NO. 98324-1

SUPREME COURT OF THE STATE OF WASHINGTON

CHARLES EDWIN PILLON,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

STATE OF WASHINGTON'S ANSWER IN OPPOSITION TO PETITION FOR DISCRETIONARY REVIEW

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I. INTRODUCTION

For more than 30 years, Petitioner, Charles Edwin Pillon, used a large portion of his rural King County property as an unlicensed, unlined, and unregulated landfill. Based on this conduct, and following an extensive investigation by multiple state, federal, and local agencies, the State charged Mr. Pillon with a felony count of violating the Hazardous Waste Management Act, a felony count of wrecking vehicles without a license with a prior conviction, and a gross misdemeanor count of dumping solid waste without a permit. After a bench trial, and citing "[i]ncredibly overwhelming" evidence of guilt, the trial court convicted Mr. Pillon on all counts. The Court of Appeals affirmed. Mr. Pillon now seeks discretionary review of his felony convictions on Counts 1 and 2.

The Court should decline review. Mr. Pillon does not mention—let alone address—the considerations governing this Court's acceptance of discretionary review. And none support review. Mr. Pillon identifies no actual conflict between the decisions below and either this Court or other published decisions of the Courts of Appeal. Mr. Pillon also does not claim that this case presents a significant question of law under the Federal or State constitutions or that it involves an issue of substantial public interest. Instead, Mr. Pillon simply reiterates his disagreements with the trial court that were soundly rejected by the Court of Appeals. But, Mr. Pillon's

argument fundamentally misunderstands the element of knowledge as it relates to his conviction, claiming that because his *motivation* was to do a public good, he could not have known he was likely to harm the state's natural resources. As set out below, this is not the case, and the trial court correctly found that—despite his alleged motivations—Mr. Pillon had full knowledge of every fact that would lead a reasonable person to conclude natural resources of the state were in serious risk of harm. The lower courts' decisions are plainly correct and properly apply relevant statutes and case law. Review, therefore, should be denied.

II. STATEMENT OF THE ISSUES

1. Did the trial court properly infer Mr. Pillon's knowledge pursuant to RCW 9A.08.010(1)(b) based on uncontested evidence that any reasonable person in Mr. Pillon's situation would have recognized the imminent danger his illegal dumping activities posed to natural resources of the state?

2. Did the trial court, pursuant to ER 404(a), properly exercise its discretion to exclude character evidence testimony when the testimony offered was not pertinent to any elements of the charged crimes?

III. STATEMENT OF THE CASE

Since the late 1970's, Mr. Pillon owned and occupied an approximately 10-acre property in Renton, Washington.[1] Clerk's Papers

[1] This facts section is based upon stipulations of fact agreed upon by the parties prior to trial and filed with the trial court, as well as the trial court's unchallenged Findings of Fact and Conclusions of Law. Unchallenged findings of fact are verities on appeal. *See e.g. State v. Rodgers*, 146 Wn.2d 55, 61, 43 P.3d 1 (2002).

(CP) 101–02. Mr. Pillon utilized a large portion of the property to store, collect, accumulate, and dispose of various items of solid waste. CP 102. For many years, and particularly from December 2015 through February 25, 2016, Mr. Pillon either brought or allowed to be brought onto the property solid waste including numerous containers with unknown substances inside them. CP 25. Mr. Pillon charged members of the public a fee ranging from $20 to $100 to deposit solid waste at his property. CP 102. By his own admission and estimation, Mr. Pillon "put the word out" that people could dump solid waste at his property and accepted approximately 120 cubic yards of waste per month. CP 27.

During searches and inspections of Mr. Pillon's property, federal, state, and local authorities were able to observe the condition of the items and take samples of the waste disposed of at the property. CP 103–04. Approximately 2,000 containers were discovered on the surface of the defendant's property, with unknown numbers of other containers buried under solid waste piles. CP 26. Containers throughout the property were exposed to the elements and exhibited significant wear and rusting. *Id.* Additionally, numerous containers had either been damaged or failed, releasing their contents onto the ground. *Id*. A photograph from trial published by the Court of Appeals shows Mr. Pillon's property as it appeared on February 25, 2016, and is attached as Attach. A.

During a search on February 25, 2016, officials sampled and tested the contents of nine containers on Mr. Pillon's property, selected to provide a fair representation. CP 26. Of the nine containers sampled, three contained hazardous substances—two exhibited characteristics of ignitability and one exhibited characteristics of toxicity, qualifying them as hazardous and dangerous waste under Washington Law. *Id*. Mr. Pillon did not have any of the required permits or licenses allowing for the storage or disposal of hazardous or dangerous waste on the property. CP 25.

Additionally, inspectors observed more than 50 used boats, boat trailers, motor vehicles, motor homes, and recreational vehicles on Mr. Pillon's property. CP 27, 102. From December 2015 through February 25, 2016, Mr. Pillon allowed individuals to both live in the vehicles and break down and strip them of aluminum siding, wiring, and other metals. CP 27, 102–03. Mr. Pillon also admitted that he personally cut up boat trailers and recreational vehicles. CP 27. Parts of these vehicles were sold to recycling companies as scrap; receipts discovered at the property demonstrated that Mr. Pillon had been paid for scrap metal. CP 27, 104. Mr. Pillon did not possess a valid Vehicle Wrecker's License issued by the Washington State Department of Licensing and had been previously convicted of Wrecking Motor Vehicles without a License in 2007. CP 26, 104.

The State charged Mr. Pillon with one count of Violation of the Hazardous Waste Management Act, one count of Wrecking Vehicles Without a License with a Previous Conviction, and one count of Unlawful Dumping of Solid Waste Without a Permit. CP 8–9. Mr. Pillon waived his right to the assistance of an attorney as well as his right to a jury. CP 51–2, 220. Prior to the matter proceeding to trial, the parties negotiated a significant number of factual stipulations and stipulations regarding the admissibility of the majority of evidence. CP 24–5, 101, 146.

One of the stipulations was a "Contingent Stipulation" regarding the testimony of potential defense witnesses. CP 113–145. The Contingent Stipulation included a number of summaries and attached declarations of 13 individuals Mr. Pillon sought to testify on his behalf. *Id*. Much of the declarations were focused on Mr. Pillon's demeanor, desire to improve the community, and further contained personal opinions and speculation regarding the actual condition of Petitioner's property. *Id*. The parties stipulated that the court could consider the information contained in the Contingent Stipulation if the Court found the information relevant and admissible. CP 113. The State objected to the information in the Contingent Stipulation and sought to exclude much of it, *inter alia*, on relevancy grounds. CP 113; RP 32–50. The court ruled the testimony of potential

defense witnesses called to attest to Mr. Pillon's good character were not relevant to the charged crimes. RP 32–50.

During trial, the Court heard testimony from witnesses for the State and Mr. Pillon, including Mr. Pillon, who testified on his own behalf. The State submitted jury instructions, outlining the applicable elements and statements of law. CP 53–92. Included in the submitted jury instructions was Washington Pattern Instructions Committee No. 10.02: "[i]f a person has information that would lead a reasonable person in the same situation to believe that a fact exists, the jury is permitted but not required to find that he or she acted with knowledge of that fact." CP 69.

At the conclusion of the trial, the Court filed a Findings of Fact and Conclusions of Law (Findings) and found Mr. Pillon guilty as charged. CP 24–9. In its Findings, the Court found Mr. Pillon demonstrated great knowledge of the flow of water on and off the property and clearly understood that water flowing off his land went into a creek and the waters of the state. CP 26. As to defendant's knowledge of the imminent danger, the court specifically found:

> Given the condition of the defendant's property, including the numerous containers and the decrepit condition of those containers, any reasonable person would know that their storage posed an imminent danger to the waters of the State of Washington. From this, the court concludes that the defendant had this knowledge.

CP 26.

The Court further explained its finding in an oral ruling on the specific issue of knowledge that it could infer knowledge based upon what a reasonable person in the same situation would believe.

> It's not necessary that the person know that a fact, circumstance, or result as defined by law as being lawful or an element of the crime. And I also can draw on what a reasonable person in the same situation would consider to believe a fact exists. . . . The Court finds, based on the level of testimony, that there was overwhelming evidence that Mr. Pillon knew or should have known that he was storing hazardous substances. . . . The third [element/prong] was that such storage or disposal was done in a manner that the defendant knew placed natural resources owned by the State of Washington in imminent harm. . . . [T]he Court can draw inferences over what a reasonable person would know under the same circumstances. . . . A reasonable person would know that storage was done in a manner that would raise the danger of imminent harm.

RP 774–76.

Applying these Findings to the law, the Court concluded that the State had proved beyond a reasonable doubt "the storage or disposal of [hazardous waste] was done in a manner that the defendant knew placed natural resources owned by the State of Washington in imminent danger of harm." CP 28. In concluding its oral finding of guilt on Count 1, the court addressed Mr. Pillon's testimony regarding his motivations and explained,

> I think it's important to note that I find that I—I think it's believable when Mr. Pillon says that he believes his actions are for the good of the public and in cleaning up the

> roadways and inviting other to bring otherwise potentially illegally dumped garbage to his property, that he's doing the right thing.
>
> But just because that's what you believe, Mr. Pillon, it's not a defense to the charge or relieves you from the responsibility of obeying the law and complying with the necessary permits and regulations of the various agencies. And although I find these charges were proven beyond a reasonable doubt, quite frankly the evidence was overwhelming. Incredibly overwhelming.

RP 783.

Mr. Pillon appealed his conviction related to Counts 1 and 2. The Court of Appeals affirmed Mr. Pillon's convictions. *State v. Pillon*, 459 P.3d 339, 358 (2020). For Count 1, the Court of Appeals analyzed the trial court's written and oral findings related to Mr. Pillon's knowledge. *See id.* at 353–354. The Court of Appeals concluded the trial court made a permissible inference in finding Mr. Pillon's subjective knowledge that his storage hazardous waste placed natural resources owned by the State of Washington in imminent danger of harm. *Id.* at 354. Likewise, the Court of Appeals applied a two-step process to review evidentiary rulings for an abuse of discretion and considered *de novo* whether the ruling deprived Mr. Pillon of his sixth Amendment right to present a defense. *Id.* at 355–356. In its review, the Appeals Court also found the character evidence the Mr. Pillon sought to introduce was not relevant in deciding whether Mr. Pillon knowingly engaged in conduct that placed the natural resources

of the state in imminent harm. *Id*. at 356. Mr. Pillon now seeks this Court's review.

IV. ARGUMENT

A. The Courts Below Followed Well-Established Law in Correctly Determining That Mr. Pillon Knowingly Placed Natural Resources of the State in Imminent Harm

The trial court found Mr. Pillon guilty of violating Washington's Hazardous Waste Management Act, RCW 70.105 (Count 1). As described by the trial court, the elements of this crime are: (1) that the defendant knowingly stored or disposed of hazardous substances, as exhibited by characteristics of ignitibility and/or toxicity; (2) such storage or disposal violated state law or regulations; and (3) the storage or disposal was done in a manner that the defendant knew placed natural resources of the state in imminent danger of harm. CP 28; RCW 70.105.085(1)(b).

Mr. Pillon does not challenge any of the findings of fact made by the trial court with regard to these elements. Instead, Mr. Pillon asserts that the trial court applied an improper objective standard to satisfy the knowledge requirement of Count 1 by using a mandatory presumption based on a reasonable person analysis.[2] Pet. Br. at 1, 13. There is no error.

[2] Mr. Pillon's briefing mentions that the trial court erred by failing to find "subjective intent." Pet. Br. at 1, 13. By its plain language, RCW 70.105.085(1)(b) does not require a defendant to intend to place natural resources of the state in imminent danger of harm, it merely requires that the defendant know of such danger. Because Mr. Pillon in

As set out below—and as affirmed by the Court of Appeals—the trial court properly applied the law in making a permissible inference that Mr. Pillon subjectively knew his actions placed the state's natural resources in imminent danger of harm.

1. The trial court properly inferred Mr. Pillon's knowledge in this case based on overwhelming evidence that any reasonable person would know natural resources of the state were in imminent danger of harm

In determining Mr. Pillon's knowledge in this case, the trial court utilized the State's proposed instruction Number 14, which was based on WPIC 10.02:

> A person knows or acts knowingly or with knowledge with respect to a fact, circumstance or result when he or she is aware of that fact, circumstance, or result. It is not necessary that the person know that the fact, circumstance or result is defined by law as being unlawful or an element of a crime.
>
> If a person has information that would lead a reasonable person in the same situation to believe that a fact exists, the jury is permitted but not required to find that he or she acted with knowledge of that fact.
>
> When acting knowingly as to a particular fact is required to establish an element of a crime, the element is also established if a person acts intentionally as to that fact.

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other portions of his brief references "subjective knowledge," the State assumes the reference to intent is a drafting error.

11 Wash. Prac., Pattern Jury Instr. Crim. WPIC 10.02 (4th Ed). In turn, WPIC 10.02 is based on the statutory definition of "knowledge" in RCW 9A.08.010(1)(b). *Id*.

As consistently construed by the courts, RCW 9A.08.010(1)(b) creates a permissible inference of subjective knowledge based on what a reasonable person would have known under the same circumstances. *See, e.g., State v. Bryant*, 89 Wn. App. 857, 869, 950 P.2d 1004 (1998), *citing State v. Shipp*, 93 Wn.2d 510, 515–16, 610 P.2d 1322 (1980). While this inference is not mandatory, RCW 9A.08.010 allows the trier of fact to find the *mens rea* necessary for criminal culpability based on circumstantial evidence unless it concludes that the defendant was "less attentive or intelligent than the ordinary person and, therefore, lacked actual, subjective knowledge." *Sarausad v. State*, 109 Wn. App. 824, 838 n. 5, 39 P.3d 308 (2001). "This instruction was specifically approved by [this Court] in *State v. Leech*, 114 Wn.2d 700, 790 P.2d 160 (1990) and has since been upheld repeatedly by Washington courts as constitutional." *Bryant*, 89 Wn. App. at 872.

The trial court's finding of Mr. Pillon's subjective knowledge in this case was supported by overwhelming evidence that no reasonable person would fail to recognize the risk of harm to natural resources of the state flowing from Mr. Pillon's actions. As noted above, in its unchallenged

written Findings the trial court found that both stormwater and groundwater flowed from Mr. Pillon's property into May Creek and, ultimately, Lake Washington—both waters and natural resources of the State of Washington. CP 26. Mr. Pillon demonstrated "great knowledge of the flow of water onto and off of his land and clearly understood that water flowing off his land went into … waters of the State of Washington." *Id*. Despite this knowledge, Mr. Pillon stored or disposed of "[a]pproximately 2,000 containers" on the surface of his property alone, along with unknown numbers of other containers "buried under solid waste piles." *Id*. These containers were "exposed to the elements and exhibited great signs of wear and rusting" with "[n]umerous containers on the property … damaged or failed, resulting in release of whatever contents had been in the container onto the ground." *Id*. Multiple containers were found to contain hazardous wastes as determined by either ignitability or toxicity criteria. *Id*.

Based on these circumstances, the trial court found that, "[g]iven the condition of [Mr. Pillon's] property, including the numerous containers and the decrepit condition of those containers, any reasonable person would know that their storage posed an imminent danger to the waters of the State of Washington. From this, the court concludes that the defendant had this knowledge." *Id*. Mr. Pillon does not dispute any of these findings of fact. Furthermore, defendant did not assert he was less intelligent or attentive

than the average person, such that he could not be found to have subjective knowledge. To the contrary, defendant freely admitted his conduct stemmed from a disregard for state hazardous waste regulation and a desire "to challenge those regulations." RP 761.

In short, the trial court carefully and correctly applied the law. Review is not warranted.

2. A post-verdict colloquy statement by the trial court does not nullify the court's finding of requisite knowledge

Mr. Pillon seeks to counter the clear and unambiguous written Findings based on a single oral statement made by the trial court. In that statement, presumably made in response to Mr. Pillon's testimony that he created his illegal landfill in order to keep trash off the roadways in his community, the court acknowledged it was "believable" that Mr. Pillon "believes his actions are for the good of the public" and "that he's doing the right thing." RP 783. Based on this statement, Mr. Pillon asserts that the trial court could not possibly have found that Mr. Pillon knew of the harm he was causing while simultaneously believing he was providing a service to the community. Pet. Br. at 12–13. This logic fails for multiple reasons.

First, oral rulings are "no more than an expression of [a trial court's] informal opinion" that have "no final or binding effect unless formally incorporated into the findings, conclusions, and judgment." *State v.*

Mallory, 69 Wn.2d 532, 533–34, 419 P.2d 324 (1966). As such, "they cannot be considered as the basis for the trial court's judgment and sentence." *Id*. at 533. Mr. Pillon does not challenge the trial court's written Findings. As described above, those Findings definitively establish the court's conclusion that any reasonable person would have understood the risk of harm to natural resources posed by illegally storing thousands of containers of waste in unlined, unattended, and unregulated trash heaps. *See* CP 25–26. Because unchallenged findings of fact are verities on appeal, *see, e.g., State v. Rodgers*, 146 Wn.2d 55, 61, 43 P.3d 1 (2002), the trial court's oral statement is irrelevant, and Mr. Pillon's argument is meritless.

Second, Mr. Pillon's argument fails even if the trial court's oral statement was binding. Mr. Pillon asserts that, because the trial court acknowledged that Mr. Pillon believed his operation of an illegal landfill provided a service to his community, the court could not have also inferred Mr. Pillon's knowledge of the harm flowing from that illegal landfill. But, Mr. Pillon's intention to clean up his community is irrelevant to the crime at issue. As noted above, criminal violations of the hazardous waste laws Mr. Pillon was convicted of merely require a defendant to act knowingly, and that knowledge can be based on a defendant's knowledge of facts that would lead a reasonable person to conclude that natural recourses of the

state were in imminent danger of harm.[3] *See* RCW 70.105.085(1)(b); RCW 9A.08.010(1)(b). It is beyond dispute that a defendant can have both the intent to provide a benefit to the community and know that his or her actions are causing an imminent danger of harm to the environment.

In fact, and as the Court of Appeals observed, the trial court's colloquy when viewed in its full context makes clear that this is what the court concluded. Immediately after acknowledging Mr. Pillon's belief that his intentions were good, the trial court admonished Mr. Pillon that those beliefs are "not a defense to the charge or relieves you from the responsibility of obeying the law and complying with the necessary permits and regulations of the various agencies." RP 783. The trial court went on to note that, not only were the elements of each count proven beyond a reasonable doubt, the evidence was "[i]ncredibly overwhelming." *Id.*

Thus, even if the trial court's Findings had included an express statement that Mr. Pillon believed his illegal landfill was a service to his community, it does not invalidate the court's finding of subjective knowledge based on Mr. Pillon's knowledge of facts that would lead a

[3] This standard was correctly applied to Mr. Pillon. In its oral ruling on Count 1, the trial court stated that "[i]t's not necessary that the person know that a fact, circumstance, or result as defined by law as being lawful or an element of the crime … I also can draw on what a reasonable person in the same situation would consider to believe a fact exists." RP 774–75. The trial court then found "overwhelming evidence" that "[a] reasonable person would know that storage was done in a manner that would raise the danger of imminent harm." RP 775–76 As the Court of Appeals noted, this "is a permissible inference." *State v. Pillon*, 459 P.3d at 354.

reasonable person to know of the risk of harm to natural resources posed by the illegal landfill.

B. The Trial Court Exercised Sound Discretion in Excluding Irrelevant Evidence of Mr. Pillon's Character

At trial, Mr. Pillon sought to introduce testimony of his reputation for protecting the community from harm as evidence that he did not knowingly engage in conduct that placed natural resources of the state in imminent risk of harm and did not engage in the "business" of illegal auto wrecking. Specifically, and as summarized by the Court of Appeals, Mr. Pillon sought to proffer the following testimony:

> [Mr. Pillon's] friends and neighbors Douglas Bandelin, Ken Osborne, and Mike Pruitt express personal opinions about Pillon and his property. Friends and neighbors Clint Cave, Raymond Cox, and Jarod Wood describe [Mr. Pillon's] efforts to abate criminal activity in the neighborhood and improve safety. Friend and neighbor Amy McGann and King County Sheriff Detective Sam Speight describe [Mr. Pillon's] efforts to abate drug houses. The testimony of former Renton Mayor Dennis Law addresses [Mr. Pillon's] community service activities. The testimony of WSP Trooper Padgett describes the 'respectful' interactions she had with [Mr. Pillon] in 2002 and 2006 and the 2007 decision of King County Hearing Examiner Stafford Smith concerns [Mr. Pillon's] appeal of a 2002 code enforcement action against him.

State v. Pillon 459 P.3d. at 356. Mr. Pillon claims that exclusion of this evidence constituted abuse of discretion and violated Mr. Pillon's right to

present a defense and to due process. Because the trial court properly excluded this testimony as irrelevant and improper character evidence, there is no error below, and this Court should decline review.

1. General testimony of Mr. Pillon's desire to improve safety in his community is not pertinent to whether he knew his actions risked environmental harm or engaged in the business of illegal auto wrecking

Trial courts have "broad discretion regarding the admission or exclusion of evidence" that is reversible only on a finding of "manifest abuse of discretion." *State v. Mee Hui Kim*, 134 Wn. App. 27, 41, 139 P.3d 354 (2006) (citing *State v. Swan*, 114 Wn.2d 613, 658, 790 P.2d 610 (1990)). Furthermore, while due process includes the right to offer testimony and compel witness testimony, a "defendant's right to present a defense is subject to established rules of procedure and evidence." *Chambers v. Mississippi*, 410 U.S. 284, 302, 93 S. Ct. 1038, 35 L. Ed. 2d 297 (1973). "The accused does not have an unfettered right to offer [evidence] that is incompetent, privileged, or otherwise inadmissible under the standard rules of evidence." *Taylor v. Illinois*, 484 U.S. 400, 410, 108 S. Ct. 646, 98 L. Ed. 2d 798 (1988). In general, character evidence is inadmissible to prove conformity therewith unless "pertinent" to the crime charged. ER 404(a). As used in ER 404(a), "pertinent" is synonymous with "relevant," meaning that "a pertinent character trait is one that tends to make

the existence of any material fact more or less probable." *State v. Perez-Valdez*, 172 Wn.2d 808, 819–20, 265 P.3d 853 (2011) (quotations omitted).

Given this standard, the testimony excluded by the trial court was not pertinent to the crimes charged and was properly excluded under ER 404(a). With regard to Count 1 (violation of the Hazardous Waste Management Act), there is a critical difference between an intent to provide a benefit to the community and the knowledge that—in attempting to provide that benefit—natural resources of the state are placed in imminent danger of harm. Mr. Pillon confuses this point, incorrectly stating that he was charged with "knowingly engaging in actions that put the community in 'imminent danger of harm'." Pet. Br. at 18. This is an incorrect statement of the law. The pertinent question is whether Mr. Pillon knowingly engaged in actions that put the *natural resources of the state* in imminent danger of harm. *See* RCW 70.105.085(1)(b). As a result, and even if true, evidence relating to Mr. Pillon's intent to make roads safer, reduce crime, and generally be respectful to law enforcement is irrelevant to the question of whether Mr. Pillon's illegal landfill was operated with knowledge that natural resources of the state were at risk.

The same is true with regard to Count 2 (wrecking vehicles without a license and with a prior conviction). Mr. Pillon argues that evidence of his desire to make his community a better place is relevant to the question of

whether he was engaged in the "business" of operating an illegal wrecking yard. Pet. Br. at 18–19. But, Mr. Pillon's intent is not relevant to this element. Instead, the pertinent question is whether Mr. Pillon was engaged in dealing or transactions, especially of an economic nature, from the operation of his illegal wrecking yard.[4] None of the testimony offered by Mr. Pillon addressed this question in any way. Mr. Pillon's character evidence was properly excluded.

2. Even if character evidence was improperly excluded, the error was harmless

"An accused cannot avail himself of error as a ground for reversal unless it has been prejudicial." *State v. Cunningham*, 93 Wn.2d 823, 831, 613 P.2d 1139 (1980). Because "[e]videntiary errors under ER 404 are not of constitutional magnitude[,]" an error in exclusion of character evidence "is not prejudicial unless, within reasonable probabilities, had the error not occurred, the outcome of the trial would have been materially affected." *State v. Smith*, 106 Wn.2d 772, 780, 725 P.2d 951 (1986) (citations omitted).

In this case, there was no need for the trial court to hear evidence on the issue of whether Mr. Pillon engaged in the business of illegally scrapping vehicles in the first place. Prior to trial, Mr. Pillon *stipulated* to

[4] RCW 46.80 does not define "business." Per its plain meaning, however, business is defined as, *inter alia*, dealings or transactions especially of an economic nature. Merriam-Webster Online Dictionary. https://www.merriam-webster.com/dictionary/business (last visited on April 10, 2020).

the fact that RVs, motor vehicles, boats, and boat trailers were brought onto his property, "stripped or cut up," and "sold as scrap." CP 102. Mr. Pillon also admitted that he personally cut up boat trailers and recreational vehicles, and receipts discovered at the property demonstrated that Mr. Pillon had been paid for scrap metal. CP 27, 104. Given these admissions, there is no reasonable probability that testimony of Mr. Pillon's good intentions would have materially affected trial. Any error was harmless.

V. CONCLUSION

Mr. Pillon fails to even address the standards for whether this Court should accept review. None of the standards are met here; the Court of Appeals applied well-settled law in a routine fashion to affirm Pillon's convictions. The Court should deny review.

RESPECTFULLY SUBMITTED this 24th day of April, 2020.

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the state of Washington that on April 24, 2020, I caused to be served State of Washington's Answer in Opposition to Petition for Discretionary Review in the above-captioned matter upon the parties herein via the Appellate Court filing portal and as indicated below:

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DATED this 24th day of April, at Olympia, Washington.

_/s/Kelly T. Wood_____
Kelly T. Wood, WSBA No. 40067

ATTACHMENT A

Pillon - 002075

WASHINGTON STATE ATTORNEY GENERAL'S OFFICE, COUNSEL FOR ENVIRONMENTAL PROTECTION UNIT

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