

Supreme Court Issues  
Cases Not Yet Set & April Term 2025  
April 4, 2025

- Attorneys and Legal Services—Involuntary Treatment Act—Indigent Defense—Appointment of Attorney—Caseload Limits—Mandatory Representation—Exceeding Caseload Limits.
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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.
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- \*Criminal Law—Punishment—Sentence—Calculation of Offender Score—Criminal History—Community Custody From Foreign Conviction.
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- \*Criminal Law—Punishment—Sentence—Fine—Excessiveness—Restitution.
- Criminal Law—Punishment—Sentence—Offender Score—Same Criminal Conduct—Indecent Liberties—Unlawful Imprisonment—Same Criminal Intent—Proper Analysis.
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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.
- \*Criminal Law—Trial—By Court—Sufficiency of the Evidence—Review—Standard.
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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.
- \*Environment—Climate Commitment Act—Greenhouse Gas Emissions Cap—Covered Entities—Fuel Suppliers—Agricultural Exemptions—Voluntary Emissions Reporting—Validity.
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- Industrial Insurance—Course of Employment—Distant Jobsite—Traveling Employee—Applicability to Occupational Diseases.
- Juveniles—Juvenile Justice—Custodial Interrogation—Statements—Admissibility—Failure to Provide Access to Counsel—Statute—Retroactivity.
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- Minimum Wage Act—Exemptions—Live-in Caregivers—Constitutionality—Privileges and Immunities—Retroactivity of Judgment Holding Exemption Unconstitutional.
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- Municipal Corporations—Charter—Amendment—Initiative Measure—Election—“Next Regular Municipal Election”—What Constitutes.
- Negligence—Government Liability—Duty of Care—Jail Inmate—Self-Inflicted Harm—Drug Overdose—Statutory Defenses—Plaintiff Engaged in Felony—Intoxication Comparative Fault.
- Open Government—Public Disclosure—Exemptions—Opinions and Policy Recommendations—Collective Bargaining Materials—Deliberative Process—Predecisional Matters—Implementation of Decision—What Constitutes.
- Open Government—Public Disclosure—Private Entity as Public Agency—Functional Equivalence Balancing Test—Standard of Review.
- Personal Restraint—Petition—Timeliness—Statutory Limits—Exceptions—Significant Change in Law—Materiality—*Monschke* Case.
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- Public Employment—Collective Bargaining—Good Faith Bargaining—What Constitutes—Duty of State to Bargain and Seek Funding—Governing Law—State Law.
- Public Employment—Military Leave—Paid Leave—“Scheduled to Work”—Meaning—Long-Term Military Leave—Effect.
- Quieting Title—Adverse Possession—Against Native Tribe—In Rem Jurisdiction of Court—Sovereign Immunity—Immovable Property Doctrine.
- Relief from Judgement—Deeds of Trust—Quiet Title—Limitation of Actions—Accrual of Cause—Subsequent Decision—Clarification of Law.
- Statutes—Initiatives—Ballots—Initiative 2117—Initiative 2109—Initiative 2121—Public Investment Impact Disclosure—Validity.
- Unlawful Detainer—Default Judgment—Statutory Right to Attorney—Notification—Show Cause Hearing—Necessity.
- Vehicular assault—admissibility of laboratory toxicology test results—right of confrontation—testimony of supervisor of technician.

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- Weapons—Firearms—Regulation—Right to Bear Arms—Federal Constitutional Protection—State Constitutional Protection.
- Weapons—Possession—By Felon—Prior Conviction—Vehicular Homicide—Notice of Weapons Prohibition—Validity—Constitutionality.
- Weapons—Right of Possession—Restoration of Right—Petition—Venue—Former Statute—Applicability.

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## Cases Not Yet Set

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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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**\*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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**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—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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**\*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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**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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**\*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.*

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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—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).  
(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](#)).

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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—Constitutional Law—Limitations of Actions—Privileges and Immunities—Rational Basis**

Whether the Washington Product Liability Act's statute of repose violates the privileges and immunities clause of article I, section 12 of the Washington Constitution.

No. 103135-1, *Erickson, et al.* (petitioners) v. *Pharmacia, LLC* (respondent). (*See also*: [Products Liability—Choice of Law—Statute of Repose—Punitive Damages](#); [Products Liability—Expert Testimony—Scientific Testimony—Admissibility](#)). (Oral argument 2/11/25).

[548 P.3d 226 \(2024\)](#).

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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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**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—By Felon—Prior Conviction—Vehicular Homicide—  
Notice of Weapons Prohibition—Validity—Constitutionality**

Whether a trial court order prohibiting the defendant from possessing firearms on the basis of his conviction for vehicular homicide is unconstitutional under the Second Amendment to the United States Constitution or article I, section 24 of the Washington Constitution.

No. 103274-9, *State* (respondent) v. *Hamilton* (petitioner). **(Stricken)**

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**April Term 2025**  
**Cases Set for Oral Argument**

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**Constitutional Law—Private Affairs—Felony Prosecution—“Pre-Trial Releasee”—Arraignment—Administrative Booking Process—Validity**

Whether in a criminal prosecution in King County, the administrative booking process facilitating the collection of fingerprints and other data from pre-trial releasees violates the right to be free from government intrusion into private affairs under Article I, section 7 of the Washington State Constitution to the extent the process allows (1) search and seizure of the subject person’s belongings, (2) handcuffing of the person for purposes of transporting the person, and (3) detention of the person in a cell.

No. 103136-0, *State* (petitioner) v. *Evans* (respondent). (Oral argument 5/15/25).

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**Constitutional Law—Sex Offender Records—Right of Access—Personal Identifying Information—Use of Pseudonyms in Caption**

Whether in this action to enjoin the disclosure of sex offender records requested under the Public Records Act, the superior court erred by allowing the plaintiffs to proceed in pseudonym.

No. 102976-4, *John Doe P., et al.* (petitioners) v. *Zink, et al.* (respondents). (*See also:* [Constitutional Law—Sex Offender Records—Right of Access—Personal Identifying Information—Use of Pseudonyms in Caption—Sealing—Disclosure Document Containing Real Names](#)). (Oral argument 2/25/25).

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**Constitutional Law—Sex Offender Records—Right of Access—Personal Identifying Information—Use of Pseudonyms in Caption—Sealing—Disclosure Document Containing Real Names**

Whether in this action to enjoin the disclosure of sex offender records requested under the Public Records Act, where the plaintiffs were permitted to proceed in pseudonym, the superior court properly applied [GR 15](#) and the factors set forth in *Seattle Times Co. v. Ishikawa*, [97 Wn.2d 30, 640 P.2d 716 \(1982\)](#), in ordering the continued sealing of a court document disclosing the plaintiffs' real names.

No. 102976-4, *John Doe P., et al. (petitioners) v. Zink, et al. (respondents)*. (See also: [Constitutional Law—Sex Offender Records—Right of Access—Personal Identifying Information—Use of Pseudonyms in Caption](#)). (Oral argument 2/20/25).

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**Criminal Law—Evidence—Hearsay—Right of Confrontation—Testimonial or Nontestimonial Statement—Invited Error**

Whether, in this prosecution for first degree assault, the trial court permissibly admitted testimonial hearsay statements of a nontestifying witness made in a police interview on the basis the defendant invited the error by cross-examining a detective about the nontestifying witness's unrelated statements from the same interview.

No. 103469-5, *State (respondent) v. Bennett (petitioner)*. (Oral argument: 5/15/25).

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

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**Criminal Law—Evidence—Opinion Evidence—Expert Testimony—  
Intoxication—Ultimate Issue—Harmless Error—Standard of Review**

Whether, in this prosecution for being in physical control of a motor vehicle while under the influence of intoxicating liquor, the admission of improper testimony regarding intoxicating effects of blood alcohol levels for the general population rather than for the defendant in particular is subject to constitutional harmless error review.

No. 103530-6, [State \(respondent\) v. Wasuge \(petitioner\)](#). (Oral argument: 5/20/25).  
(*See also*: [Criminal Law—Right to Remain Silent—Accrual of Right—Custody—Before Warning or Arrest](#)).

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

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**Criminal Law—Felony Harassment—First Amendment—“True Threat”—  
Subjective Intent—Necessity**

Whether under *Counterman v. Colorado*, [600 U.S. 66, 143 S. Ct. 2106, 216, L. Ed. 2d 775 \(2023\)](#), Washington’s felony harassment statute violates First Amendment principles in light of Washington Supreme Court precedent holding that the statute does not require proof that the defendant subjectively foresaw that the harassing statements would be interpreted as threats.

No. 103374-5, [State \(respondent\) v. Calloway \(petitioner\)](#). (Oral argument 3/11/25).

[31 Wn. App. 2d 405 \(2024\)](#).

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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—Judgment—Vacation—Discretion of Court—Release from Custody—Subsequent Incarceration—Effect—Evidence of Rehabilitation—Necessity**

Whether, for purposes of vacating a conviction under [RCW 9.94A.640\(2\)](#), a defendant was “released from custody” when the sentence on the conviction expired, even though the defendant remained incarcerated on a subsequent conviction, and if so, whether the trial court had discretion to vacate the conviction without evidence of rehabilitation.

No. 103058-4, *State (respondent) v. Abrams (petitioner)*. (Oral argument 2/20/25).

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**Criminal Law—Jury—Peremptory Challenge—Person of Color—Claimed Inattentiveness—Objection to Challenge—Overruling of Objection—Claimed Error—Remedy**

Whether in this criminal prosecution, the trial court erred by overruling the defendant's [GR 37](#) objection to the State's use of a peremptory challenge against a juror of color purportedly for inattentiveness, and if so, whether reversal of the defendant's convictions is required.

No. 103077-1, [State \(petitioner\) v. Bell \(respondent\)](#). (Oral argument 1/23/25).

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**\*Criminal Law—Murder—Custodial Interrogation—*Miranda* Warnings—Admission of Statements—Harmless Error**

Whether, in this prosecution for first degree murder, the 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, during the execution of a search warrant by a SWAT team, the defendant was restrained at the wrists with zip-ties and taken to a staging area, and there was released from their restraints, was asked to speak inside an officer's vehicle, and was told they were not under arrest and could leave at any time, and if so, whether the admission of statements made without *Miranda* warnings as substantive evidence was harmless.

No. 103586-1, [State \(respondent\) v. Magana-Arvelo \(petitioner\)](#). (Oral Argument: 5/29/25).

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## **Criminal Law—Murder—Discovery—Victim’s Medical Records—Intervention of Estate—Intervention on Appeal**

Whether, in this motion for discretionary review in relation to the defendant’s appeal from a murder conviction, the decedent’s representative was properly allowed to intervene on the basis the representative had intervened in the trial court to oppose the defendant’s motion to subpoena the decedent’s medical records.

No. 103338-9, *State* (respondent) v. *Thompson* (petitioner). (Oral argument 2/20/25).

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## **\*Criminal Law—Punishment—Sentence—Calculation of Offender Score—Criminal History—Community Custody From Foreign Conviction**

Whether in this criminal prosecution the trial court correctly added a point to the defendant’s offender score on the basis they were on community custody pursuant to out-of-state convictions at the time of the crimes.

No. 103546-2, *State* (respondent) v. *Roberts* (petitioner). (Oral Argument: 5/27/25).  
(See also: [Criminal Law—Trial—By Court—Sufficiency of the Evidence—Review—Standard](#)).

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**Criminal Law—Punishment—Sentence—Conditions—Community Custody on Conviction for Possession of a Controlled Substance—Validity After *Blake*—Department of Corrections Authority to Arrest and Search for Violation**

Whether the Department of Corrections retained legal authority to arrest and search a person for violating a condition of community custody imposed on the person's conviction for unlawful possession of a controlled substance after the unlawful possession statute was held unconstitutional in *State v. Blake*, [197 Wn.2d 170, 481 P.3d 521 \(2021\)](#).

No. 103582-9, [State \(respondent\) v. Balles \(appellant\)](#). (Oral Argument: 5/22/25).

[32 Wn. App. 2d 356, 556 P.3d 698 \(2024\)](#).

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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 \(petitioner\)](#).

[Unpublished](#).

[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](#)).

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## **Criminal Law—Punishment—Sentence—Offender Score—Same Criminal Conduct—Indecent Liberties—Unlawful Imprisonment—Same Criminal Intent—Proper Analysis**

Whether in this prosecution for crimes including indecent liberties and unlawful imprisonment, the Court of Appeals employed the correct analysis in holding that these crimes involved different criminal intents for purposes of whether they constituted the same criminal conduct for offender score purposes.

No. 103468-7, [State \(respondent\) v. House \(appellant\)](#). (Oral argument: 5/20/25).

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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](#)).

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**\*Criminal Law—Trial—By Court—Sufficiency of the Evidence—Review—Standard**

Whether in criminal prosecutions tried to the bench, the standard of review of challenges to the sufficiency of the evidence differs from that applicable to jury convictions, and whether under the correct standard the evidence is sufficient to support the conviction in this case for felony murder predicated on first degree burglary.

No. 103546-2, *State (respondent) v. Roberts (petitioner)*. (Oral Argument: 5/27/25). (See also: [Criminal Law—Punishment—Sentence—Calculation of Offender Score—Criminal History—Community Custody From Foreign Conviction](#)).

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## **Industrial Insurance—Course of Employment—Distant Jobsite—Traveling Employee—Applicability to Occupational Diseases**

Whether, for purposes of eligibility for workers' compensation benefits, the traveling employee doctrine may apply in the context of an occupational disease.

No. 103488-1, *Azorit-Wortham (petitioner) v. Dep't of Labor & Indus., & Alaska Airlines, Inc. (respondents)*. (5/22/25).

[32 Wn. App. 2d 84, 554 P.3d 1235 \(2024\)](#).

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## **Juveniles—Juvenile Justice—Custodial Interrogation—Statements—Admissibility—Failure to Provide Access to Counsel—Statute—Retroactivity**

Whether in this prosecution of a juvenile, [RCW 13.40.740](#), which makes inadmissible any statement a juvenile makes during a custodial interrogation unless the juvenile was provided access to counsel before waiving any rights, applies retroactively to statements made in an interrogation that occurred before the enactment of the statute in 2021.

No. 103251-0, *State (respondent) v. Luna (petitioner)*. (Oral argument 5/29/25).

[Unpublished](#).

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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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## **Negligence—Government Liability—Duty of Care—Jail Inmate—Self-Inflicted Harm—Drug Overdose—Statutory Defenses—Plaintiff Engaged in Felony—Intoxication Comparative Fault**

Whether, in this negligence lawsuit against a county for a jail inmate’s drug overdose death, the county’s special relationship to the inmate precludes it from asserting statutory affirmative defenses under [RCW 5.40.060\(1\)](#) based on the decedent’s comparative fault related to intoxication, or under former [RCW 4.24.420 \(1987\)](#) based on the decedent having died while committing a felony.

No. 103111-4, *Anderson, et al.* (respondent) v. *Grant County* (petitioner). (Oral argument 2/13/25).

[28 Wn. App. 2d 796 \(2024\)](#).

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## **Open Government—Public Disclosure—Exemptions—Opinions and Policy Recommendations—Collective Bargaining Materials—Deliberative Process—Predecisional Matters—Implementation of Decision—What Constitutes**

Whether the deliberative process exemption of the Public Records Act applied to a request for collective bargaining agreement proposals from the Office of Financial Management when the request was made after the agreements had been tentatively signed but not yet approved and funded by the legislature.

No. 103370-2, *Citizen Action Defense Funds (petitioner) v. Wash. state Fin. Mgmt. (respondent)*. (Oral argument 2/27/25).

[31 Wn. App. 2d 633 \(2024\)](#).

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## **Open Government—Public Disclosure—Private Entity as Public Agency—Functional Equivalence Balancing Test—Standard of Review**

Whether, in this Public Records Act action involving a request for records from DBIA Services, which contracts with the city of Seattle, the trial court's determination that DBIA Services is not the functional equivalent of a government agency for purposes of the act is subject to de novo review or review for abuse of discretion.

No. 103339-7, *Hovarth (petitioner) v. DBIA Servs. dba Metro. Improvement Dist. (respondent)*. (Oral Argument: 5/27/25).

[31 Wn. App. 2d 549 \(2024\)](#).

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## **Personal Restraint—Petition—Timeliness—Statutory Limits—Exceptions—Significant Change in Law—Materiality—*Monschke* Case**

Whether *In re Personal Restraint of Monschke*, [197 Wn.2d 305, 482 P.3d 276 \(2021\)](#) (recognizing a right to resentencing for offenders aged 18 to 20 who were sentenced to life imprisonment without the possibility of release without consideration of the mitigating factors of youth), constitutes a significant and material change in the law that exempts a personal restraint petition from the one-year time limit on collateral review under [RCW 10.73.100\(7\)](#), and if so, what showing of materiality and prejudice, if any, the petitioner must make to obtain relief.

No. 103672-8, *In re Pers. Restraint of Schoenals* (petitioner). (Oral argument: 3/13/25).

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## **Products Liability—Choice of Law—Statute of Repose—Punitive Damages**

Whether, in this Washington Product Liability Act (WPLA) action against a chemical manufacturer alleging that exposure to the chemical injured plaintiffs in Washington based on conduct that occurred in Missouri, choice of law principles dictate application of Missouri law on repose rather than the WPLA's statute of repose, and whether Missouri law on punitive damages applies.

No. 103135-1, *Erickson, et al. (petitioners) v. Pharmacia, LLC (respondent)*. (*See also*: [Products Liability—Constitutional Law—Limitations of Actions—Privileges and Immunities—Rational Basis](#); [Products Liability—Expert Testimony—Scientific Testimony—Admissibility](#)). (Oral argument 2/11/25).

[548 P.3d 226 \(2024\)](#).

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## **Products Liability—Expert Testimony—Scientific Testimony—Admissibility**

Whether in this products liability action, testimony from plaintiffs' expert on the quantity of polychlorinated biphenyls (PCBs) to which they were exposed was admissible under *Frye v. United States*, [293 F. 1013 \(D.C. Cir. 1923\)](#).

No. 103135-1, *Erickson, et al. (petitioners) v. Pharmacia, LLC (respondents)*. (See also: [Products Liability—Constitutional Law—Limitations of Actions—Privileges and Immunities—Rational Basis](#); [Products Liability—Constitutional Law—Limitations of Actions—Privileges and Immunities—Rational Basis](#)). (Oral argument 2/11/25).

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## **Public Employment—Collective Bargaining—Good Faith Bargaining—What Constitutes—Duty of State to Bargain and Seek Funding—Governing Law—State Law**

Whether, in this unfair labor practices action concerning public employee collective bargaining agreements, the State has a duty to seek funding for and continue negotiating toward new agreements to become effective in July 2025, despite the parties' failure to reach tentative agreements by the October 1, 2024, deadline for submitting the agreements to the Office of Financial Management for feasibility determinations under [RCW 41.80.010](#).

No. 103756-1, *Wash. Public Employees Ass'n (petitioner) v. State of Wash. et al. (respondent)*. (Oral Argument: 2/27/25).

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## **Public Employment—Military Leave—Paid Leave—“Scheduled to Work”—Meaning—Long-Term Military Leave—Effect**

Whether under [RCW 38.40.060](#), which provides public employees 21 days of paid military leave annually from October 1 to the following September 30 for days the employee was “scheduled to work,” an employee who was on extended military leave from the fall of 2019 to May 2021 was not entitled to paid leave for 21 days in October 2020 because he was not “scheduled to work” that month due to his extended military leave.

No. 103121-1, *Bearden* (plaintiff) v. *City of Ocean Shores, et al.* (defendants). (Oral argument 1/16/25).

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## **Quieting Title—Adverse Possession—Against Native Tribe—In Rem Jurisdiction of Court—Sovereign Immunity—Immovable Property Doctrine**

Whether in this action to quiet title to real property owned by the Stillaguamish Tribe of Indians based on adverse possession, the superior court had jurisdiction pursuant to an “immovable property” exception to tribal sovereign immunity.

No. 103430-0, *Flying T Ranch, Inc.* (petitioner) v. *Stillaguamish Tribe of Indians, et al.* (respondents). (Oral argument 3/13/25).

[31 Wn. App. 2d 343 \(2024\)](#).

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**Relief from Judgement—Deeds of Trust—Quiet Title—Limitation of Actions—  
Accrual of Cause—Subsequent Decision—Clarification of Law**

Whether the lender in this action to enforce a deed of trust is entitled to relief under [CR 60](#) from a judgment dismissing the action as time-barred where subsequent caselaw clarified that the limitations period did not expire prior to the lender filing suit.

No. 103031-2, [Luv \(respondent\) v. W. Coast Servicing, Inc. \(petitioner\)](#). (Oral argument 2/25/25).

[Unpublished.](#)

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**Unlawful Detainer—Default Judgment—Statutory Right to Attorney—  
Notification—Show Cause Hearing—Necessity**

Whether in this unlawful detainer action, the superior court failed to comply with [SPR 98.24W\(1\)](#) when it granted the landlord’s motion for default judgment without first holding a show cause hearing or informing the tenant of their statutory right to an attorney.

No. 103332-0, *Sangha* (respondent) v. *Keen, et al.* (petitioners). (Oral argument 2/11/25).

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## **Vehicular assault—admissibility of laboratory toxicology test results—right of confrontation—testimony of supervisor of technician**

Whether in this prosecution for vehicular assault, the defendant’s right of confrontation was violated when laboratory THC blood test results were admitted without testimony from the technician who performed the test but through the testimony of a supervisor who reviewed the results.

102405-3, *State (respondent) v. Hall-Haught (petitioner)*. (Oral argument 1/16/25).

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## **Washington Equal Pay and Opportunities Act—Disclosure of Wage Scale or Salary Range—Job Applicant—Qualification**

This certified federal district court question asks what a plaintiff in an action under the Washington Equal Pay and Opportunities Act, chapter [49.58 RCW](#), must prove to qualify as a “job applicant” within the meaning of [RCW 49.58.110\(4\)](#), including whether the plaintiff must prove that they are a “bona fide” applicant.

No. 103394-0, *Branson, et al. (plaintiffs) v. Wash. Fine Wines & Spirits, LLC* (defendant). (Oral argument 2/13/25).

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## **Weapons—Firearms—Regulation—Right to Bear Arms—Federal Constitutional Protection—State Constitutional Protection**

Whether Engrossed [Substitute Senate Bill 5078](#), which prohibits the sale, importation, and manufacture in this state of large capacity magazines for firearms, violates the federal and state constitutional rights to bear arms.

No. 102940-3, *State (appellant) v. Gator’s Custom Guns, Inc., et al.* (respondents). (Oral argument 1/14/25).

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**Weapons—Right of Possession—Restoration of Right—Petition—Venue—  
Former Statute—Applicability**

Whether, in this case involving a criminal offender’s petition to restore firearm rights, the petitioner’s right to restoration vested under the former statute, RCW 9.41.040(4) (2011), such that he may file his petition in his county of residence rather than only in the county where the firearm prohibition was issued, as required under the current statute.

No. 103068-1, *Arends (petitioner) v. State (respondent)*. (Oral argument 1/23/25).

[548 P.3d 553 \(2024\)](#).

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