

CRIME NOVEMBER 5, 2015

Supreme Court tosses Pierce County child-porn convictions over defective warrant

HIGHLIGHTS

Decision erases convictions of two Pierce County men

High court says search warrant overly broad

Fourth Amendment rights violated

BY ADAM LYNN

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The Washington State Supreme Court has reversed the convictions of two Pierce County men found guilty of possessing and dealing in child pornography, ruling that the search warrant used to seize evidence against them was overly broad.

The unanimous decision, released Thursday, erases the convictions of Mark Lester Besola and Jeffrey Edwin Swenson.

A jury in 2012 convicted Besola and Swenson each of one count of possessing child pornography and one count of dealing it.

The men were charged after sheriff's deputies investigating possible drug crimes spotted what they thought was child pornography in the men's home, court records show.

The deputies sought a search warrant to seize evidence of child porn, but the state's high court said their application was not specific enough.

As written, the search warrant request authorized investigators to take items that were legal for Besola and Swenson to possess, Justice Susan Owens wrote for the court.

That violated the men's Fourth Amendment right against unreasonable searches and seizures, Owens wrote.

Besola, 49, posted an appeals bond after his conviction and has yet to begin serving his nearly three-year sentence. Swenson, 36, has served four years of his six-year sentence.

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