SUPREME COURT NO.
99005-1
COA NO. 81392-7-I

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

v.

BARON ASHLEY, JR.,
Petitioner.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR CLARK COUNTY

Clark County Cause No. 18-1-01034-9

The Honorable Robert A. Lewis,, Judge

PETITION FOR REVIEW

Skylar T. Brett
Attorney for Appellant/Petitioner

LAW OFFICE OF SKYLAR T. BRETT, PLLC
P.O. Box 18084
Seattle, WA 98118
(206) 494-0098
skylarbrettlawoffice@gmail.com

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I. IDENTITY OF PETITIONER

Petitioner Baron Ashley, Jr., the appellant below, asks the Court to review the decision of Division I of the Court of Appeals referred to in Section II below.

II. COURT OF APPEALS DECISION

Baron Ashley, Jr. seeks review of the Court of Appeals unpublished opinion entered on August 10, 2020. A copy of the opinion is attached.

III. ISSUE PRESENTED FOR REVIEW

> Wash. Const, art. I, § 7 prohibits warrantless searches of private affairs unless one of the few articulated exceptions to the warrant requirement applies. Did the trial court err by admitting recordings of Mr. Ashley's personal phone calls (which he placed from jail) when the recordings were obtained pursuant to a warrantless search, based on a detective's hunch that Mr. Ashley would call his wife in violation of a no-contact order?

IV. STATEMENT OF THE CASE

Baron Ashley was permitted to contact his wife via phone call even though there was a no-contact order in place. RP 224. After his arrest – for charges of which he was later largely acquitted-- however, a new order was put in place, which prohibited him from contacting her in any way. RP 283-84.

Detective Sandra Aldridge had a hunch that Mr. Ashley would violate that order by calling his wife from jail. RP 263. So she conducted a search of all phone calls from the jail using Mr. Ashley's account as well as all calls to his wife's number. RP 298-99. The detective did not obtain a warrant prior to conducting that search. RP 263.

Detective Aldridge found and seized recordings of calls, which she alleged had been placed by Mr. Ashley to his wife. RP 297-361. The state charged Mr. Ashley with four counts of felony violation of a no-contact order. CP 150-53.

Mr. Ashley moved to suppress the recordings of his phone calls, arguing that the detective should have been required to obtain a warrant before searching for them. CP 127-44; RP 257-68.

During a hearing on the motion, the detective testified that all phone calls from inmates at the jail are recorded by a company called Telmate. RP 258. Telmate stores the recordings on an off-site server. RP 372. Jail employees monitor the calls for purposes of "institutional security." RP 262.

There is a sign next to the phone in the jail, informing inmates that their calls are subject to monitoring. RP 259. The sign does not inform callers that the recordings of the calls can be subject to warrantless search as part of a criminal investigation. RP 259.

Callers also hear a recorded message that calls are "subject to recording and monitoring." RP 335. But the message does not inform them that the recordings can be searched by the police without a warrant.

The trial court denied Mr. Ashley's motion to suppress, ruling that it doesn't "make sense" for inmate calls to be subject to monitoring for institutional security purposes but not for purposes of a criminal investigation. RP 272.

The recordings of the phone calls were admitted at trial and the jury convicted Mr. Ashley of each of the charges. RP 293-361; CP 157-60.

Finding that there had been no violence by Mr. Ashley and that a no-contact order was not necessary to protect his wife from harm, the sentencing judge did not order that the no-contact order remain in place following Mr. Ashley's convictions. RP 594-95.

Mr. Ashley timely appealed. CP 411. The Court of Appeals affirmed his convictions in an unpublished opinion. *See* Appendix.

V. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

The Supreme Court should accept review and hold that the detective violated Mr. Ashley's art. I, § 7 rights by conducting a warrantless

search of his recorded phone calls. Those recordings should have been suppressed at trial.

A. Art. I, § 7 provides heightened protection for personal phone calls.

Art. I, § 7 of the Washington Constitution protects against warrantless searches of a citizen's "private affairs." *State v. Jorden*, 160 Wn.2d 121, 126, 156 P.3d 893 (2007); art. I, § 7. Warrantless searches are *per se* unreasonable unless they fall within one of the few recognized exceptions. *Id.* The burden is on the state to demonstrate that one of those exceptions applies to a given case. *State v. Patton*, 167 Wn.2d 379, 386, 219 P.3d 651 (2009).

Art. I, § 7 is "qualitatively different" from the Fourth Amendment and provides greater protection because it "is grounded in a broad right to privacy" with "no express limitations." *State v. Hinton*, 179 Wn.2d 862, 868-877, 319 P.3d 9 (2014) (*citing State v. Chacon Arreola*, 176 Wn.2d 284, 291, 290 P.3d 983 (2012)).

The inquiry under art. I, § 7 does not turn on whether a person has a reasonable expectation of privacy. *Id.* The "private affairs" analysis does not limit itself to "protected places" or the subjectively lowered expectation of privacy brought about by "well publicized advances in surveillance technology." *Id.* at 870.

Private affairs are "those interests which citizens of this state have held, and should be entitled to hold, safe from governmental trespass." *Jorden*, 160 Wn.2d at 126 (*quoting In re Pers. Restraint of Maxfield*, 133 Wn.2d 332, 339, 945 P.2d 196 (1997) (plurality opinion)). In order to determine whether an interest constitutes a "private affair," courts look to the "*nature* of the information sought – that is, whether the information obtained via the governmental trespass reveals intimate or discrete details of a person's life." *Id.* (*citing State v. Jackson*, 150 Wn.2d 251, 262, 76 P.3d 217 (2003); *State v. McKinney*, 148 Wn.2d 20, 29, 60 P.3d 46 (2002); *Maxfield*, 133 Wn.2d at 341; *State v. Young*, 123 Wn.2d 173, 183–84, 867 P.2d 593 (1994); *State v. Boland*, 115 Wn.2d 571, 578, 800 P.2d 1112 (1990)) (emphasis in original).

When the interest involves the gathering of personal information, courts must also consider "the purpose for which the information sought is kept and my whom it is kept." *Id.* at 127.

The availability of advanced technology may lead to a diminished subjective expectation of privacy, but that "does not resolve whether use of that technology without a warrant violates article I, section 7." *Jackson*, 150 Wn.2d at 259–60 (*citing State v. Myrick*, 102 Wn.2d 506, 511, 688 P.2d 151 (1984); *Young*, 123 Wn.2d at 181–82).

Washington has a "long history of extending strong [art. I, § 7] protections to telephonic and other electronic communications." *Hinton*, 179 Wn.2d at 871. There is also precedent for the police obtaining a warrant to search material that would be available to correction's officials without a warrant. *See e.g. State v. Puapuaga*, 164 Wn.2d 515, 519, 192 P.3d 360 (2008) (noting that the police got a warrant to search an inmate's personal documents).

B. Institutional security concerns to not justify warrantless "fishing expeditions" by police officers acting on hunches that evidence a crime may be contained in a recording of a jail phone call.

Mr. Ashley does not claim that the constitution prohibited Telmate from recording his jail calls or prohibited the monitoring of those calls by jail officials. Rather, his claim rests on the contention that the detective violated art. I, § 7 by conducting a warrantless search of those recordings – based on a "hunch" – for the express purpose of uncovering evidence of a crime.

Washington courts have long differentiated between the collection of data for a non-police purpose and the subsequent search of that data by the police as part of a criminal investigation. *See e.g. Hinton*, 179 Wn.2d 862; *Jorden*, 160 Wn.2d at 128–29; *Maxfield*, 133 Wn.2d 332; *State v. Miles*, 160 Wn.2d 236, 246, 156 P.3d 864 (2007); *State v. Phillip*, 9 Wn.

App. 2d 464, 452 P.3d 553, *review denied*, 194 Wn.2d 1017, 455 P.3d 140 (2020); *Boland*, 115 Wn.2d 571; *State v. Gunwall*, 106 Wn.2d 54, 720 P.2d 808 (1986).

The *Hinton* court, for example, held that a person does not lose his/her privacy interest in a text message simply by sending it to a third party:

> Given the realities of modern life, the mere fact that an individual shares information with another party and does not control the area from which that information is accessed does not place it outside the realm of article I, section 7's protection.

Hinton, 179 Wn.2d at 873.

Likewise, personal information does not move beyond the realm of "private affairs" when a person shares his/her name and whereabouts as part of a motel registry, discloses financial information to bank, places documents in the garbage for collection, gives the phone company the numbers s/he calls, or shares his/her location with a cell phone company. *Jorden*, 160 Wn.2d at 128–29; *Phillip*, 9 Wn. App. 2d 464; *Miles*, 160 Wn.2d at 246; *Maxfield*, 133 Wn.2d 332; *Gunwall*, 106 Wn.2d 54.

In each of these cases, the fact that the information has already been collected or recorded is inapposite to whether the police need a warrant to search it later under art. I, § 7. *Id.*

This distinction creates a significant difference between the protection provided by art. I, § 7 and that provided by the Fourth Amendment. *See e.g. California v. Greenwood*, 486 U.S. 35, 108 S.Ct. 1625, 100 L.Ed.2d 30 (1988) (permitting the warrantless search of garbage cans under the Fourth Amendment); *Smith v. Maryland*, 442 U.S. 735, 99 S.Ct. 2577, 61 L.Ed.2d 220 (1979) (permitting warrantless use of a "pen register" under the Fourth Amendment).

Art. I, § 7 differentiates between the original collection of data and its subsequent search by police even when the information has been initially recorded or collected by a state actor. *Maxfield*, 133 Wn.2d at 338.

In *Maxfield*, the Supreme Court held that the collection of electricity consumption records by the Public Utility District (a state actor) did not mean that the data could be disclosed to law enforcement for purposes of a criminal investigation without a warrant. *Id.*

Similarly, in Mr. Ashley's case, the facts that his phone calls had already been recorded by Telmate and could (assuming, *arguendo*) have been permissibly monitored by corrections officers are inapposite to whether the detective should have been required to obtain a warrant and articulate probable cause before conducting a search of those recordings under art. I, § 7.

Personal phone calls constitute "private affairs" under art. I, § 7.[1] See *Hinton*, 179 Wn.2d at 871. No exception to the warrant requirement permitted the detective to search them in Mr. Ashley's case.

Division I has held in several cases that no warrant is required in order for corrections officials to record and monitor inmate phone calls, in the interest of institutional security. *State v. Archie*, 148 Wn. App. 198, 204, 199 P.3d 1005 (2009); *State v. Mohamed*, 195 Wn. App. 161, 166, 380 P.3d 603 (2016); *State v. Haq*, 166 Wn. App. 221, 258, 268 P.3d 997 (2012), *as corrected* (Feb. 24, 2012).

Like all exceptions to the warrant requirement, however, this "institutional security exception" must be "narrowly drawn" and limited by the reasons justifying its existence. *Patton*, 167 Wn.2d at 386.

The detective in Mr. Ashley's case conducted a search of his recorded phone calls, not in the interest of jail security, but because she had a "hunch" that he had violated the new no-contact order. RP 263. Criminal investigations based on hunches are wholly unrelated to

[1] Division I has said that phone calls from jail "are not private affairs deserving of article I, section 7 protection." *State v. Archie*, 148 Wn. App. 198, 204, 199 P.3d 1005 (2009). The *Archie* court relied on the Washington Supreme Court's prior decision in *Modica*, in addition to the "institutional security" exception, discussed *infra*. *State v. Modica*, 164 Wn.2d 83, 186 P.3d 1062 (2008). The *Modica* court, however, analyzed the issue only under the Washington Privacy Act, *not* under art. I, § 7. *Id.* Division I erred by relying on *Modica* to hold that inmate phone calls fall outside the bounds of the longstanding art. I, § 7 protection of personal phone calls. This Court should decline to adopt Division I's holding in *Archie*.

institutional security and are exactly the types of searches that the warrant requirement was designed to vitiate.

When narrowly-drawn according to its purpose, the "institutional security exception" to the warrant requirement does not extend to searches for evidence of additional crimes, like the one conducted in Mr. Ashley's case.

As noted above, the art. I, § 7 analysis into whether a warrant is required before the police may search stored data also requires consideration of "the purpose for which … information is kept, and by whom." *Jorden*, 160 Wn.2d at 128.

In this case, Mr. Ashley's recorded phone calls were stored by Telmate on off-site servers. RP 261-62, 372. The information is not stored in plain view, or in any other location qualifying it for some other exception to the warrant requirement. The detective should have been required to establish probable cause and obtain a warrant before conducting the search.

The fact that the "institutional security exception" may have permitted Telmate and jail officials to record and monitor Mr. Ashley's phone calls is inapposite to whether the detective should have been required to obtain a warrant to search that stored data later. *Jorden*, 160 Wn.2d at 126; *Patton*, 167 Wn.2d at 386.

The Court of Appeals replicated its previous erroneous failure to recognize the distinction between the initial recording of jail phone calls and a later police search of those recordings for evidence-collection purposes in Mr. Ashley's case. Appendix, pp. 4-5.

This Court should accept review in order to remedy this error. This significant question of constitutional law is of substantial public interest because it could affect a significant number of criminal cases and because it touches upon the rights of every inmate in any county jail. Review is warranted under RAP 13.4(b)(3) and (4).

C. Mr. Ashley did not consent to the detective's search of his recorded personal phone calls. The Court of Appeals' holding on this issue directly conflicts with This Court's prior rulings that consent to the collection of data for a non-police purpose does not qualify as consent to its subsequent warrantless search by the police

There was a sign next to the phone in the jail, informing inmates that their phone calls are subject to monitoring. RP 259. But the sign does not inform the inmates that the recordings of the calls could be subjected to warrantless searches by the police and could lead to additional criminal charges. *See* RP *generally*.

Likewise, a recorded message warned Mr. Ashley that his calls were "subject to recording and monitoring." RP 335. But the message did

not clarify that the calls, once recorded, could be searched by the police without a warrant. *See* RP 335.

Even if Mr. Ashley consented to the recording of his phone calls by Telmate and their monitoring by jail employees, he did not consent to the warrantless search of those recordings by the detective. The consent exception to the warrant requirement cannot justify the admission of the recorded calls at Mr. Ashley's trial.

Consent to search constitutes an exception to the warrant requirement under art. I, § 7. *State v. Thompson*, 151 Wn.2d 793, 803, 92 P.3d 228 (2004). But, in order to establish that the exception applies to a given case, the state must demonstrate that: (1) the consent was given voluntarily, (2) the consenting person had the authority to consent, and (3) the search did not exceed the scope of the consent given. *Id.*

In Mr. Ashley's case, the state cannot demonstrate that the detective's search of his recorded calls did not exceed the scope of any consent that he gave. As discussed above, an individual's consent to have personal data collected, stored, or used for a non-police purpose does not equate with consent to have that data warrantlessly searched by the police as part of a criminal investigation. *Jorden*, 160 Wn.2d at 128–29; *Phillip*, 9 Wn. App. 2d 464; *Miles*, 160 Wn.2d at 246; *Maxfield*, 133 Wn.2d 332; *Gunwall*, 106 Wn.2d 54.

Even so, the Court of Appeals held in Mr. Ashley's case that the consent exception to the warrant requirement permits warrantless searches of personal inmate phone calls by the police as part of a criminal investigation because the inmates were warned that the calls were subject to recording. *See* Appendix, p. 6 (*citing Archie*, 148 Wn. App. at 204).

This reasoning fails to adhere to the This Court's mandate to differentiate between consent to the collection of data for a non-police purpose and consent to its subsequent warrantless search by the police. *Jorden*, 160 Wn.2d at 128–29; *Miles*, 160 Wn.2d at 246; *Maxfield*, 133 Wn.2d 332; *Gunwall*, 106 Wn.2d 54. This Court should accept review because the Court of Appeals' decision in this case conflicts with This Court's prior decision in *Jorden*, *Miles*, *Maxfield*, and *Gunwall.* Review is warranted under RAP 13.4(b)(1).

VI. CONCLUSION

The Court of Appeals' decision in this case conflicts with This Court's prior holdings in *Jorden*, *Miles*, *Maxfield*, and *Gunwall.* This Court should accept review under RAP 13.4(b)(1).

The issue here is significant under the State Constitution. Furthermore, because it could impact a large number of criminal cases, it is of substantial public interest. The Supreme Court should accept review pursuant to RAP 13.4(b)(3) and (4).

Respectfully submitted September 9, 2020.

Skylar T. Brett, WSBA No. 45475
Attorney for Appellant/Petitioner

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the Petition for Review, postage pre-paid, to:

Baron Ashley, Jr./DOC#838760
Coyote Ridge Corrections Center
PO Box 769
Connell, WA 99326

and I sent an electronic copy to

Clark County Prosecuting Attorney
cntypa.generaldelivery@clark.wa.gov

through the Court's online filing system, with the permission of the recipient(s).

In addition, I electronically filed the original with the Court of Appeals.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Seattle, Washington on September 9, 2020.

_____
Skylar T. Brett, WSBA No. 45475
Attorney for Appellant/Petitioner

APPENDIX:

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent, v. BARON DEL ASHLEY JR, aka Mike J Allen, Michael Jones Ashley, Baron D Edington, Baron Dale Edington Appellant.	No. 81392-7-I DIVISION ONE UNPUBLISHED OPINION

LEACH, J. — Baron Del Ashley, Jr. appeals his convictions for felony violation of a domestic violence no contact order protecting Lorrie Marie Brookshire. Ashley asserts the State conducted an unlawful warrantless search in violation of Article I, section 7 of the Washington State Constitution when it listened to recorded conversations he made from jail to Brookshire. Because Ashley did not have an expectation to privacy in the calls he made from jail, the recordings were not "private affairs" protected under Article I, section 7. We affirm.

BACKGROUND

On April 3, 2018, Vancouver Police Department Detective Sandra Aldridge arrested Baron Del Ashley, Jr. for violating a 2017 domestic violence no contact order that prohibited him from contacting his wife Lorrie Marie Brookshire. The trial court had modified this order to permit Ashley and Brookshire to talk by phone,

text, and email. While in custody, Detective Aldridge warned Ashley the trial court would likely issue a new no contact order prohibiting him from talking by phone with Brookshire. The next day, on April 4, 2018, the trial court entered another domestic violence no contact order that prohibited Ashley from contacting Brookshire by phone.

Ashley used the Clark County Jail phone to call Brookshire using his and other inmates' telephone accounts. By the phone, a sign is posted warning inmates their calls "are recorded and subject to monitoring." Telmate is the system that records the calls. To place a call, inmates must enter their personal account number. Telmate uses the account number to identify the inmate. It also records the call receiver's phone number, what time the inmate placed the call, and the call's duration. When a call is initiated, Telmate's prerecorded message warns the caller and the call receivers that the "call is subject to recording and monitoring." Telmate stores the recordings on an off-site server that is accessible to law enforcement.

Detective Aldridge used Telmate to search for and identify calls placed from Ashley to Brookshire. Detective Aldridge determined that Ashley called Brookshire on April 4, 5, 7, and 8, 2018. The State charged Ashley with four counts of felony domestic violence court order violation for contacting Brookshire on those days.

On April 25, 2018, Brookshire asked the court to modify/rescind the no contact orders signed on April 11, 2018 and April 18, 2018. The trial court denied her request pending trial.

During trial, Ashley asked the court to suppress the recordings. He argued that Detective Aldridge conducted an unlawful warrantless search. Detective Aldridge testified the State generally does not obtain a search warrant before searching and listening to recorded calls because the inmates do not have an expectation of privacy with those calls. The trial court denied Ashley's request. It stated:

> both the federal and the state courts have found that the practice of putting up a notice saying everything is going to be recorded and then automatically taping and randomly monitoring these calls of inmates is proper and that the inmates, having been given that warning and understanding that the calls are going to be recorded, don't have any expectation of privacy under either the federal or State constitution.
> . . .
> [H]e doesn't have a right to constitutional warnings where he voluntarily decides to go on a system that -- and talk to a private individual, knowing -- because the sign says so and because the recording says so that the call is going to be recorded.

On December 13, 2018, the jury convicted Ashley on all four counts of felony domestic violence court order violation. The trial court sentenced Ashley to 60 months of confinement. It did not impose another no contact order because it determined the existing order would expire soon after Ashley's release from jail, and because Brookshire did not want a no contact order.

Ashley appeals.

ANALYSIS

Private Affairs

Ashley asserts the trial court should have suppressed the recordings because the State obtained them by an unlawful warrantless search in violation of Article I, section 7 of the Washington State Constitution.

We review the denial of a request to suppress evidence by determining whether substantial evidence supports the trial court's findings of fact and whether those findings support the trial court's conclusions of law.[1] Substantial evidence exists if it is sufficient to persuade a fair-minded, rational person of the truth of the matter asserted.[2] We review conclusions of law de novo.[3]

The Washington State Constitution Article I, section 7 provides, "No person shall be disturbed in his private affairs, or his home invaded, without authority of law." It protects against warrantless searches of a citizen's private affairs.[4] "To determine whether governmental conduct intrudes on a private affair, we look at the 'nature and extent of the information which may be obtained as a result of the governmental conduct' and at the historical treatment of the interest asserted."[5]

In State v. Archie, Archie appealed the trial court's denial of his request to suppress calls recorded from jail.[6] This court determined the recordings of calls

[1] State v. Levy, 156 Wn.2d 709, 733, 132 P.3d 1076 (2006).
[2] Levy, 156 Wn.2d at 733.
[3] State v. Schultz, 170 Wn.2d 746, 753, 248 P.3d 484 (2011); State v. Carneh, 153 Wn.2d 274, 281, 103 P.3d 743 (2004).
[4] Schultz, 170 Wn.2d at 753.
[5] State v. Muhammad, 194 Wn.2d 577, 586, 451 P.3d 1060 (2019) (citing State v. Miles, 160 Wash.2d 236, 244, 156 P.3d 864 (2007)).
[6] 148 Wn. App. 198, 199 P.3d 1005 (2009).

made from jail were not private affairs deserving protection under Article I, section 7.[7]

Posted by the Clark County Jail inmate telephones are signs and a pre-recorded Telmate message plays that warn callers and call receivers the calls are subject to recording and monitoring. Looking at the nature and extent of the information obtained, Ashley's recorded calls were not private affairs deserving protection under Article I, section 7 because he received multiple warnings the calls were subject to recording and monitoring. And, looking at this court's treatment of the interest asserted, Ashley's recorded calls from jail were not private affairs deserving protection.

Consent

Ashley asserts that while he consented to the search of the recording by jail officials, he did not consent to the search by the State as part of a criminal investigation.

"Under article I, section 7, a search occurs when the government disturbs 'those privacy interests which citizens of this state have held, and should be entitled to hold, safe from governmental trespass absent a warrant.'"[8] The State must have a valid warrant to conduct a search unless the State shows that an

[7] 148 Wn. App. 198, 199 P.3d 1005 (2009).

[8] Muhammad, 194 Wn.2d at 586 (citing State v. Myrick, 102 Wn.2d 506, 511, 688 P.2d 151 (1984)).

exception to the warrant requirement applies.[9] A warrantless search is per se unreasonable unless one of Washington's recognized exceptions applies.[10]

A person may waive protection from warrantless searches by providing meaningful and informed consent.[11] "It is the State's burden to establish that a consent to search was lawfully given. In order to meet this burden, three requirements must be met: (1) the consent must be voluntary, (2) the person consenting must have the authority to consent, and (3) the search must not exceed the scope of the consent."[12]

In Archie, we found that Archie consented to the recording and monitoring when he placed the call and continued the call after receiving a warning.[13] Under Archie, Ashley's claim fails. A posted sign by the inmate telephone and the Telmate pre-recording warned Ashley the call was subject to recording and monitoring. Ashley consented to the search when he proceeded with the call after receiving those warnings. And, regardless of who listened to the recordings and their reason for doing so, Ashley's conversations were not protected under Article I, section 7.

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[9] Muhammad, 194 Wn.2d at 586 (citing State v. Miles, 160 Wn.2d 236, 244, 156 P.3d 864 (2007); State v. Rife, 133 Wn.2d 140, 150-51, 943 P.2d 266 (1997)).
[10] State v. Rankin, 151 Wn.2d 689, 695, 92 P.3d 202 (2004).
[11] Schultz, 170 Wn.2d at 753, 758.
[12] State v. Thompson, 151 Wn.2d 793, 803, 92 P.3d 228, 233 (2004).
[13] Archie, 148 Wn. App. at 204.

Plain View Exception

The State argues the recordings falls under the plain view exception to the warrant requirement. Because the State prevails without this argument, we do not address it.

CONCLUSION

Because Ashley had no reasonable expectation of privacy, the recordings were not "private affairs" protected under Article I, section 7, and the trial court properly admitted the recordings. We affirm.

Leach, J.

WE CONCUR:

Brunn, J.

Appelwick, J.

LAW OFFICE OF SKYLAR BRETT

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