

# WASHINGTON STATE COURT OF APPEALS DIVISION THREE

## ISSUES SUMMARY FOR ORAL ARGUMENT

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When this court schedules cases for oral argument, it attempts to identify and summarize the principal issue or issues each case presents. Those issues appear below. Please note that the judges have not reviewed or approved the issues and there can be no guarantee that the court's opinions will address these precise questions.

More Information about these cases can also be found on the current docket page of this website.

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**Date of Hearing: Thursday, June 9, 2016**  
**Location: Federal Bankruptcy Court, Yakima**

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**9:00 a.m.**

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1) **No.: 328660**

**Case Name: State of Washington v. Daniel Blizzard**

**County: Yakima**

**Case Summary:** On May 25, 2013, realtor Vern Holbrook was assaulted in a vacant house he had showed to a couple earlier in the day. Mr. Holbrook later died from his injuries. Daniel Blizzard was accused of hiring the couple to murder Mr. Holbrook. A jury found Mr. Blizzard guilty of aggravated first degree murder. Mr. Blizzard appeals, arguing the trial court's refusal to recuse itself in the wake of then-Yakima County Prosecuting Attorney James Hagarty's letter to the court in which Mr. Hagarty alleged the court was biased against the State violated separation of powers and the appearance of fairness doctrine. He also contends (1) the court erred by admitting text messages obtained as a result of invalid search warrants, (2) the court erred by denying his motion to dismiss for State misconduct when jail staff intercepted attorney-client communications, and (3) prosecutorial misconduct and cumulative error necessitate reversal.

**Division Three Briefs**

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2) **No.: 336212**

**Case Name: Joel Gonzalez-Pruneda v. Valley Fruit Co., LLC**

**County: Yakima**

**Case Summary:** Joel Gonzalez-Pruneda filed a claim for benefits with the Department of Labor and Industries (Department) related to an incident that occurred while he was working at Valley Fruit Company, LLC (Valley Fruit). The Department issued a decision awarding benefits to Mr. Gonzalez-Pruneda. Valley Fruit appealed the Department's decision to the Board of Industrial Insurance Appeals (Board). The Board conducted a hearing on the matter and issued an order reversing the Department's decision. Mr. Gonzalez-Pruneda appealed the Board's order to the superior court. The superior court reversed the decision of the Board and reinstated the Department's decision awarding benefits. The court also granted attorney fees and costs to Mr. Gonzalez-Pruneda. Valley Fruit appeals, contending the trial court erred in reversing the decision of the board and concluding Mr. Gonzalez-Pruneda sustained an industrial injury within the meaning of RCW 51.08.100 during the course of his employment with Valley Fruit.

**Division Three Briefs**

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3) **No.: 332802**

**Case Name: State of Washington v. Eric Allen Haggin**

**County: Kittitas**

**Case Summary:** Eric Haggin appeals his convictions for first degree unlawful possession of a firearm, possession of methamphetamine with intent to deliver, possession of heroin with intent to deliver, use of drug paraphernalia, second degree theft, and witness tampering. On appeal, he contends (1) the State solicited improper opinion testimony from a detective, (2) insufficient evidence supports the witness tampering conviction, (3) the jury instruction for the deadly weapon enhancement relieved the State of its burden of proof because it failed to instruct the jury on the definition of accomplice liability, (4) the trial court erred in running Mr. Haggin's two unlawful possession sentences consecutively, and (5) Mr. Haggin's sentences for possession with intent to deliver exceed the statutory maximum.

**Division Three Briefs**

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4) **No.: 336492**

**Case Name: Esmerelda Rodriguez v. Luis Alberto Medina (aka Luis Zavala)**

**County: Benton**

**Case Summary:** Following a violent assault, the trial court granted Esmeralda Rodriguez a domestic violence protection order restraining Luis Alberto Zavala Medina from having contact with her or her three daughters. The trial court refused to include the parties' minor child L.Z. as a protected party, finding that L.Z. was not threatened or involved in the abuse. The trial court also refused to enter residential provisions restricting Mr. Medina's access to L.Z. Ms. Rodriguez appeals both those decisions.

**Division Three Briefs**

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**11:00 a.m.**

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5) **No.: 339203**

**Case Name: Joseph L. Jones v. Washington State Department of Corrections**

**County: Franklin**

**Case Summary:** Joseph Jones, a prisoner at Coyote Ridge Corrections Center, made a public records request for a Classification Hearing Notice/Appearance Waiver form. When the Department of Corrections began to look for responsive records, the form had been lost. Mr. Jones filed suit alleging a violation of the Public Records Act (PRA). Neither party presented evidence establishing when the form was lost. The trial court dismissed at a show cause hearing. On appeal, Mr. Jones argues this court (1) should create a rebuttable presumption that the form was improperly destroyed in violation of the PRA, or (2) expand the doctrine of *res ipsa loquitur*, or (3) expand the Washington Supreme Court's holding in *U.S. Oil v. Washington State Department of Ecology*, 96 Wn.2d 85, 633 P.2d 1329 (1981) to the PRA.

**Division Three Briefs**

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6) **No. 336689**

**Case Name: Anna Shamaya Juarez v. Abdon Chavez Juarez, II**

**County: Yakima**

**Case Summary:** Anna Juarez sought a one-year domestic violence protection order (DVPO) against her husband Abdon Juarez. Because Mr. Juarez had initiated divorce proceedings, the trial court denied Ms. Juarez's request and instead entered a 65-day DVPO. Ms. Juarez appeals arguing: (1) trial courts may not enter short-term domestic violence protection orders in deference to other judicial proceedings, and (2) the trial court abused its discretion when it failed to grant a one-year domestic violence protection order.

**Division Three Briefs**

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