Supreme Court No. 98530-8
COA No. 79238-5-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

SHAWN LEE GODWIN,

Petitioner.

PETITION FOR REVIEW

MAUREEN M. CYR
Attorney for Petitioner

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 610
Seattle, Washington 98101
(206) 587-2711

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Constitutional Provisions

Cases

Statutes

A. IDENTITY OF PETITIONER/DECISION BELOW

Shawn Lee Godwin requests this Court grant review pursuant to RAP 13.4 of the unpublished decision of the Court of Appeals in State v. Godwin, No. 79238-5-I, filed on April 20, 2020. A copy of the Court of Appeals' opinion is attached as an appendix.

B. ISSUE PRESENTED FOR REVIEW

A community corrections officer may conduct a warrantless search of a probationer's vehicle only if a nexus exists between the vehicle and the suspected community custody violation. Here, at the time of the warrantless search of the truck, the officer knew only that Godwin had said he used methamphetamine sometime in the unspecified past. The officer was aware of no actual, articulable facts to suggest Godwin used methamphetamine in the truck, or that any methamphetamine would be found in the truck. Did the State fail to establish a nexus between the truck and the suspected community custody violation?

C. STATEMENT OF THE CASE

The community corrections officer conducted a warrantless search of the truck based only on Godwin's statement that he used methamphetamine sometime in the unspecified past.

In May 2017, Shawn Lee Godwin was on community custody following convictions for violating the uniform controlled substances act and other offenses. 7/13/18RP 5. A condition of community custody prohibited him from consuming or possessing controlled substances without a lawfully issued prescription. 7/13/18RP 5.

At some point, the Department of Corrections issued a felony warrant for Godwin's arrest for failing to report to his probation officer as required by the terms of his probation. 7/13/18RP 6, 18.

Probation officer Michael Woodruff and other officers received information that Godwin was staying at or near a residence in Marysville and was driving a green Ford pickup truck. 7/13/18RP 6-9. On May 10, 2017, the officers set up surveillance near the house. 7/13/18RP 8, 31. Woodruff saw the green truck parked in the front yard. 7/13/18RP 7-8. As Woodruff watched, he observed Godwin walk across the yard, enter the truck, sit in the driver's seat, and start the engine. 7/13/18RP 8-9, 18. Woodruff informed the other officers. 7/13/18RP 31. Snohomish County Sheriff Deputy Jon Barnett drove his

car up to the truck and activated his emergency lights. 7/13/18RP 31. Godwin exited the truck and walked quickly back toward the house. 7/13/18RP 8-9, 31. Woodruff approached him on foot and arrested him in the yard on the outstanding warrant. 7/13/18RP 9, 31.

Woodruff searched Godwin incident to arrest but did not find any contraband. 7/13/18RP 10. He walked him over to Deputy Barnett's car and advised him of his Miranda[1] rights. 7/13/18RP 10, 32. Godwin said he understood his rights and was willing to talk. 7/13/18RP 11. Woodruff knew that another deputy had spoken to Godwin "a couple weeks earlier" and had asked Godwin to turn himself in on the arrest warrant. 7/13/18RP 11. Now, Woodruff asked Godwin why he had not turned himself in. 7/13/18RP 11. According to Woodruff, Godwin responded "that he'd been messing up" and had "been using meth" and that was why he had not turned himself in. 7/13/18RP 11-12, 22-23. But Godwin did not say *when* he had used meth, where he had gotten the meth, or whether he had any meth or drug paraphernalia in his possession. Nothing in the record suggests

[1] Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966).

Woodruff believed Godwin was under the influence of methamphetamine when he contacted him.

Woodruff asked Godwin who owned the green truck and Godwin said it belonged to his friend "Craig." 7/13/18RP 12. A records check revealed the truck was sold to "Craig Norris" on February 15, but because the title was not officially transferred, Godwin was still the registered owner of the truck. 7/13/18RP 14. Godwin said he was just moving the truck for a friend. 7/13/18RP 12. His own vehicle, a Volvo, was parked in the driveway but was not operational. 7/13/18RP 12.

Woodruff asked Godwin if he had left anything in the truck and Godwin said he had left a small bag with a beanie cap and some change in it. 7/13/18RP 12. Woodruff looked inside the truck and saw some clothing that "appeared to be Mr. Godwin's size," including a "gray Nike hoodie sweatshirt that bore a very striking resemblance to a sweatshirt" that Godwin had been wearing when Woodruff and other officers had arrested him two months earlier. 7/13/18RP 13. Woodruff did not see any contraband in the truck.

Woodruff decided to search the truck without a warrant based on Godwin's supposed admission that he had used methamphetamine sometime recently. 7/13/18RP 14-15. Woodruff "believed [he] would

find evidence of violation behavior specifically to drug use and either possession or use of narcotics." 7/13/18RP 15. In the truck, Woodruff found some suspected methamphetamine and heroin, a glass pipe, a digital scale and several empty baggies, as well as a loaded handgun. 7/13/18RP 15-17. The handgun was wedged between the driver's seat and the center seat and was not visible until Woodruff examined the seat carefully. 7/13/18RP 28.

Godwin admitted the methamphetamine and clothing in the truck belonged to him but emphatically denied any knowledge of the handgun. 7/13/18RP 17, 39, 49, 52.

Godwin was charged with one count of unlawful possession of a firearm in the first degree and one count of possession of a controlled substance. CP 139-40.

The defense filed a motion to suppress the methamphetamine, heroin and firearm found in the truck, arguing no sufficient nexus existed between the truck and the alleged probation violation Woodruff was investigating. CP 125-31. The court denied the motion, ruling a sufficient nexus existed between the truck and the suspected community custody violations of possession of a controlled substance and possession of drug paraphernalia. CP 49.

Following a stipulated bench trial, the court found Godwin guilty of possession of a controlled substance and unlawful possession of a firearm as charged. CP 42-114. The Court of Appeals affirmed.

D. ARGUMENT WHY REVIEW SHOULD BE GRANTED

The warrantless search of the truck violated Godwin's state and federal constitutional right to be free from unreasonable searches and seizures.

a. A probation officer may search a probationer's vehicle without a warrant only if a nexus exists between the vehicle and the alleged probation violation the officer is investigating.

Although persons on community custody have a lesser expectation of privacy than the general public, they are still entitled to the protections of article I, section 7 and the Fourth Amendment. State v. Winterstein, 167 Wn.2d 620, 628-29, 220 P.3d 1226 (2009); Griffin v. Wisconsin, 483 U.S. 868, 873, 107 S. Ct. 3164, 97 L. Ed. 2d. 709 (1987); U.S. Const. amend. IV; Const. art. I, § 7.

Absent an exception to the warrant requirement, a warrantless search is presumed unconstitutional under the Fourth Amendment and article I, section 7. State v. Gaines, 154 Wn.2d 711, 716, 116 P.3d 993 (2005). The State bears the burden to prove a warrantless search falls under one of the "few jealously and carefully drawn exceptions" to the

warrant requirement. State v. Cornwell, 190 Wn.2d 296, 301, 412 P.3d 1265 (2018) (internal quotation marks and citations omitted).

Although the State may closely supervise probationers in order to advance the probation system's goals of promoting rehabilitation and protecting public safety, a probation officer's authority is limited. Id. at 303-04. Probationers' privacy interests may be reduced "only to the extent necessitated by the legitimate demands of the operation of the community supervision process." Id. (internal quotation marks, alterations, and citations omitted).

In order to safeguard a probationer's privacy interest, a probation officer must first have "reasonable cause to believe" a probation violation has occurred before he or she may conduct a warrantless search of the probationer's property. Id. at 304. This requirement is codified at RCW 9.94A.631. Id. at 302. The statute provides:

> If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, a community corrections officer may require an offender to submit to a search and seizure of the offender's person, residence, automobile, or other personal property.

RCW 9.94A.631(1).

Analogous to the requirements of a Terry[2] stop, "reasonable suspicion" requires "specific and articulable facts and rational inferences." State v. Jardinez, 184 Wn. App. 518, 524, 338 P.3d 292 (2014). "'Articulable suspicion' is defined as a substantial possibility that criminal conduct has occurred or is about to occur." Id. (citing State v. Kennedy, 107 Wn.2d 1, 6, 726 P.2d 445 (1986)). The threshold requirement of "reasonable cause" protects an individual from random, suspicionless searches. Cornwell, 190 Wn.2d at 304.

In addition, a warrantless search of a probationer's property requires more than a reasonable, articulable basis to believe a probation violation has occurred. Id. There must also be "a nexus between the property searched and the suspected probation violation." Id. Requiring such a nexus ensures the individual's privacy interest is diminished only to the extent necessary for the State to monitor compliance with the particular probation condition that gave rise to the search. Id. "The individual's other property, which has no nexus to the suspected violation, remains free from search." Id.

---

[2] Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968).

By contrast, "allowing searches *without* a nexus between the property searched and the alleged probation violation destroys what remains of the individual's privacy." Id. In the absence of such a nexus, once a probation officer has reasonable cause to believe a probation violation has occurred, *no* property is free from search and the officer does not need to suspect that the search will produce evidence of *any* particular probation violation. Id. "Much like a suspicionless search, an open-ended probation search may be used as a fishing expedition to discover evidence of other crimes, past or present." Id. (internal quotation marks and citations omitted).

b. The State did not establish a nexus between the search and the suspected probation violation because the officer had no factual basis to conclude that evidence of methamphetamine use would be found in the truck.

Any nexus between a suspected probation violation and a place to be searched must be grounded in fact. See State v. Thein, 138 Wn.2d 133, 146-47, 977 P.2d 582 (1999). A probation officer must have "a sufficient basis in fact from which to conclude evidence of illegal activity will likely be found at the place to be searched." Id. "This requirement is constitutionally prescribed because information that is not sufficiently grounded in fact is inherently unreliable and frustrates the detached and independent evaluative function of the magistrate." Id.

The requisite nexus between the suspected probation violation and the place to be searched must be based on more than a probation officer's personal beliefs, suspicions, or generalizations about the behavior of criminals. Id. at 147-49. An officer may not simply rely upon reasonable inferences based upon his or her training and experience. Id. The officer's inferences must be based on actual facts known to the officer and specific to the case. Id.

In State v. Graham, 130 Wn.2d 711, 725, 927 P.2d 227 (1996) (cited in Thein, 138 Wn.2d at 148), for instance, a sufficient nexus existed to justify a search of Graham for evidence of drug possession after officers personally observed him carrying a large amount of cash and a small packet containing what looked like rock cocaine.

Similarly, in State v. Callahan, 31 Wn. App. 710, 711-13, 644 P.2d 735 (1982), a sufficient nexus existed to justify a search of Callahan's car after an officer personally observed him sitting in the car with a white powdery substance on a piece of paper typically used for packaging cocaine on his lap and, when the officer asked for the paper, Callahan slipped it between the front seat and console.

And in State v. Stone, 56 Wn. App. 153, 158-59, 782 P.2d 1093 (1989), a sufficient nexus existed to justify a search of Stone's car for

evidence of burglary where witnesses saw the car parked by the burgled house at the time of the crime and officers observed women's jewelry inside the car.

By contrast, in Cornwell, a sufficient nexus did *not* exist to justify a search of Cornwell's car where the only suspected probation violation supported by the record was Cornwell's failure to report to his probation officer. Cornwell, 190 Wn.2d at 306. As a matter of law, "there is no nexus between property and the crime of failure to report." Id.

Likewise, in Jardinez, a sufficient nexus did *not* exist to justify a search of Jardinez's iPod where the only suspected probation violations were his failure to report and his admitted marijuana use, and no particular facts suggested the officer would find evidence of those violations on the iPod. Jardinez, 184 Wn. App. at 521.

Here, as in Cornwell and Jardinez, a sufficient nexus did not exist to justify a warrantless search of the truck in which Godwin had been sitting. The only suspected probation violations supported by the record were Godwin's failure to report to his probation officer and his supposed admission to Officer Woodruff that he had "been using meth." 7/13/18RP 6, 11-12, 18, 22-23. First, as a matter of law, "there

is no nexus between property and the crime of failure to report." Cornwell, 190 Wn.2d at 306.

Second, Officer Woodruff was aware of no specific facts to suggest he would likely find evidence of methamphetamine use in the truck. Although Woodruff saw Godwin sitting in the driver's seat of the truck, and other witnesses had seen him driving a similar truck sometime earlier, no actual, articulable facts suggested Godwin was storing methamphetamine in the truck. Unlike in Graham, Callahan and Stone, no officer saw any actual evidence of the crime in the place to be searched. Woodruff saw only what he thought were articles of Godwin's clothing in the truck; he did not see any contraband. 7/13/18RP 13. Godwin did not say he had been using methamphetamine in the truck and Woodruff had no basis to believe Godwin was under the influence of methamphetamine at the time he contacted him. Godwin did not say he was in actual possession of methamphetamine. He said only that he had "been using meth" at some time in the unspecified past. 7/13/18RP 11-12, 22-23.

Woodruff was not personally aware of any "specific and articulable facts" to suggest he would likely find evidence of methamphetamine possession or use in the truck. Jardinez, 184 Wn.

App. at 524. Instead, he was operating on a mere hunch, based on personal beliefs and generalizations, that he might find such evidence. 7/13/18RP 15. To condone Woodruff's warrantless search of the truck under these circumstances would be to conclude that, once a probationer admits to having used drugs at some time in the unspecified past, *none* of his property is free from search. Such open-ended probation searches are no more than fishing expeditions. Cornwell, 190 Wn.2d at 304. They are contrary to the constitutional mandate that a probationer's property "which has no nexus to the suspected violation, remains free from search." Id.

Because the State cannot establish a nexus between the truck and the suspected probation violation, the warrantless search was unlawful. RCW 9.94A.631(1); Cornwell, 190 Wn.2d at 304. The evidence found in the truck should have been suppressed. Cornwell, 190 Wn.2d at 307; Wong Sun v. United States, 371 U.S. 471, 484-85, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963).

E. CONCLUSION

For the reasons provided, this Court should grant review and reverse the Court of Appeals.

Respectfully submitted this 13th day of May, 2020.

/s Maureen M. Cyr
State Bar Number 28724
Washington Appellate Project – 91052
1511 Third Avenue, Suite 610
Seattle, WA 98101
Phone: (206) 587-2711
Fax: (206) 587-2710
Email: maureen@washapp.org

FILED
4/20/2020
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. SHAWN LEE GODWIN, Appellant.	)	No. 79238-5-I DIVISION ONE UNPUBLISHED OPINION

MANN, C.J. — Shawn Godwin appeals his conviction for possession of a controlled substance and unlawful possession of a firearm in the first degree. Godwin contends that the trial court erred when it denied his motion to suppress the evidence found in his pickup truck. We disagree and affirm.

I.

Godwin was previously convicted of first degree robbery with a deadly weapon, second degree robbery, intimidating a witness, third degree assault, and felony possession of a controlled substance. Conditions of his community custody supervision required him to report to his Community Custody Officer (CCO) and prohibited him from possessing or consuming any controlled substance without a lawful prescription.

The Department of Corrections (DOC) issued a felony arrest warrant for Godwin's violation of supervision and failure to report. Godwin's CCO Michael Woodruff had information about the residence where Godwin was staying in Marysville and developed a surveillance plan to find and apprehend Godwin. In May 2017, Woodruff drove by the residence and saw a green pickup truck that Godwin was known to drive backed into the front yard. Within minutes of observing the residence, Woodruff saw Godwin exit the house and walk across the front yard to the pickup truck. Snohomish County Sheriff's Deputy Jon Barnett approached the pickup truck in his patrol car and turned on the emergency lights. Godwin was seated in the driver's seat with the engine running. When Godwin observed Barnett, he exited the pickup truck and began walking back to house. Barnett apprehended Godwin before he could get back to the house and arrested him.

Woodruff read Godwin the Miranda[1] warnings. Godwin indicated that he understood his rights and was willing to talk with officers. Snohomish County Sheriff's Deputy Lucas Robinson had spoken with Godwin on the phone a couple of weeks earlier about his warrant and recommended that Godwin turn himself in. Woodruff asked Godwin why he had not turned himself in and Godwin responded that he had been using meth and messing up.

Godwin told officers that the pickup truck belonged to his friend "Craig" and that he was just moving the pickup truck for Craig when officers arrived. After checking the records for the pickup, it showed a bill of sale from Godwin to Craig Norris in February 2017, but the title never transferred. Woodruff asked Godwin if he left anything inside

[1] Miranda v. Arizona, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966).

the pickup truck and Godwin indicated he left a black bag, beanie cap, and some change in the pickup truck. Woodruff observed numerous items in the pickup truck, including clothing consistent with Godwin's size and a grey sweatshirt that looked like one that Godwin wore during a prior arrest.

Because Godwin admitted using methamphetamine, which was a violation of his community custody conditions, Woodruff searched the pickup truck and Godwin's inoperable Volvo parked in the backyard. Upon searching the pickup truck, Woodruff located methamphetamine, heroin, a loaded handgun, a glass pipe, and a digital scale. Godwin admitted the drugs and paraphernalia were his, but denied ownership of the gun.

The State charged Godwin with one count of possession of a controlled substance and one count of unlawful possession of a firearm in the first degree. Both charges were allegedly committed while he was on community custody. Godwin moved to suppress the evidence found in the pickup truck and testified that he told Robinson about his methamphetamine use, not Woodruff. The trial court did not find Godwin's testimony credible and denied his motion to suppress. The case proceeded to a bench trial and the trial court found Godwin guilty of possession of a controlled substance and unlawful possession of a firearm, sentencing him to 87 months.

Godwin assigns error to the following findings of fact:

> 9. The defendant saw the officer, quickly exited the green pickup truck, and began walking away from the truck and towards a nearby house.
>
> 10. The Court finds these actions were specifically directed at attempting to distance himself from the green pickup truck and any objects therein.
>
> . . . .

> 17. The information that the defendant was previously driving the vehicle, the clothing inside the vehicle that appeared consistent with what the defendant was wearing at the time of a prior arrest, and the defendant's actions support the conclusion that the green truck was the defendant's vehicle.
>
> 18. Specialist Woodruff held probable cause to believe the truck was the defendant's and had a reasonable belief that evidence of a suspected violation related to possession of methamphetamine or associated paraphernalia would be found in the green truck.

Godwin also assigns error to the court's conclusion of law, "There was a direct nexus between the green ford pickup and the suspected community custody violations of possession of controlled substances and drug paraphernalia."

II.

Godwin contends that the trial court erred when it denied his motion to suppress the evidence found in the pickup truck because there was no nexus between the pickup truck and the alleged probation violation. We disagree.

Challenged findings of fact from suppression hearings are reviewed to determine if they are supported by substantial evidence. State v. Mendez, 137 Wn.2d 208, 214, 970 P.2d 722 (1999), abrogated on other grounds by, Brendlin v. California, 551 U.S. 249, 127 S. Ct. 2400, 168 L. Ed.2d 132 (2007). Findings are generally viewed as verities on appeal if there is substantial evidence to support the findings. State v. Hill, 123 Wn.2d 641, 644-45, 870 P.2d 313 (1994). Substantial evidence exists where there is sufficient evidence in the record to persuade a fair-minded, rational person of the truth of the finding. Mendez, 137 Wn.2d at 214. Conclusions of law from a suppression hearing are reviewed de novo. State v. Carneh, 153 Wn.2d 274, 281, 103 P.3d 743 (2004).

Persons on community custody have a lesser expectation of privacy than the general public, but are still entitled to protections of article I, section 7 of the Washington Constitution and the Fourth Amendment of the United States Constitution. State v. Winterstein, 167 Wn.2d 620, 628-29, 220 P.3d 1226 (2009); Griffin v. Wisconsin, 483 U.S. 868, 873, 107 S. Ct. 3164, 97 L. Ed. 2d 709 (1987).[2] The legislature has codified the exception to the warrant requirement for persons on community custody in RCW 9.94A.631(1) which states, "If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, a community corrections officer may require an offender to submit to a search and seizure of the offender's person, residence, automobile, or other personal property."

It is constitutionally permissible for a CCO to search an individual based only on a well-founded or reasonable suspicion of a probation violation, rather than a warrant supported by probable cause. State v. Cornwell, 190 Wn.2d 296, 302, 412 P.3d 1265 (2018). Search of an individual's property, however, requires a CCO to reasonably believe that the property has a nexus with the suspected probation violation. Cornwell, 190 Wn.2d at 306. Requiring a nexus between the suspected probation violation and the property searched, "protects the privacy and dignity of individuals on probation while still allowing the State ample supervision." Cornwell, 190 Wn.2d at 306.

In Cornwell, CCO Grabski's search of Cornwell's car exceeded its lawful scope because the only suspected probation violation was Cornwell's failure to report.

[2] Godwin submitted a pro se statement of additional grounds pursuant to RAP 10.10. Godwin contends that while on community custody, he was in partial confinement and therefore had diminished constitutional privacy rights. Once Godwin was arrested, he contends that he was in total confinement and his constitutional privacy rights were fully reinstated and therefore his pickup truck was fully protected by the Fourth Amendment. Godwin does not cite any legal authority to support this contention and we find none.

Cornwell, 190 Wn.2d at 297. Our Supreme Court rejected the State's argument in Cornwell that "any probation violation warrants a search of all the individual's property, regardless of whether it is likely to contain any evidence of the alleged violation." Cornwell, 190 Wn.2d at 302. CCO Grabski explained that he searched Cornwell's vehicle because "Cornwell 'ha[d] a felony warrant for his arrest . . . in violation of his probation [and he was] driving the vehicle." Cornwell, 190 Wn.2d at 306. The CCO testified that "he was looking for unrelated probation violations because he searched the vehicle to 'make sure there [were] no further violations of his probation.'" Cornwell, 190 Wn.2d at 306. The court found that the search was an unconstitutional "fishing expedition" and concluded there must be a nexus between the property searched and the probation violation being investigated. Cornwell, 190 Wn.2d at 307.

First, we address Godwin's assignments of error to the trial court's findings of fact. The evidence from the suppression hearing supports Woodruff's belief that evidence of drug use would be found in the pickup truck because Godwin stated he failed to report because of he was using methamphetamine. Godwin's statement coupled with his attempt to distance himself from the pickup truck both support Woodruff's belief that there were drugs in the pickup truck. Woodruff looked in through the window of the pickup truck and saw personal property that he believed belonged to Godwin. The evidence presented at the suppression hearing supports the trial court's findings of fact.

Next, we address whether the pickup truck and its contents have a nexus with the suspected probation violation of using or possessing illegal drugs. Woodruff had an arrest warrant for Goodwin for failure to report. After Godwin's arrest, Woodruff read

him the Miranda warnings. Godwin agreed to talk and admitted he had been using methamphetamine. When officers approached the pickup truck, Godwin exited and quickly moved away from the pickup truck. The court concluded that this was an attempt to distance himself from the pickup truck. Godwin's admission and attempt to distance himself from the pickup truck as officers approached him, provided a nexus to search Godwin's pickup truck. The trial court did not err in its conclusions of law.

Godwin analogizes to the facts in State v. Jardinez, 184 Wn. App. 518, 338 P.3d 292 (2014), arguing that Woodruff had no actual or articulable facts to suggest that Godwin was storing methamphetamine in the pickup truck. Jardinez failed to report for a meeting and admitted marijuana use, both of which were violations of his conditions of release. Jardinez, 184 Wn. App. at 521. The CCO used those violations as a basis to search Jardinez's iPod, where the CCO found a photo of Jardinez with a firearm. 184 Wn. App. at 528. During the suppression hearing, the CCO admitted that "the iPod interested him because parolees occasionally take pictures of themselves with other gang members or 'doing something they shouldn't be doing.'" Jardinez, 184 Wn. App. at 521. The CCO did not search the iPod because he believed he would find evidence of Jardinez's failure to report for a meeting or marijuana use, rather the CCO searched it because believed he would find evidence of other violated conditions. Division Three of this court affirmed the trial court's suppression of the firearm, concluding that RCW 9.94A.631 did not authorize the CCO's warrantless search of the iPod. Jardinez, 184 Wn. App. at 530. Cornwell discussed and approved the outcome of Jardinez. Cornwell, 190 Wn.2d at 304-06. Cornwell specifically disavowed the type of "fishing expedition" that occurred in Jardinez. Cornwell, 190 Wn.2d at 307.

While Jardinez and Godwin violated similar community custody conditions, the area searched, evidence searched for, and the articulated reasons for the search differ. Unlike Jardinez, Godwin admitted using methamphetamine and Woodruff believed that Godwin was using his pickup truck to store drugs. Thus, under the facts of this case, the nexus requirement was satisfied.

We affirm.

Mann, C.J.

WE CONCUR:

DECLARATION OF FILING AND MAILING OR DELIVERY

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document **Petition for Review to the Supreme Court** to which this declaration is affixed/attached, was filed in the **Court of Appeals** under **Case No. 79238-5-I**, and a true copy was mailed with first-class postage prepaid or otherwise caused to be delivered to the following attorney(s) or party/parties of record at their regular office or residence address as listed on ACORDS:

☒ respondent J. Scott Halloran
[shalloran@co.snohomish.wa.us]
[Diane.Kremenich@co.snohomish.wa.us]
Snohomish County Prosecuting Attorney

☒ petitioner

☐ Attorney for other party

MARIA ANA ARRANZA RILEY, Legal Assistant Date: May 13, 2020
Washington Appellate Project

WASHINGTON APPELLATE PROJECT

May 13, 2020 - 4:33 PM

Transmittal Information

Filed with Court:	Court of Appeals Division I
Appellate Court Case Number:	79238-5
Appellate Court Case Title:	State of Washington, Respondent v. Shawn L. Godwin, Appellant
Superior Court Case Number:	17-1-01688-2

The following documents have been uploaded:

- 792385_Petition_for_Review_20200513163248D1504212_1638.pdf
  This File Contains:
  Petition for Review
  The Original File Name was washapp.051320-10.pdf

A copy of the uploaded files will be sent to:

- Diane.Kremenich@co.snohomish.wa.us
- diane.kremenich@snoco.org
- shalloran@co.snohomish.wa.us

Comments:

Sender Name: MARIA RILEY - Email: maria@washapp.org
Filing on Behalf of: Maureen Marie Cyr - Email: maureen@washapp.org (Alternate Email: wapofficemail@washapp.org)

Address:
1511 3RD AVE STE 610
SEATTLE, WA, 98101
Phone: (206) 587-2711

Note: The Filing Id is 20200513163248D1504212