

Supreme Court Issues
Cases Not Yet Set & April Term 2025
June 9, 2025

- Appeal—Briefs—Statement of Additional Authority—New Authority—Necessity.
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- Attorneys and Legal Services—Involuntary Treatment Act—Indigent Defense—Appointment of Attorney—Caseload Limits—Mandatory Representation—Exceeding Caseload Limits—Separation of Powers—Powers of County Executive Under County Charter—Scope.
- Attorneys and Legal Services—Involuntary Treatment Act—Indigent Defense—Appointment of Counsel—Mandatory Representation—Responsibility to Ensure Appointment of Counsel—Separation of Powers—County Executive—Powers Under County Charter—Scope.
- Building Regulations—Land Use Regulations—Judicial Review—Commencement of 21-Day Limitation Period—Tolling Period for Mailed Land Use Decisions—Issuance of Decision by E-mail.
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- Criminal Law—Evidence—Other Offenses or Acts—Common Scheme or Plan—Individual Manifestations—Admissibility.
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- Criminal Law—Punishment—Sentence—Resentencing Pursuant to *Blake*—Consideration of Youth as Mitigating Factor—Propriety.

- Criminal Law—Right to Remain Silent—Accrual of Right—Custody—Before Warning or Arrest.
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- Criminal Law—Unlawful Possession of a Controlled Substance—Obstructing a Public Servant—Motion to Withdraw Guilty Plea—Invalidation of Possession Conviction.
- Elections—Fair Campaign Practices Act—Disclosure Requirement—Commercial Advertisers—Metric for Assessment of Penalties.
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- Environment—Climate Commitment Act—Greenhouse Gas Emissions Cap—Covered Entities—Fuel Suppliers—Agricultural Exemptions—Voluntary Emissions Reporting—Validity.
- *Federal Certified Question—Antitrust and Trade Regulation—Washington Consumer Protection Act—Representation about Price of Product—Misrepresentation About Discount or Price History—Injury to Business or Property.
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- Indians—Infants—Actions and Proceedings—Determination and Findings—Dependency Determination—“Active Efforts” Finding—Necessity.
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- Jury—Selection—Peremptory Challenges—GR 37—Applicability to White Prospective Juror—Proper Basis for Objection—Preservation.
- Medical Treatment—Medical Malpractice—“Exercise of Judgment” Instruction—Validity.
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Credit Agreement—Declaration of Being Holder of Home Equity Line of Credit Agreement—Effect.

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- Products Liability—Asbestos—Limitation of Actions—Statute of Repose—Application—Improvement Upon Real Property.
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- Sexual Offenses—Rape—Multiple Charges—Multiple Victims—Trial—Severance—Denial—Propriety—Cross Admissibility.
- Statutes—Initiatives—Ballots—Initiative 2117—Initiative 2109—Initiative 2121—Public Investment Impact Disclosure—Validity.
- Weapons—Possession—Second Degree Unlawful Possession of Firearms—Prior Convictions—Multiple DUI Convictions Within Seven Years—Validity—Right to Bear Arms.

Cases Not Yet Set

Appeal—Briefs—Statement of Additional Authority—New Authority—Necessity

Whether a statement of additional authorities in an appeal is limited to citing decisions issued after the completion of briefing.

No. 103824-1, *State (respondent) v. Hogan (petitioner)*. (See also: [Jury—Selection—Peremptory Challenges—GR 37—Applicability to White Prospective Juror—Proper Basis for Objection—Preservation](#)).

[33 Wn. App. 2d 209 \(2024\)](#).

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Attorneys and Legal Services—Involuntary Treatment Act—Indigent Defense—Appointment of Attorney—Caseload Limits—Mandatory Representation—Exceeding Caseload Limits

Whether in this case involving the appointment of counsel for indigent individuals facing commitment petitions under the Involuntary Treatment Act (ITA), the superior court lawfully ordered the King County Department of Public Defense (DPD) to continue to appoint counsel in ITA cases even though doing so would exceed attorney caseload limits permitted by the Standards for Indigent Defense.

No. 103252-8, *In re Det. of M.E.* (petitioner). (See also: [Attorneys and Legal Services—Involuntary Treatment Act—Indigent Defense—Appointment of Counsel—Mandatory Representation—Responsibility to Ensure Appointment of Counsel—Separation of Powers—County Executive—Powers Under County Charter—Scope](#)).

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Attorneys and Legal Services—Involuntary Treatment Act—Indigent Defense—Appointment of Attorney—Caseload Limits—Mandatory Representation—Exceeding Caseload Limits—Separation of Powers—Powers of County Executive Under County Charter—Scope

Whether in this case involving the appointment of counsel for indigent individuals subject to commitment petitions under the Involuntary Treatment Act (ITA), the superior court exceeded its authority and violated separation of powers principles by ordering the King County Executive to ensure the appointment of indigent defense counsel in ITA cases in King County.

No. 103312-5, *In re the Det. of R.S.* (petitioner).

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Attorneys and Legal Services—Involuntary Treatment Act—Indigent Defense—Appointment of Counsel—Mandatory Representation—Responsibility to Ensure Appointment of Counsel—Separation of Powers—County Executive—Powers Under County Charter—Scope

Whether in this case involving the appointment of counsel for indigent individuals facing commitment petitions under the Involuntary Treatment Act (ITA), the superior court exceeded its authority and violated separation of powers principles by ordering the King County Executive to ensure the appointment of indigent defense counsel in ITA cases in King County.

No. 103252-8, *In re the Det. of M.E.* (petitioner). (See also: [Attorneys and Legal Services—Involuntary Treatment Act—Indigent Defense—Appointment of Attorney—Caseload Limits—Mandatory Representation—Exceeding Caseload Limits](#)).

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Building Regulations—Land Use Regulations—Judicial Review—Commencement of 21-Day Limitation Period—Tolling Period for Mailed Land Use Decisions—Issuance of Decision by E-mail

Whether for the purposes of calculating the 21-day time limit for filing and serving a land use petition under the Land Use Petition Act, an e-mail transmitting a final land use decision qualifies as a “mailing” that triggers a three-day tolling period under [RCW 36.70C.040\(4\)\(a\)](#).

No. 103789-9, *City of Sammamish* (petitioner) v. *Chandrruangphen* (respondent). (See also: [Building Regulations—Land Use Regulations—Judicial Review—Petition for Review—Strict Compliance With Procedural Requirements—Process—Service—Personal Service—Secondhand Service—Validity](#)).

[32 Wn. App. 2d 527 \(2024\)](#).

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Building Regulations—Land Use Regulations—Judicial Review—Petition for Review—Strict Compliance With Procedural Requirements—Process—Service—Personal Service—Secondhand Service—Validity

Whether in this action under the Land Use Petition Act, the statutory requirements for service on a local municipality set forth in [RCW 36.70C.040\(5\)](#) were satisfied by delivery of the summons and petition to an office assistant at the front desk of the city hall building, followed later by the city clerk’s act of reviewing and initialing the documents.

No. 103789-9, *City of Sammamish* (petitioner) v. *Chandrruangphen* (respondent). (See also: [Building Regulations—Land Use Regulations—Judicial Review—Commencement of 21-Day Limitation Period—Tolling Period for Mailed Land Use Decisions—Issuance of Decision by E-mail](#)).

[32 Wn. App. 2d 527 \(2024\)](#).

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Civil Rights—Employment Discrimination—Retaliation—Trial—Jury Instructions—“Adverse Employment Action”—Misleading to Jury—Prejudice—Necessity

Whether, in this employment discrimination lawsuit based on retaliation, reversal of a verdict for the plaintiff was appropriate on the basis the trial court provided a potentially confusing or misleading jury instruction combining the separate definitions of “adverse employment action” applicable to disparate treatment and retaliation cases.

No. 103749-0, *Verduzco* (petitioner) v. *King County* (respondent).

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Class Action—Consumer Protection Act—Fair Debt Collection Practices Act—Charity Care Act—Applicability to Debt Collection Agency

Whether the requirements of the Charity Care Act, RCW 70.170.060(8)(a), apply to a collection agency collecting on a hospital debt or only to the hospital itself.

No. 104019-9, *Preston* (plaintiff) v. *SB&C, LTD* (defendant).

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Criminal Law—Aggravated First Degree Murder—Punishment—Sentence—Life Imprisonment Without Parole—Youthful Offender—Resentencing—Sentencing Authority—Community Custody as Exceptional Sentence

Whether in resentencing a 20-year-old offender pursuant to *In re Personal Restraint of Monschke*, [197 Wn.2d 305, 482 P.3d 276 \(2021\)](#), on a conviction for aggravated first degree murder for which the original sentence was mandatory life without release, the trial court had authority to impose a determinate sentence, and whether it could impose community custody as an exceptional sentence.

No. 101859-2, *State* (appellant) v. *Reite* (respondent).

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Criminal Law—Evidence—Other Offenses or Acts—Common Scheme or Plan—Individual Manifestations—Admissibility

Whether, in this prosecution for felony murder with sexual motivation, the trial court permissibly admitted evidence of the defendant's prior crimes involving sexual assault as evidence of a common scheme or plan or to rebut the defendant's consent defense.

No. 103908-5, [State \(petitioner\) v. Stearns \(respondent\)](#).

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Criminal Law—Former Jeopardy—Multiple Convictions—Single Criminal Act—Plea Bargain—Validity

Whether, in this prosecution stemming from a single act of assault originally charged as one count of first degree assault, the defendant's convictions on a guilty plea to multiple counts of fourth degree assault violate double jeopardy principles.

No. 103569-1, *In re Pers. Restraint of Bin-Bellah* (petitioner).

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Criminal Law—Right to Remain Silent—Accrual of Right—Custody—Before Warning or Arrest

Whether a defendant was in custody for purposes of *Miranda v. Arizona*, [384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 \(1966\)](#), when officers parked in front of and behind the sleeping defendant's vehicle before waking and questioning him.

No. 103530-6, [State \(respondent\) v. Wasuge \(petitioner\)](#). (*See also*: [Criminal Law—Evidence—Opinion Evidence—Expert Testimony—Intoxication—Ultimate Issue—Harmless Error—Standard of Review](#)).

[32 Wn. App. 2d 226 \(2024\)](#).

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Criminal Law—Trial—Comment on Evidence—What Constitutes—Credibility of Witnesses—Reliability for Purposes of Hearsay Exception

Whether the trial court in this criminal prosecution improperly commented on the evidence by stating that the victim’s out-of-court statements, related by another witness, were reliable for purposes of admission under the excited utterance exception to the hearsay rule.

No. 103451-2, *State* (respondent) *v. Lee* (petitioner). (See also: [Criminal Law—Former Jeopardy—Multiple Convictions—Same Offense—Assault—Separate and Distinct Criminal Conduct—Criminal Intent](#)).

[32 Wn. App. 137 \(2024\)](#).

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Criminal Law—Unlawful Possession of a Controlled Substance—Obstructing a Public Servant—Motion to Withdraw Guilty Plea—Invalidation of Possession Conviction

Whether a defendant who pleaded guilty to two offenses under a single plea agreement is entitled to withdraw the plea to both offenses on the basis one of the offenses—unlawful possession of a controlled substance—was invalidated under *State v. Blake*, [197 Wn.2d 170, 481 P.3d 521 \(2021\)](#).

No. 102326-0, *State* (respondent) *v. Willyard* (petitioner).

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Elections—Fair Campaign Practices Act—Disclosure Requirement—Commercial Advertisers—Metric for Assessment of Penalties

Whether under Washington’s Fair Campaign Practices Act, the metric for assessing penalties for violating the act is the publication of a political advertisement without a properly maintained record or the failure to fulfill a request for information.

No. 103748-1, *State* (respondent) *v. Meta Platforms, Inc.* (petitioners). (See also: [Whether Washington’s Fair Campaign Practices Act, which requires commercial advertisers to maintain records of political advertisements and disclose or permit inspection of such records upon request, violates the First Amendment; Elections—Fair Campaign Practices Act—Enforcement—Assessment of Penalties—Treble Damages—Excessive Fines—Eighth Amendment](#)).

[33 Wn. App. 2d 138 \(2024\)](#).

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Elections—Fair Campaign Practices Act—Disclosure Requirement—Commercial Advertisers—Validity Under First Amendment

Whether Washington’s Fair Campaign Practices Act, which requires commercial advertisers to maintain records of political advertisements and disclose or permit inspection of such records upon request, violates the First Amendment.

No. 103748-1, *State* (respondent) *v. Meta Platforms, Inc.* (Petitioner). (See also: [Elections—Fair Campaign Practices Act—Disclosure Requirement—Commercial Advertisers—Metric for Assessment of Penalties; Elections—Fair Campaign Practices Act—Enforcement—Assessment of Penalties—Treble Damages—Excessive Fines—Eighth Amendment](#)).

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Elections—Fair Campaign Practices Act—Enforcement—Assessment of Penalties—Treble Damages—Excessive Fines—Eighth Amendment

Whether in this action for violation of Washington’s Fair Campaign Practices Act, the assessed treble damages penalty of \$35 million is an excessive fine under the Eighth Amendment.

No. 103748-1, *State* (respondent) *v. Meta Platforms, Inc.* (petitioner). (See also: [Elections—Fair Campaign Practices Act—Disclosure Requirement—Commercial Advertisers—Validity Under First Amendment](#); [Elections—Fair Campaign Practices Act—Disclosure Requirement—Commercial Advertisers—Metric for Assessment of Penalties](#)).

[33 Wn. App. 2d 138 \(2024\)](#).

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Environment—Climate Commitment Act—Greenhouse Gas Emissions Cap—Covered Entities—Fuel Suppliers—Agricultural Exemptions—Voluntary Emissions Reporting—Validity

Whether the Department of Ecology exceeded its statutory authority or acted arbitrarily or capriciously in implementing a voluntary emissions exemption reporting system for fuel suppliers pursuant to the agricultural exemption provisions of the Climate Commitment Act, chapter [70A.65 RCW](#).

No. 103413-0, *Wash. Farm Bureau, et al.* (appellants) *v. Wash. State Dep’t of Ecology* (respondent).

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***Federal Certified Question—Antitrust and Trade Regulation—Washington Consumer Protection Act—Representation about Price of Product—Misrepresentation About Discount or Price History—Injury to Business or Property**

Whether a seller that advertises a product's price coupled with misrepresentations about the product's discounted price, comparative price, or price history "injure[s]" a consumer in their "business or property" under the Washington Consumer Protection Act if the consumer purchases the product at the advertised price because of the misrepresentation.

No. 104162-4, *Montes* (plaintiff) v. *Sparc Grp., LLC* (defendant).

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Financial Institutions—Checking Accounts—Customer Agreement—Overdraft Penalties—Breach of Contract—Consumer Protection—Unfair or Deceptive Conduct.

Whether a credit union member stated a claim for which relief could be granted in alleging that the credit union's method of calculating overdraft fees under its optional checking account overdraft protection service violated the terms of the membership agreement or was unfair or deceptive for purposes of the Consumer Protection Act.

No. 101288-8, *Feyen* (respondent) v. *Spokane Teachers Credit Union* (petitioner).

[23 Wn. App. 2d 264 \(2023\).](#)

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Homicide—Vehicular Homicide—Breath or Blood Alcohol Test—Validity of Breath Test—Absence of Foreign Substances in Mouth—What Constitutes—Strands of Tobacco in Teeth

Whether in this prosecution for vehicular homicide involving the admissibility of breath test results, the State satisfied its prima facie burden to show the defendant did not have “any foreign substances” in their mouth within the meaning of [RCW 46.61.506\(4\)\(a\)\(iii\)](#) even though the testing officer observed small strands of tobacco in the defendant’s teeth at the beginning of the fifteen-minute observation period.

No. 103563-2, *State (respondent) v. Sliger (petitioner)*.

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Judgment—Foreign Judgment—Foreign Money Judgments Act—Necessity of Proof of Personal Jurisdiction

Whether in this action under the Uniform Foreign-Country Money Judgment Recognition Act, chapter [6.40A RCW](#), the judgment creditor must establish a basis for the exercise of personal jurisdiction in Washington over the judgment debtor before obtaining recognition of a foreign country money judgment.

No. 103759-7, *AlternA Aircraft V.B., Ltd. (respondent) v. Spice Jet Ltd. (petitioner)*.
(See also: [Judgment—Foreign Judgment—Foreign Money Judgments Act—Presence of Assets of Judgment Debtor in State—Necessity](#)).

[33 Wn. App. 2d 246 \(2024\)](#).

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Judgment—Foreign Judgment—Foreign Money Judgments Act—Presence of Assets of Judgment Debtor in State—Necessity

Whether in this action under the Uniform Foreign-Country Money Judgment Recognition Act, chapter [6.40A RCW](#), the judgment creditor must show that the judgment debtor has assets in this state before obtaining recognition of a foreign country money judgment.

No. 103759-7, *AlternA Aircraft V.B., Ltd. (respondent) v. Spice Jet Ltd. (petitioners)*. (See also: [Judgment—Foreign Judgment—Foreign Money Judgments Act—Necessity of Proof of Personal Jurisdiction](#)).

[33 Wn. App. 2d 246 \(2024\)](#).

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Jury—Selection—Peremptory Challenges—GR 37—Applicability to White Prospective Juror—Proper Basis for Objection—Preservation

Whether in this criminal prosecution the trial court erred in denying the defendant's GR 37 objection to the State's peremptory challenge to a white prospective juror who had expressed misgivings about the justice system's harsh treatment of underrepresented groups, when defense counsel only stated that the juror was transgender and the State justified its strike based on reasons that appear presumptively invalid under GR 37.

No. 103824-1, *State (respondent) v. Hogan (petitioner)*. (See also: [Appeal—Briefs—Statement of Additional Authority—New Authority—Necessity](#)).

[33 Wn. App. 2d 209 \(2024\)](#).

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Medical Treatment—Medical Malpractice—“Exercise of Judgment” Instruction—Validity

Whether in this action for medical malpractice the trial court properly gave an “exercise of judgment” jury instruction based on conflicting evidence that the physician’s choice of diagnosis or treatment fell within the applicable standard of care, absent affirmative evidence that the physician’s reasoning underlying that choice was consistent with the standard of care.

No. 103635-3, *Beard* (petitioner) v. *The Everett Clinic, PLLC, et al.* (respondent).

[32 Wn. App. 2d 833 \(2024\)](#).

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Minimum Wage Act—Exemptions—Live-in Caregivers—Constitutionality—Privileges and Immunities—Retroactivity of Judgment Holding Exemption Unconstitutional

Whether [RCW 49.46.010\(3\)\(j\)](#), which exempts live-in caregivers from protections under the Minimum Wage Act, violates the prohibition against special privileges and immunities in Washington Constitution article I, section 12, and if so, whether the superior court decision in this case holding the exemption unconstitutional applies retroactively.

No. 103519-5, *Bolina* (respondent) v. *AssureCare Adult Home, LLC, et al.* (appellants).

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Mortgages and Deeds of Trust—Deed of Trust Act—Holder of Promissory Note or Other Obligation Secured by Deed of Trust—Home Equity Line of Credit Agreement—Declaration of Being Holder of Home Equity Line of Credit Agreement—Effect

Whether in this civil action involving consumer protection claims and a quiet title claim, an alleged beneficiary under the Deed of Trust Act satisfies the requirement to show that it is “the holder of any promissory note or other obligation secured by the deed of trust,” [RCW 61.24.030\(7\)\(a\)](#), by executing a declaration under penalty of perjury attesting that it is the holder of a home equity line of credit agreement.

No. 103735-0, *Vargas* (plaintiff) v. *RRA CP Opportunity Trust 1, et al.* (defendants).
(See also: [Mortgages and Deeds of Trust—Antitrust and Trade Regulation—Uniform Commercial Code—Negotiable Instrument—What Constitutes—Home Equity Line of Credit Agreement](#)).

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Products Liability—Asbestos—Limitation of Actions—Statute of Repose—Application—Improvement Upon Real Property

Whether the defendant’s installation of asbestos-containing insulation on piping and machinery components in a refinery constituted construction of an improvement upon real property for purposes of the statute of repose in this products liability action, [RCW 4.16.300, .310](#).

No. 102782-6, *Polinder* (respondent) v. *Aecom Energy & Constr., Inc., et al.* (petitioner).

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Products Liability—Seller—Negligence—Duty—Proximate Causation—Self-Inflicted Harm—Suicide

Whether in this action against Amazon.com, Inc., for seller negligence under the Washington Product Liability Act, the plaintiffs pleaded sufficient facts to establish the duty and proximate causation elements of their claim so as to avoid dismissal on the pleadings, where they alleged that Amazon promoted, sold, and delivered sodium nitrite to young persons contemplating suicide; used its algorithm to recommend suicide-related products, including scales and a suicide instruction book; failed to provide adequate warnings about the dangers of sodium nitrite despite having notice that vulnerable persons and children were purchasing and using it for self-harm; and sold and delivered sodium nitrite to their loved ones, thus facilitating their suicides.

No. 103730-9, [Scott, et al. \(petitioners\) v. Amazon.com \(respondent\)](#).

[33 Wn. App. 2d 44 \(2024\)](#).

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Sexual Offenses—Rape—Multiple Charges—Multiple Victims—Trial—Severance—Denial—Propriety—Cross Admissibility

Whether the trial court in this prosecution on four rape charges involving multiple victims abused its discretion in denying the defendant's motion to sever the charges in light of the lack of cross-admissibility of the evidence supporting the charges.

No. 103835-6, [State \(petitioner\) v. Krause \(respondent\)](#).

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Statutes—Initiatives—Ballots—Initiative 2117—Initiative 2109—Initiative 2121—Public Investment Impact Disclosure—Validity

Whether Initiative 2117 (repealing the state’s cap and invest program), Initiative 2109 (repealing the capital gains tax), and Initiative 2121 (making participation in long-term care insurance program optional) would repeal or modify any “tax or fee” and have the effect of causing a net change in state revenue, making it appropriate for the attorney general to prepare public investment impact disclosure statements to appear on the ballots for those initiatives pursuant to [RCW 29A.72.027](#).

No. 103174-2, *Walsh, et al.* (appellant) v. *Hobbs, et al.* (respondents).

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Weapons—Possession—Second Degree Unlawful Possession of Firearms—Prior Convictions—Multiple DUI Convictions Within Seven Years—Validity—Right to Bear Arms

Whether [RCW 9.41.040\(2\)\(a\)\(i\)\(D\)](#), which criminalizes the possession of a firearm by any person who has been convicted of two or more DUI or DUI-related offenses within seven years without any individualized determination of dangerousness, is an unlawful restriction on the right to bear arms.

No. 103799-6, *McClellan, et al.* (petitioner) v. *Ferguson* (respondent).

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Criminal Law—Former Jeopardy—Multiple Convictions—Same Offense—Assault—Separate and Distinct Criminal Conduct—Criminal Intent

Whether a defendant's two second-degree assault convictions violate double jeopardy principles where they were based on acts committed against the same victim moments apart but with purportedly different intents or motivations.

No. 103451-2, [State \(respondent\) v. Lee \(petitioner\)](#). (Oral Argument: 6/10/25). (*See also*: [Criminal Law—Trial—Comment on Evidence—What Constitutes—Credibility of Witnesses—Reliability for Purposes of Hearsay Exception](#)).

[32 Wn. App. 137 \(2024\)](#).

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Criminal Law—Former Jeopardy—Multiple Convictions—Same Offense—Second Degree Assault and Felony Harassment

Whether convictions in this prosecution for second degree assault and felony harassment based on the same conduct violate double jeopardy principles.

No. 103509-8, [State \(respondent\) v. Ray \(petitioner\)](#). (Oral Argument: 6/10/25).

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Criminal Law—Punishment—Sentence—Reimbursement of Legal Financial Obligations Following *Blake* Reversal—Community Service in Lieu of Legal Financial Obligations—Equal Protection

Whether for purposes of refunding legal financial obligations paid pursuant to a drug possession conviction vacated under *State v. Blake*, [197 Wn.2d 170](#), [481 P.3d 521 \(2021\)](#), the superior court violated the defendants’ constitutional right to equal protection of the laws by denying a refund for payments credited to them as dollars earned through community service work.

No. 103627-2, [State \(respondent\) v. Danielson \(petitioner\)](#). (Oral Argument: 6/12/25).

Consolidated with:

No. 103673-6, [State \(respondent\) v. Nelson \(petitioner\)](#).

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[32 Wn. App. 2D 679 \(2024\).](#)

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Criminal Law—Punishment—Sentence—Fine—Excessiveness—Restitution

Whether restitution in a criminal prosecution is categorically punitive under the excessive fines clauses of the federal and state constitutions, and if so, whether the restitution amount imposed in the judgment and sentence in this case was unconstitutionally excessive.

No. 102378-2, [State \(respondent\) v. Ellis \(petitioner\)](#). (Oral argument 6/24/25). (*See also*: [Criminal Law—Punishment—Sentence—Resentencing Pursuant to *Blake*—Consideration of Youth as Mitigating Factor—Propriety](#)).

[27 Wn. App. 2d 1 \(2023\).](#)

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Criminal Law—Punishment—Sentence—Resentencing Pursuant to *Blake*—Consideration of Youth as Mitigating Factor—Propriety

Whether in a resentencing held as a result of the removal of a drug possession conviction from the defendant’s offender score pursuant to *State v. Blake*, [197 Wn.2d 170, 481 P.3d 521 \(2021\)](#), the trial court erred in declining to consider the mitigating qualities of the defendant’s youth (18) at the time they committed the crime.

No. 102378-2, *State (respondent) v. Ellis (petitioner)*. (Oral Argument: 6/24/25). (*See also*: [Criminal Law—Punishment—Sentence—Fine—Excessiveness—Restitution](#)).

[27 Wn. App. 2d 1 \(2023\)](#).

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Indians—Infants—Actions and Proceedings—Determination and Findings—Dependency Determination—“Active Efforts” Finding—Necessity

Whether in a case involving a Native child pursuant to the Indian Child Welfare Act and the Washington Indian Child Welfare Act, the dependency fact finding hearing constitutes a “dependency hearing” at which the superior court must make a formal finding as to whether the Department of Children, Youth, and Families has engaged in active efforts to prevent the breakup of the family.

No. 103768-6, *In re the Welfare of C.J.J.I., R.A.R., & C.V.I.* (Oral Argument: 6/24/25).

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Mortgages and Deeds of Trust—Antitrust and Trade Regulation—Uniform Commercial Code—Negotiable Instrument—What Constitutes—Home Equity Line of Credit Agreement

Whether in this civil action involving consumer protection claims and a quiet title claim, a typical home equity line of credit agreement that has a closed draw period and specified maturity date is a negotiable instrument under Article 3 of Washington’s Uniform Commercial Code.

No. 103735-0, *Vargas* (plaintiff) v. *RRA CP Opportunity Trust 1, et al.* (defendants). (Oral argument: 6/26/25). (See also: [Mortgages and Deeds of Trust—Deed of Trust Act—Holder of Promissory Note or Other Obligation Secured by Deed of Trust—Home Equity Line of Credit Agreement—Declaration of Being Holder of Home Equity Line of Credit Agreement—Effect](#)).

Certified from the U.S. Dist. Court for the W. Dist. of Wash.

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Municipal Corporations—Charter—Amendment—Initiative Measure—Election—“Next Regular Municipal Election”—What Constitutes

Whether [RCW 35.22.120](#), which provides that a citizen’s petition to amend a city charter must be put to a vote “at the next regular municipal election,” requires a county auditor to put a properly certified proposed charter amendment on the next special election ballot or must wait for the next general election.

No. 103715-5, *A Better Richland* (appellant) v. *Chilton* (respondent). (Oral Argument: 6/12/25).

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