiction for violations that occur within the city just because officers cite adopted RCW violations instead of Municipal Code violations will render the systems of Liberty Lake, Airway Heights, and Spokane Valley entirely moot. Similarly, other municipalities in Division

III have similar, or even the same language as SMC 16A.02.010.

“Statutes are to be construed, wherever possible, so that no clause, sentence, or word shall be superfluous, void, or insignificant.” *United Parcel Service, Inc. v. Department of Revenue*, 102 Wn.2d 355, 361, 687 P.2d 186, 190 (1984). Holding that these provisions, along with the language “exclusive original” jurisdiction are inapplicable would serve to render the entire municipal code mere surplusage.

This is distinct from situations where a City’s municipal code has a separate and cognizable section which addresses Driving Under the Influence differing from Washington State’s RCW 46.61.502. The City of Seattle has its own Driving Under the Influence charge separate and distinct from RCW 46.61.502. That charge is Driving While Intoxicated, SMC 11.56.020. In situations like this, a citing officer would cite under the Municipal Code rather than the RCW for violations of city ordinances.

Here, there is no separate and distinct code section for driving under the influence in the Spokane Municipal Code. Rather, the city adopted by reference the WMTO which itself adopts by reference numerous RCW sections. Citing just to SMC 16A.02.010 would not only be impractical, but unnecessarily confusing as it would be difficult to determine which city ordinance is actually allegedly being violated. Thus, citing to the corresponding RCW within city limits grants exclusive

original criminal jurisdiction to the Municipal Courts as it is a violation of its city ordinances. The notion that RCW 46.61.502 has not been adopted by the City of Spokane and the City cannot prosecute crimes adopted by municipal code is not supported by caselaw and record.

b. The Taylor decision allows the citing officer unbridled discretion to determine which court system has subject matter jurisdiction over the defendant.

Under *Taylor*, the citing officer has the ultimate power to determine which court system defendant is subject to, which is counter to RCW 3.50.020. *State v. Taylor*, slip opinion no. 35461-0 III. In supporting this assertion, the Court of Appeals erred by confusing a law enforcement officer's ability of enforce a law and the municipal court's jurisdiction over a defendant. The *Taylor* analysis is solely focused on citing law enforcement officer's agency, rather than ordinance cited and location of the alleged crime.

A practical result of the *Taylor* case is an officer can determine where cases should be processed. For example, a City of Spokane Police Officer has the ability to cite under State and Municipal code. The officer pulls over a defendant for DUI in the City of Spokane and cites under RCW 46.61.502. Under the *Taylor* ruling, the officer has the discretion to file this citation in either District or Municipal Court because RCW 46.61.502 has been adopted by the City of Spokane. The officer can elect

not to file in municipal court, thus sending the case over to district court or the officer can file in municipal court. The ability to orderly and uniformly process the citation is lost when the executive branch determines what court has jurisdiction.

Now put a Spokane County Sherriff Deputy in the same situation. The deputy pulls a defendant over for DUI in the City of Spokane and cites under RCW 46.61.502. According to *Taylor*, the deputy has to refer the matter to Spokane County District Court on the basis of the citing officer's department. Even though, RCW 46.61.502 has been adopted by the City of Spokane and the violation of law occurred within the City of Spokane.

The ability of the City of Spokane to prosecute violations of city ordinances within the City of Spokane is lost on the basis of what department the citing officer belongs to. In creating the Municipal Courts, the Spokane Municipal Code authorized the full force and effect of RCW 3.50.010 by granting "exclusive original jurisdiction over all traffic, parking, and other civil infractions arising under City ordinances and exclusive original criminal jurisdiction over all violations of City ordinances . . ." SMC 05A.02.010. The Court of Appeal's ruling has effectively abrogated the Municipal Court's jurisdiction to exercise its exclusive original criminal jurisdiction over its own city ordinances.

- c. ***The City of Spokane has adopted RCW 46.61.502, thus allowing the municipal court to have exclusive original criminal jurisdiction of defendants committing DUI in the City Limits.***

The Court of Appeals in *State v. Taylor* states “RCW 46.61.502 is not a city ordinance. Nor did RCW 46.61.502 become a city ordinance by virtue of the City adopting it.” Slip opinion no. 35461-0 III at 5.

Municipal Codes around the County have adopted by reference the Washington Model Traffic Ordinance. Holding that the City of Spokane does not have any jurisdiction for violations that occur within the city just because officers cite adopted RCW violations, which was duly adopted by the city will render the systems of Liberty Lake, Airway Heights, and Spokane Valley entirely moot. Similarly, other municipalities in Division III have similar, or even the same language as SMC 16A.02.010.

“Statutes are to be construed, wherever possible, so that no clause, sentence, or word shall be superfluous, void, or insignificant.” *United Parcel Service, Inc. v. Department of Revenue*, 102 Wn.2d 355, 361, 687 P.2d 186, 190 (1984). Holding that these provisions, along with the language “exclusive original” jurisdiction are inapplicable would serve to render the entire municipal code mere surplusage.

This is distinct from situations where a City's municipal code has a separate and cognizable section which addresses Driving Under the Influence differing from Washington State's RCW 46.61.502. The City of Seattle has its own Driving Under the Influence charge separate and distinct from RCW 46.61.502. That charge is Driving While Intoxicated, SMC 11.56.020. In situations like this, a citing officer would cite under the Municipal Code rather than the RCW for violations of city ordinances.

Here, there is no separate and distinct code section for driving under the influence in the Spokane Municipal Code. Rather, the city adopted by reference the WMTO which itself adopts by reference numerous RCW sections. Citing just to SMC 16A.02.010 would not only be impractical, but unnecessarily confusing as it would be difficult to determine which city ordinance is actually allegedly being violated. Thus, citing to the corresponding RCW within city limits grants exclusive original criminal jurisdiction to the Municipal Courts as it is a violation of its city ordinances the ordinance and location of the offense.

The Spokane Municipal Code has adopted by reference the Washington Model Traffic Ordinance, WAC 308-330, which has incorporated RCW 46.61.502.

Prior to 2009, the Spokane Municipal Code had its own Driving Under the Influence citation, separate and distinct from Washington

State’s Driving Under the Influence citation. See SMC 16.61.502. In 2009, the City of Spokane enacted SMC 16A. Under 16A.02, Spokane adopted the Washington Model Traffic Ordinance (WMTO), found in WAC 308-330. Under 16A.02.010, Spokane “adopted by reference” the WMTO as “the traffic ordinance of the City of Spokane as if set forth in full.” See Fig 1.

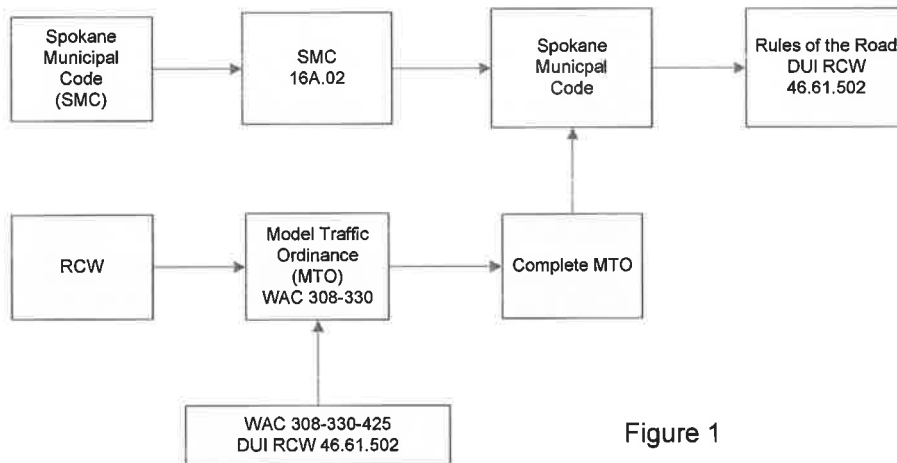


Figure 1

The adoption of the WMTO is significant because it allows the City of Spokane to enforce specific RCWs. To adopt means “[t]o accept, consent to, and put into effective operation; as in the case of a constitution, constitutional amendment, ordinance, or by-law.” Black’s Law Dictionary, 2nd Ed. Furthermore, the courts have acknowledged the validity of state laws adopted by municipalities stating “[T]he plain language used to adopt state law by reference – language of the sort one would expect to see, if a local legislative authority was adopting state law as local law – was that

the state laws at issue ‘are hereby adopted by reference as and for the portion of the [local Municipal] Code.’” *Hook v. Lincoln County Noxious Weed Control Bd.*, 166 Wn.App. 145, 154, 269 P.3d 1056, 1061 (2012).

In fact, the WMTO’s purpose is to:

The purpose of this chapter is to encourage highway safety and uniform traffic laws by authorizing the department of licensing to adopt a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts this chapter by reference may at any time exclude any section or sections from this chapter which it does not desire to include in its local traffic ordinance. This chapter is not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available.

WAC 308-330-005. Clearly, the legislative body wanted various municipalities to adopt the WMTO into their own codes to promote uniform and updated traffic laws. The notion that City of Spokane cannot adopt and incorporate and enforce the WMTO is not supported by any case law or statute.

Moreover, WAC 308-330 has adopted by reference a number of RCW sections; importantly, Driving Under the Influence, RCW 46.61.502 is one of them. WAC 308-330-425. The WMTO “adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full . . . RCW 46.61.502.” Since the City of Spokane has adopted in its entirety the WMTO— including RCW 46.61.502—any such charges

cited under RCW 46.61.502 occurring in the City of Spokane must be adjudicated in the Municipal Courts alone. There is no distinct and separate municipal code to cite under, and citing simply to SMC 16A.02.010 would lead to unnecessary confusion when there are several RCW sections adopted by the WMTO. As such, citing RCW 46.61.502 within city limits would be citing a criminal traffic violation within the City of Spokane where the Municipal Courts have exclusive original criminal jurisdiction.

- 2. The decision in *State v. Taylor* violates the Washington State Constitution under Article IV, §12, by allowing a citing officer to determine the jurisdictional powers of the district and municipal courts over a defendant and represents a significant question of law under the constitution of the State of Washington and should be determined by the Supreme Court under RAP 13.4(b)(3).**

Under the Washington Constitution, the legislature has the sole authority to prescribe the jurisdiction and powers of district and municipal courts. See Wash. Const. art. IV, § 12; *Exendine v. City of Sammamish*, 127 Wn. App. 574, 580, 113 P.3d 494, 497 (2005). The Washington State legislature has expressly authorized the creation of municipal courts since 1961. See RCW 3.50.010. Further, the legislature has granted that the municipal courts “shall have exclusive original jurisdiction over all traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city.”

RCW 3.50.020. The City of Spokane expressly created their municipal court system in 2009. See SMC 05A.01.010.

Here, under *Taylor*, it is the discretion of the citing officer who determines jurisdiction of the municipal or district court over a specific defendant rather than RCW 3.50.020. Such discretion of the citing officer violates Article IV, §12 of the Washington State Constitution. Instead of a legal frame work for the orderly and fair processing of defendants, *Taylor* opens the door for law enforcement officers, department heads and politicians to determine whether a specific court system will have jurisdiction over defendants.

The Supreme Court stated that “[i]f a court has original jurisdiction, an action may be filed there. If it has exclusive original jurisdiction, the action must be filed there and nowhere else. If a court has exclusive original jurisdiction, all that remains to any other court is appellate jurisdiction.” *Id.* at 682, (2006) (quoting *Ledgerwood v. Lansdowne*, 120 Wn. App. 414, 420, 85 P.3d 950, 953 (2004) (emphasis added)). “Because the legislature granted exclusive original jurisdiction over ordinance violation cases to the municipal court, once the new municipal court is created, all cases arising out of ordinance violations should be adjudicated there and nowhere else.” *Id.* (emphasis added).

Moreover, the instant case is distinct from the situation in *City of Auburn v. Gauntt*, 174 Wn.2d 321, 274 P.3d 1033 (2012). In that case, the court looked at two drug criminal charges against the defendant that were cited under State law, but brought before the Auburn Municipal Court. *Id.* at 323. In that case, the two state laws were not adopted by the Auburn Municipal Code. The Superior Court in that case specifically held that “[t]he City may not enforce a state law without having first adopted the state law by reference or having adopted a compatible ordinance. Since the defendant was prosecuted for a crime not adopted by the City, the findings of guilty is hereby set aside and this case remanded to the Auburn Municipal Court for dismissal.” *Id.* at 324. The Supreme Court looked at this and agreed, saying that “[a]t the time Gauntt was arrested, the city of Auburn had not explicitly adopted either of the two statutes he was charged under, nor had it explicitly made the conduct itself a misdemeanor by ordinance.” *Id.* at 329.

Here, unlike the city of Auburn, Spokane has adopted the statute in question, RCW 46.61.502 by adopting the WMTO in its entirety under SMC 16A.02.010. The WMTO is promulgated under WAC Chapter 308-330, and WAC 308-330-425 explicitly “adopted by reference in all respects [as though] fully set forth herein” RCW 46.61.502. The violation

occurred within the city of Spokane, and as such, the jurisdiction becomes the City's through the Municipal Code.

The legislature has clearly set forth when the municipal court has jurisdiction over a defendant. Spokane Municipal Court has exclusive original criminal jurisdiction over defendants when a defendant violates a municipal ordinance and the violation occurs within the city limits. The exclusive original jurisdiction is not overcome simply by officer department affiliation or the whims of department heads or political figures. RCW 3.50.020 clearly defines when a court has exclusive original jurisdiction over a defendant.

F. CONCLUSION

Mr. Taylor request that this Court grant this petition for review under RAP 13.4(b)(3) and (4) set forth above.

Dated this 31st day of October, 2018.



Dean T. Chuang, WSBA 38095
Crary, Clark, Domanico & Chuang, P.S.


IN THE SUPREME COURT OF THE STATE OF WASHINGTON,

NICHOLAS TAYLOR) No.
)
 Appellant) COA No. 354610-III
 vs.)
)
 STATE OF WASHINGTON) PROOF OF SERVICE
)
 Respondent)
 _____)

I, Dean T Chuang, am the attorney of record for Appellant/Petitioner herein, do hereby certify under penalty of perjury of the State of Washington that on November 1st, 2018, I served a true and correct copy of the attached Petition for Review to:

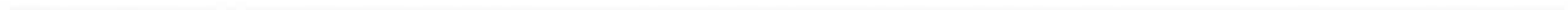
Samuel Comi
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Dated this 1 st day of November, 2018.



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APPENDIX



FILED
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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

STATE OF WASHINGTON,)	No. 35461-0-III
)	
Respondent.)	
)	
v.)	PUBLISHED OPINION
)	
NICHOLAS TAYLOR,)	
)	
Petitioner.)	

LAWRENCE-BERREY, C.J. — We are asked whether the City of Spokane’s (City) adoption of RCW 46.61.502, driving under the influence (DUI), deprived the Spokane County District Court of jurisdiction over DUIs committed within the City. We hold that it did not. We affirm Nicholas Taylor’s DUI conviction.

FACTS

A trooper with the Washington State Patrol stopped Mr. Taylor for suspected DUI. The stop occurred within the city limits of Spokane. Mr. Taylor failed various tests, and the trooper arrested and cited him for violating RCW 46.61.502.

The State charged Mr. Taylor in Spokane County District Court for violating RCW 46.61.502. The jury found Mr. Taylor guilty of DUI, and the district court judge

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entered a judgment of conviction. Mr. Taylor appealed his conviction to Spokane County Superior Court.

There, Mr. Taylor argued that the Spokane County District Court lacked subject matter jurisdiction over his DUI case. His argument was predicated on the City enacting Spokane Municipal Code § 16A.02.010, which adopted Title 308-330 WAC—the Washington Model Traffic Ordinance (WMTO). Title 308-330 WAC adopts various state statutes, including RCW 46.61.502. Mr. Taylor argued that the City’s adoption of RCW 46.61.502 vested its municipal court with exclusive jurisdiction over all DUIs committed within the City’s boundaries. The superior court rejected his argument and affirmed his conviction.

Mr. Taylor sought discretionary review. We were persuaded that the issue was one of first impression and granted his request. A panel of this court considered the issue without oral argument.

ANALYSIS

Mr. Taylor challenges the subject matter jurisdiction of the Spokane County District Court. A party may challenge the trial court’s subject matter jurisdiction for the first time at any point in a proceeding, even on appeal. *Cole v. Harveyland, LLC*, 163 Wn. App. 199, 205, 258 P.3d 70 (2011). Whether a trial court had jurisdiction is a

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State v. Taylor

question of law that we review de novo. *City of Spokane v. Spokane County*, 158 Wn.2d 661, 681, 146 P.3d 893 (2006).

The meaning of a statute is also a question of law that we review de novo. *Id.* at 672. The primary goal of statutory construction is to discern and implement the legislature's intent. *Id.* at 673.

Where the meaning of statutory language is plain on its face, we must give effect to that plain meaning as an expression of legislative intent. In discerning the plain meaning of a provision, we consider the entire statute in which the provision is found, as well as related statutes or other provisions in the same act that disclose legislative intent.

Id. (citation omitted).

Under the Washington Constitution, the legislature has the sole authority to prescribe the jurisdiction and powers of district and municipal courts. WASH. CONST. art. IV, § 12; *Exendine v. City of Sammamish*, 127 Wn. App. 574, 580, 113 P.3d 494 (2005).

The legislature has given the district courts jurisdiction “[c]oncurrent with the superior court[s] of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances.” RCW 3.66.060. If a city has created a municipal court, violations of city ordinances must be prosecuted exclusively in the municipal court. RCW 3.50.020; *see also City of Spokane*, 158 Wn.2d at 683

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(ordering open cases involving municipal code violations to be transferred from the district court to the newly created municipal court).

Municipal courts “have . . . exclusive original criminal jurisdiction of all violations of *city ordinances* duly adopted by the city . . .” RCW 3.50.020 (emphasis added).

When a court has exclusive original jurisdiction, the relevant action must be filed in that court. *City of Spokane*, 158 Wn.2d at 682 (quoting *Ledgerwood v. Lansdowne*, 120 Wn. App. 414, 420, 85 P.3d 950 (2004)).

Mr. Taylor argues that the City’s adoption of RCW 46.61.502 precludes Spokane County from exercising jurisdiction over DUIs occurring within the City’s boundaries. We disagree.

The State charged Mr. Taylor with a gross misdemeanor in violation of RCW 46.61.502. As noted previously, the legislature gave district courts concurrent jurisdiction with superior courts of all misdemeanor and gross misdemeanor violations occurring within their respective counties. It is undisputed that Mr. Taylor committed his DUI in Spokane County.

Mr. Taylor fails to cite to a statute that would deprive the district court of its jurisdiction in this matter. At best, he cites to RCW 3.50.020, which gives municipal courts exclusive criminal jurisdiction over all violations of *city ordinances*.

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State v. Taylor

RCW 46.61.502 is not a city ordinance. Nor did RCW 46.61.502 become a city ordinance by virtue of the City adopting it.

Mr. Taylor argues that allowing law enforcement to cite a criminal law violation as a state law or a municipal law violation gives law enforcement too much discretion and threatens the viability of municipal courts. We disagree.

Washington State Patrol troopers are authorized to enforce state laws. RCW 43.43.030. They are not permitted to enforce local laws. 1957 Op. Att’y Gen. No. 115, 1957 WL 54007. County sheriffs and their deputies are authorized to enforce state laws within their respective counties. Such authorization applies equally to incorporated areas as to unincorporated areas within the county. 1990 Op. Att’y Gen. No. 4, 1990 WL 505770. State and county law enforcement will therefore forward their citations to county prosecutors.

On the other hand, cities may only prosecute violations of their own ordinances. RCW 3.50.430; *see also City of Auburn v. Gauntt*, 174 Wn.2d 321, 325, 274 P.3d 1033 (2012). And any city that refuses to enforce its own criminal ordinances and refers comparable state criminal law violations to counties will be required to reimburse the county. *Whatcom County v. City of Bellingham*, 128 Wn.2d 537, 549, 909 P.2d 1303 (1996). To avoid the required reimbursement, city officers will always cite an offender

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under the city code, rather than the state statute, and forward their citations to city prosecutors. The orderly referral of prosecutions to the appropriate authorities will not be evaded by our holding.

We conclude that the Spokane County District Court had subject matter jurisdiction over DUI offenses committed within the City, notwithstanding that the City enacted an ordinance that adopted the DUI statute.

Affirmed.

Lawrence-Berrey, C.J.
Lawrence-Berrey, C.J.

WE CONCUR:

Siddoway, J.
Siddoway, J.

Fearing, J.
Fearing, J.

CRARY CLARK & DOMANICO PS

November 01, 2018 - 10:35 AM

Filing Petition for Review

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