

No. 41420-1-II

THE COURT OF APPEALS
FOR THE STATE OF WASHINGTON
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THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,

Respondent,

vs.

JUSTIN ADAM LIBERO,

Appellant.

Appeal from the Superior Court of Washington for Lewis County

Respondent's Brief

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Lewis County Prosecuting Attorney

By:

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Fed-Ex 7-5-11

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I. ISSUES

- A. Were the court's findings of fact and conclusions of law supported by substantial evidence?
- B. Even though Libero had standing to challenge the search, did he lack the authority to override the tenant's consent to search the apartment?
- C. Was there insufficient evidence to support Libero's request for a lesser included offense instruction?

II. STATEMENT OF THE CASE

The State filed an information on May 14, 2010, charging Justin Adam Libero with one count of Possession of a Controlled Substance and one count of Use of Drug Paraphernalia. CP 1-3. The State alleged that on May 14, 2010, Libero unlawfully possessed a control substance, to wit: over 40 grams of marijuana, and that on the same day Libero used drug paraphernalia to store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. CP 1-2.

On July 26, 2010, Libero filed a Motion to Suppress moving for suppression of the evidence based on an invalid search of the premises. CP 8. Libero claimed he had automatic standing and that through that legal distinction he could challenge the consent to search based on his claim that a third party, Thomas Soeby, did not give consent to search the premises. CP 8. The State filed a

response to Libero's motion on July 21, 2010. CP 10-18. In essence, the State's position was that Libero had no expectation of privacy in the premises because he was not legitimately on the premises. Ms. Guerrero, the lessee of the apartment had asked Libero and Soeby to leave when they arrived at her apartment with the marijuana plant. CP 10-18.

On September 15, 2010, a suppression hearing was held. CP 28-29. Officer Warren Ayers from the Chehalis Police Department testified first. 1RP 4. He said that he and another officer responded to a complaint of the odor of marijuana at 277 NW State Avenue, apartment 4. 1RP 5. While walking up to apartment 4, Officer Ayers smelled the odor of marijuana in the hallway. When they reached apartment 4 they could smell the marijuana coming out of the seams of the door. The officers knocked on the door and made contact with a female who was identified as Jessica Guerrero. They explained they were dispatched because of the smell of marijuana coming from her apartment. 1RP 6. Officer Ayers asked Ms. Guerrero who the apartment belonged to and she said it was her apartment. 1RP 8. She later told Officer Ayers that Mr. Soeby lived in the apartment too. 1RP 9. Officer Ayers heard Mr. Soeby tell Officer Taylor that

he had a small amount of marijuana in the apartment. Officer Ayers was concerned with Soeby going into the apartment by himself (he did not want Soeby to grab a weapon and come out and use it on Officer Taylor and himself) so he asked Ms. Guerrero if he could go into the apartment with Soeby. Ms. Geurrero said that was fine. There was no mention of Libero living at the apartment. 1RP 9.

Officer Ayers testified that Ms. Guerrero told him that when Soeby and Libero arrived at the apartment with a large marijuana plant she told them to leave but the two men just ignored her. 1RP 9. She asked them to leave because she was six months pregnant and she did not smoke marijuana. 1RP 12.

After the initial entry into the apartment and Officer Ayer's observation of a large amount of marijuana, he retreated from the apartment with Soeby and asked Ms. Guerrero if she was willing to sign a Consent to Search form. Ms. Guerrero consented and signed the form. 1RP 10. Upon re-entry into the apartment the officers found a large amount of marijuana in the living room. Officer Ayers found a few pipes in the cushions of the couch, marijuana sitting on the coffee table, marijuana leaves all over the floor, and marijuana leaves in some drinks they had. "It was all

over.” 1RP 12. Officer Ayers also saw a bush of marijuana sticking out just past the doorway in a back room. 1RP 14.

Officer Ayers testified he did not ask for consent to search from Soeby because Ms. Guerrero told him the apartment belonged to her and it was her apartment, and that she was the only one on the lease. Ms. Guerrero told Officer Ayers that Soeby had been staying at the apartment for about four months. 1RP 15. Officer Ayers did not collect information from Soeby or Libero about where they lived. 1RP 16. It wasn't until Soeby and Libero were booked into jail did the officers learn of their addresses. 1RP 17. Officer Ayers testified they did not get a search warrant because Ms. Guerrero gave them consent to search. 1RP 15.

Officer Christopher Taylor testified that he spoke with Soeby and Libero. Libero told Officer Taylor that the “weed” was his and that he brought it to Ms. Guerrero's apartment. There was marijuana on the front of Libero's shirt. Libero said he found the marijuana alongside the railroad tracks by Prindle and St. Helen's. 1RP 20.

Officer Taylor spoke with Ms. Guerrero briefly and she told him the apartment belonged to her. Ms. Guerrero said Soeby was her boyfriend and Libero was a friend of theirs. 1RP 21.

Thomas Soeby also testified. According to him, the officers searched the apartment the second time after he and Libero had been taken to jail. Soeby did not know if Guerrero gave consent to search the apartment. 1RP 24. Soeby said that Libero was not living at the apartment but would “stay there and stuff hanging out, but he wasn’t living there.” Libero was just visiting. Soeby denied that Ms. Guerrero told him and Libero to leave. 1RP 25. Under cross examination Soeby agreed that Libero “had some marijuana.” He also said that Ms. Guerrero was “miffed” at them for bringing marijuana into the apartment. 1RP 26.

Jessica Guerrero took the stand next. 1RP 27. She testified that Soeby was living at the apartment on the day of the search but Libero was not. Ms. Guerrero denied that she asked Libero and Soeby to leave the apartment when they brought the marijuana in. 1RP 29. Ms. Guerrero confirmed that she signed a consent to search form giving the officers consent to search her apartment and that Soeby was present when she gave that consent. 1RP 30. Guerrero was hysterically crying and emotional during the investigation. 1RP 33.

At the conclusion of the testimony, the State argued that because Libero was merely a guest he could not abrogate the

consent given by Ms. Guerrero. The State also argued that Libero was not legitimately on the premises because Guerrero told him to leave. 1RP 37.

At the conclusion of the hearing, the Court ruled:

“I’m denying the motion to suppress this and I’m denying it for these reasons. The defendant does not – he may have standing to raise the issue, but that’s different than whether he actually wins and he did not win because he did not have an expectation of privacy. He was at this apartment as a visitor. A visitor assumes the risk that someone with authority to do so could authorize a search and then he has to live with the results, and that’s exactly what happened here. There’s no requirement that the officers get consent from every person with property rights who is present to consent to the search so long as someone with equal property parties (sic) who has not been asked to consent is not the defendant. If the person before the Court has a lesser interest in the property than the consenting party, then the person with the lesser interest assumes the risks that that person who has authority to do so will consent to a search and then the search is valid at that point. Automatic standing is not really an issue here. I think to me and this business of whether he was legitimately there or not is kind of a red herring, actually. Automatic standing is designed – not designed to promote a lesser interest in the property to a greater interest. Automatic standing gives the defendant the right to contest to the search, and he’s done that, but it doesn’t however, mean he wins simply because he has standing to raise the issue. So the ruling is the motion is denied.” 1RP 39-40.

Subsequent to the suppression hearing the State prepared Findings of Fact, Conclusions of Law and Order Denying Motion to

Suppress Evidence. CP 31-34. The order was filed on September 24, 2010, and was signed by the deputy prosecutor and defense counsel, as well as the judge. There is no indication in the record that Libero objected to the Findings of Fact and Conclusions of Law, which stated:

FINDINGS OF FACTS

The following facts are undisputed:

1.1. On 05-14-2010, at just after 0004 hours, Chehalis PD was dispatched to a complaint at 277 NW State Avenue, No. 4, Chehalis, WA. Dispatch told the officers that an anonymous complaint was made advising Dispatch that there was the odor of marijuana coming from apartment No. 4.

1.2. Officers Taylor and Ayers (Chehalis PD) arrived at apt. No. 4. As they approached the door, they could smell the odor of fresh marijuana as they entered the apartment complex. There was a strong odor of fresh marijuana coming from the seams of the door to Apt. 4. Taylor and Ayers knew the look and smell of marijuana from their training and experience as police officers.

1.3. Ayers knocked on the door. A female, Jessica Guerrero, answered the door. The officers smelled the odor of fresh marijuana coming from inside the apartment. Two other individuals, Justin Libero and Thomas Soeby came from the back of the apartment.

1.4. Ayres (sic) told the three persons at the apartment why they were there. Guerrero said the apartment was hers. Guerrero said she did not smoke marijuana because she was six months pregnant.

1.5. Guerrero agreed to allow a search of her apartment. She signed a *Ferrier* consent form.

1.6. Neither Libero or Soeby objected to the search.

1.7. The *Ferrier* Consent was proper in all respects and that was not challenged by the defense.

1.8. The officers searched the apartment. They found a large marijuana plant on the bedroom floor along with more marijuana, two glass smoking devices and “pill” bottle contained marijuana buds and a small glass smoking device in the living area of the apartment.

1.9. Guerrero said the marijuana belonged to Soeby and Libero. Guerrero said Libero and Soeby came to her apartment. She told them to take the marijuana out of the apartment, but they ignored her.

1.10. Libero told Taylor that he (Libero) found the “weed” along the railroad tracks near Prindle Street. Libero said he brought it to Guerrero’s apartment.

1.11. Soeby was living in the apartment with Guerrero.

1.12. Libero was a guest.

CONCLUSIONS OF LAW

2.1 Libero (the defendant) has automatic standing to challenge the search of the apartment.

2.2 The defendant was not a resident of the apartment and had no expectation of privacy in the apartment above that of the residents.

2.3 The defendant did not have the right to object to the consent search of the apartment, even if he had objected.

2.4 The search was properly consented to by one of the residents of the apartment pursuant to the terms outlined in *State v. Ferrier*.

2.5 The Search was lawful and the defendant motion to suppress should be denied.

CP 31-34.

A jury trial was held on October 26 and 27, 2010. 2RP 1. Ms. Guerrero was the first to testify for the prosecution. 2RP 12. She testified that Soeby and Libero had brought a marijuana plant into her apartment. 2RP 14. She did not remember who was carrying the marijuana plant. 2RP 15. Ms. Guerrero and Soeby were fighting and then she took a shower. Soeby knocked on the door and told Guerrero that the "cops" were there and that she needed to answer the door. 2RP 16. The officers asked her, Soeby and Libero to stand outside with them. The officers eventually asked Ms. Guerrero for consent to search the apartment and she signed a consent to search form. 2RP 18. Ms. Guerrero did not know who the marijuana plant belonged to until the officers arrived and Libero said the marijuana plant belonged to him. Ms. Guerrero heard Libero say the marijuana was his. 2RP 25-26.

Officer Christopher Taylor testified. 2RP 27. He and Officer Ayers responded to a complaint about the smell of marijuana coming from an apartment at 277 NW State Street. 2RP 28. When he approached the apartment building he smelled a really strong odor of marijuana. As they approached apartment 4 the smell became even stronger. 2RP 29. Contact was made and when Libero came out of the apartment he had what appeared to be

several marijuana leaves on the front of his shirt. When asked, Libero said the marijuana was his. Libero explained the marijuana was his and he had found the marijuana plant on the railroad tracks and that he brought it to the apartment. 2RP 30-31. Libero explained that he and Soeby were going to smoke the marijuana. 2RP 35. Libero said he was bipolar and that the marijuana helped him in a way with his condition and that he didn't have any medical insurance or a medical marijuana card. Libero took responsibility for the marijuana and did not place the blame on Soeby. 2RP 36. Officer Taylor provided Ms. Guerrero with the consent to search form. He transported Soeby and Libero to jail and returned to the apartment. He assisted in the search of the apartment. Found inside the apartment were numerous baggies, clear plastic baggies and some marijuana. There were also two pipes. 2RP 31. There was marijuana all over the apartment. Officer Ayers had to vacuum it up because it was spread all over the living room area. 2RP 32. There was so much marijuana that it took up most of the back of Officer Taylor's patrol car. 2RP 37.

Officer Warren Ayers testified. 2RP 39. Officer Ayers also smelled a strong odor of marijuana when he arrived at the apartment building. 2RP 40. When Ms. Guerrero opened the door

to the officers' knocks, Officer Ayers was overcome by the strong odor of marijuana coming from the interior of Ms. Guerrero's apartment. 2RP 41. Officer Ayers asked Ms. Guerrero whose apartment it was. Ms. Guerrero said it was her apartment. 2RP 42. Officer Ayers asked Ms. Guerrero for consent to search her apartment, which she granted. Ms. Guerrero signed a Consent to Search form. When he entered the apartment to search, Officer Ayers saw a large amount of marijuana everywhere inside the apartment on the floor. He took photographs of the marijuana. He was walking on the marijuana because it was everywhere, even on the carpet. 2RP 44. The marijuana plant was so large the police department did not have anything big enough to contain it and Officer Ayers had to improvise a container. The plant was so large that there was no room to secure it in the police evidence locker. 2RP 45-46.

Marijuana Leaf Technician Linda Eckerson testified. 2RP 66. According to Ms. Eckerson, she separately weighed each item taken as evidence. Item 2 weighed 4.3 grams, item 3 weighed 19.5 grams, item 4 weighed 14.1 grams, item 5 weighed 17 grams, item 6 weighed 16.4 grams, item 7 weighed .5 grams, item 8 weighed 35.6 grams. 2RP 76-77. These items, taken together,

weighed more than 40 grams. Ms. Eckerson tested the evidence and in all cases the material tested positive for marijuana. 2RP 69-74.

Mr. Soeby testified that the marijuana belonged to him. 2RP 92. He also said he had pleaded guilty to possession of marijuana over 40 grams. 2RP 90. Soeby said he did not tell the police the marijuana was his because he was scared and he wasn't ready to accept the fact that he had gotten into trouble for something he shouldn't have had in his possession or his house. 2RP 95. Soeby admitted that both he and Libero had exercised control over parts of the marijuana plant. 2RP 97. In light of this, Soeby said he heard Libero tell the police that the marijuana belonged to him and Soeby did not say anything to the police at that time. 2RP 98.

Libero took the stand in his own behalf. 2RP 100. He admitted to going with Soeby to get a marijuana plant. 2RP 102. Although during trial Libero testified the plant belonged to Soeby, he also admitted that he told the police the marijuana was his. 2RP 102-103. Libero said he could have taken the marijuana plant and left with it. 2RP 104. He admitted he had marijuana on his shirt when the police showed up. 2RP 107. Libero admitted he

helped cut up and package the marijuana and he had planned on smoking some of the marijuana. 2RP 108.

Libero proposed a lesser included jury instruction for possession of marijuana less than 40 grams. 2RP 114. The court declined to give that instruction to the jury stating: “[T]he evidence that you referred to shows a lot about ownership, nothing about possession. Possession is the charge here.” 2RP 115. After jury instructions were read and the parties made closing arguments, the jury returned a verdict of guilty on both counts. 2RP153.

ARGUMENT

A. THE COURT’S FINDINGS OF FACT AND CONCLUSIONS OF LAW WERE SUPPORTED BY SUBSTANTIAL EVIDENCE.

Courts have consistently stated where the trial court has weighed the evidence and have made findings of fact and conclusions of law, the appellate court’s review is limited to determining whether substantial evidence supports the findings and, if so, whether the findings in turn support the trial court’s conclusions of law and judgment. *Ridgeview Properties v. Starbuck*, 96 Wn.2d 716, 719, 638 P.2d 1231 (1982). Substantial evidence is evidence in sufficient quantum to persuade a fair-minded person of the truth of the declared premise. *Id.* Findings of

fact and conclusions of law are verities on appeal unless challenged by appellant. *State v. Howard*, 7 Wn. App. 668, 669, 502 P.2d 1043 (1972).

In the instant case, Libero never objected to the findings of fact and conclusions of law that were entered at the conclusion of the suppression hearing. Therefore, he is barred from raising this issue on appeal.

In the event the court finds Libero is not barred from raising this issue on appeal, the State's position is that there was substantial evidence to support the findings of fact and conclusions of law and that the term "fresh" is an inconsequential adjective.

Libero correctly alleges that the testimony in the suppression hearing does not support a find that the marijuana was fresh. However, it does not matter whether the odor was fresh or not. What matters is that there was a strong odor of marijuana coming from apartment 4. The term "fresh" has no bearing on the "truth of the declared premise." The allegation is that Libero possessed marijuana. Nowhere in the statute is a distinction made between fresh or non-fresh marijuana. See Chapter RCW 69.50. The word "fresh" is merely an adjective attached to the illegal substance.

Including the word “fresh” in the findings is, if anything, harmless error.

Officer Ayers testified he “could smell it [the marijuana] coming out of the seams of the door.” 1RP 6. Officer Taylor testified “there was a strong odor of marijuana...” 1RP 19. Therefore, Libero’s allegation that these statements were not supported by substantial evidence is wrong.

Officer Ayers also testified as follows: “I asked her [Guerrero] who the apartment belonged to and she said it was her apartment.” 1RP 8. This finding of fact was also supported by substantial evidence. Libero claims that this testimony was misleading in that it implied Ms. Guerrero had exclusive or superior control over the apartment. Findings of fact are just that, facts that have been found. Implications do not play a part in findings of fact.

Therefore, because the word “fresh” is an inconsequential adjective that has no bearing on the truth of the declared premise, and because there is substantial evidence to support the other factual findings, the court should deny Libero’s motion on this issue.

B. ALTHOUGH LIBERO HAD AUTOMATIC STANDING TO CHALLENGE THE SEARCH OF THE PREMISES, HE DID NOT HAVE AUTHORITY TO OVERRIDE THE TENANT'S CONSENT TO SEARCH.

Questions of law are reviewed de novo. *State v. Vasquez*, 109 Wn. App. 310, 314, 34 P.3d 125 (2001). Generally, warrantless searches and seizures are per se unreasonable, in violation of the Fourth Amendment and article I, section 7 of the Washington State Constitution. *State v. Duncan*, 146 Wn.2d 166, 171, 43 P.3d 513, 515 (2002). One of the exceptions to the warrant requirement is consent. *State v. Hoggatt*, 108 Wn. App. 257, 262, 30 P.3d 488 (2001). Protection of searches without authority of law under the state constitution may be waived by meaningful, informed consent. *State v. Schultz*, 170 Wn.2d 746, 754, 248 P.3d 484 (2011). When a cohabitant who has equal or greater authority to control the premises is present, his or her consent to search the premises must be obtained and the consent of another of equal or lesser authority is ineffective ***against the non-consenting cohabitant***. *State v. Morse*, 156 Wn.2d 1,15, 123 P.3d 832 (2005) (emphasis added).

A guest has no reasonable expectation of privacy in common areas of the premises he is visiting. *State v. Thang*, 145

Wn.2d 630, 638-39, 41 P.3d 1159 (2002). A host or third party who has dominion and control over the premises may consent to a search, whether it is for purposes of arrest or seizure of evidence. *Id.* at 638. Consent to search by a host is always effective against a guest within the common areas of the premises. *Id.* at 638-39. A guest's expectation of privacy may be vitiated by consent of a resident. *Id.* at 638.

There are numerous cases that hold that consent to search a premises requires the consent of all cohabitants if the cohabitants are on the premises. (See for example *State v. Walker*, 136 Wn.2d 678, 965 P.2d 1079 (1998); *State v. Leach*, 113 Wn.2d 735, 782 P.2d 1035 (1989); *State v. Haapala*, 139 Wn. App. 424, 161 P.3d 436 (2007); *State v. Thompson* 151 Wn.2d 793, 92 P.3d 228 (2004); *State v. Mathe*, 102 Wn.2d 537, 688 P.2d 859 (1984); *State v. Chichester*, 48 Wn. App. 257, 738 P.2d 329 (1987); *State v. Morse*, 156 Wn.2d 1, 123 P.3d 832 (2005)) However, in these cases, the evidence seized as a result of a consent search was to be used ***against the non-consenting cohabitant.***

For example, in *State v. Walker*, 136 Wash.2d, 678, 965 P.2d 1079 (1998), the child of an unmarried couple told the police that the parents had marijuana at their house. The wife went to the

police and consented to a search of their house. As the wife and officers arrived at the house, but before they entered it, they encountered the father, the defendant in the case. Without obtaining his permission, the officers searched the house and found marijuana. The court found that because the husband and wife were cohabitants and both present during the search, the wife's consent to search was invalid as to the husband, **but was valid as to the wife**. *Id.* at 684. (Emphasis added.)

In the present case the evidence seized was not used against the non-consenting cohabitant, Soeby. Rather, the evidence was used against Libero who was a guest at the premises that was searched. Soeby, the non-consenting cohabitant, never challenged the search in his own case, and instead pleaded guilty to possession of marijuana more than 40 grams.

Libero was merely a guest in Guerrero's apartment. Although he may have automatic standing to challenge the search, that standing does not transform his limited privacy interests in the common areas of the premises that were search into anything equal or greater than Guerrero's. Libero assumed the risk that his host, Guerrero, would consent to a search of her own apartment.

Therefore, because Guerrero gave consent to search the premises, and because the evidence seized was not used against the non-consenting cohabitant Soeby, the search was valid against the guest Libero, and the court should sustain the trial court's finding on this issue.

C. THERE WAS INSUFFICIENT EVIDENCE TO SUPPORT LIBERO'S REQUEST FOR A LESSER INCLUDED OFFENSE JURY INSTRUCTION

Decisions involving jury instructions are reviewed on appeal for an abuse of discretion. *State v. Priest*, 100 Wn. App. 451, 454, 997 P.2d 452 (2000), citing *State v. Picard*, 90 Wn. App. 890, 902, 954 P.2d 336, review denied, 126 Wn.2d 1021, 969 P.2d 1065 (1998). An action constitutes an abuse of discretion if the discretion is "manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons. *In Re Detention of G. V.* 124 Wn.2d 288, 295, 877 P.2d 680 (1994). Each side in a criminal case has the right to have the trial court instruct the jury upon its theory of the case so long as there is sufficient evidence to support the theory. *State v. Griffin*, 100 Wn.2d 417, 420, 670 P.2d 265 (1983). If supported by the evidence a proposed jury instruction should be given if it correctly states the law, it is not misleading, and it allows the party requesting the instruction to argue his theory

of the case. *State v. Webb*, Court of Appeals, Div. III, 28627-4-III (2011)¹. When considering whether a proposed jury instruction is supported by the evidence, the trial court must examine the evidence and draw all reasonable inferences in the light most favorable to the requesting part. *State v. Hansen*, 59 Wn. App. 651, 656-57, 800 P.2d 1124 (1990).

A defendant is entitled to a lesser included offense instruction if (1) each element of the lesser offense is a necessary element of the offense charged, and (2) the evidence in the case supports an inference that the lesser crime was committed. *State v. Speece*, 115 Wn.2d 360, 362, 798 P.2d 294 (1990).

In Libero's case the first prong of the rule is met because the elements of possession of marijuana less than 40 grams are necessarily elements of the offense of possession of marijuana more than 40 grams. However, the second part of the test cannot be met because there was *no* evidence to support the inference that Libero only possessed less than 40 grams of marijuana. On the night of the offense Libero told Officer Ayers that the marijuana plant belonged to him, that he found it at the railroad track and brought it back to Guererro's apartment. By the time of trial Libero

¹ *State v. Webb* was decided by the Court of Appeals, Division III on June 7, 2011

had changed his story and testified the marijuana did not belong to him and he only said it did to protect Ms. Guerrero. Libero also testified that he helped cut up and package the marijuana and that he planned on smoking it. Libero never testified that he only possessed a small amount of marijuana. There was no evidence that he possessed only less than 40 grams of marijuana. The only evidence as to amount of marijuana was testified to by the marijuana leaf technician who stated the weights from the numerous packages of marijuana that was tested totaled well over 40 grams. Therefore, the trial court was correct when it declined to give the lesser included offense instruction because there was not sufficient evidence to support Libero's theory.

CONCLUSION

For the foregoing reasons, this court should affirm Libero's conviction for possession of marijuana greater than 40 grams and use of drug paraphernalia.

RESPECTFULLY submitted this 5th day of July, 2011.

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COURT OF APPEALS FOR THE STATE OF WASHINGTON
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STATE OF WASHINGTON,)
Respondent,)
vs.)
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Appellant.)
_____)

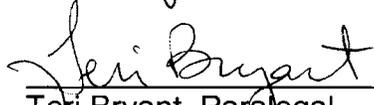
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COURT CLERK

Ms. Teri Bryant, paralegal for Debra Eurich, Deputy Prosecuting Attorney, declares under penalty of perjury under the laws of the State of Washington that the following is true and correct: On July 5, 2011, the appellant was served with a copy of the **Respondent's Brief** by depositing same in the United States Mail, postage pre-paid, to the attorney for Appellant at the name and address indicated below:

John A. Hays
Attorney at Law
1402 Broadway, Suite 103
Longview, WA 98632

DATED this 5 day of July, 2011, at Chehalis, Washington.



Teri Bryant, Paralegal
Lewis County Prosecuting Attorney Office