

NO. 41847-9-II

**COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

JOSEPH DEFOREST CARTER, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Elizabeth Martin

No. 10-1-01327-1

Brief of Respondent

MARK LINDQUIST
Prosecuting Attorney

By
Brian Wasankari
Deputy Prosecuting Attorney
WSB # 28945

930 Tacoma Avenue South
Room 946
Tacoma, WA 98402
PH: (253) 798-7400

Table of Contents

A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR 1

 1. Whether the trial court properly denied the defendant's motion to suppress where the discovery of the firearms at issue was made in open or plain view and their subsequent seizure was justified by exigent circumstances and/or the plain view doctrine. 1

 2. Whether, viewing the evidence in the light most favorable to the State, there was sufficient evidence from which a rational trier of fact could have found the elements of the charged crimes and the accompanying firearm enhancements beyond a reasonable doubt..... 1

B. STATEMENT OF THE CASE..... 1

 1. Procedure 1

 2. Facts..... 5

C. ARGUMENT..... 12

 1. THE TRIAL COURT PROPERLY DENIED THE DEFENDANT'S MOTION TO SUPPRESS BECAUSE THE DISCOVERY OF THE FIREARMS AT ISSUE WAS MADE IN OPEN OR PLAIN VIEW AND THEIR SUBSEQUENT SEIZURE WAS JUSTIFIED BY EXIGENT CIRCUMSTANCES AND/OR THE PLAIN VIEW DOCTRINE..... 12

 2. VIEWING THE EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE STATE, THERE WAS SUFFICIENT EVIDENCE FROM WHICH A RATIONAL TRIER OF FACT COULD HAVE FOUND THE ESSENTIAL ELEMENTS OF THE CHARGED CRIMES AND THE ACCOMPANYING FIREARM ENHANCEMENTS BEYOND A REASONABLE DOUBT..... 23

D. CONCLUSION..... 26

Table of Authorities

State Cases

<i>State v. Afana</i> , 169 Wn.2d 169, 176, 233 P.3d 879 (2010).....	12, 14, 18
<i>State v. Barnes</i> , 158 Wn. App. 602, 612, 243 P.3d 165 (2010)	15, 16
<i>State v. Brockob</i> , 159 Wn.2d 311, 336, P.3d 59 (2006).....	23, 24, 25
<i>State v. Cannon</i> , 120 Wn. App. 86, 90, 84 P.3d 283 (2004).....	23
<i>State v. Counts</i> , 99 Wn.2d 54, 60, 659 P.2d 1087 (1983)	16
<i>State v. Garvin</i> , 166 Wn.2d 242, 249, 207 P.3d 1266 (2009)	12
<i>State v. Gibson</i> , 152 Wn. App. 945, 951, 219 P.3d 964 (2009) ...	12, 13, 15
<i>State v. Green</i> , 94 Wn.2d 216, 221, 616 P.2d 628 (1980).....	23
<i>State v. Hill</i> , 123 Wn.2d 641, 644, 870 P.2d 313 (1994)	12
<i>State v. Hudson</i> , 124 Wn.2d 107, 118, 874 P.2d 160 (1994).....	16, 21, 22
<i>State v. Jones</i> , 163 Wn. App. 354, 259 P.3d 351 (2011)	13, 14
<i>State v. Kaaheena</i> , 59 Haw. 23, 28-29, 575 P.2d 462 (1978)	15
<i>State v. Kennedy</i> , 107 Wn.2d 1, 10, 726 P.2d 445 (1986)	14, 15
<i>State v. Lair</i> , 95 Wn.2d 706, 714, 630 P.2d 427 (1981).....	16, 21, 22
<i>State v. Lopez</i> , 107 Wn. App. 270, 276, 27 P.3d 237 (2001)	23
<i>State v. Louthan</i> , 158 Wn. App. 732, 740-41, 242 P.3d 954 (2010).....	12, 13, 14, 18
<i>State v. Myers</i> , 133 Wn.2d 26, 37, 941 P.2d 1102 (1997).....	23
<i>State v. Parker</i> , 139 Wn.2d 486, 494, 987 P.2d 73 (1999)	13
<i>State v. Patton</i> , 167 Wn.2d 379, 386, 219 P.3d 651 (2009).....	13
<i>State v. Perez</i> , 41 Wn. App. 481, 483, 704 P.2d 625 (1985).....	14

<i>State v. Reid</i> , 98 Wn. App. 152, 156, 988 P.2d 1038 (1999)	12
<i>State v. Salinas</i> , 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).....	24
<i>State v. Seagull</i> , 95 Wn.2d 898, 901, 632 P.2d 44 (1981)	14, 15
<i>State v. Smith</i> , 165 Wn.2d 511, 517, 199 P.3d 386 (2009)	16
<i>State v. Swetz</i> , 160 Wn. App. 122, 134, 247 P.3d 802 (2011).....	14, 16, 18, 20
<i>State v. Tibbles</i> , 169 Wn.2d 364, 369, 236 P.3d 885 (2010).....	13, 14, 16, 17, 19, 20
 Federal and Other Jurisdictions	
<i>Mapp v. Ohio</i> , 367 U.S. 643, 82 S. Ct. 23, 7 L. Ed. 72 (1961)	14
 Constitutional Provisions	
Article I, section 7 of the Washington State Constitution	13, 14, 18
Fourth Amendment to the United States Constitution.....	13
 Statutes	
RCW 9.41.050	21, 22
RCW 9.41.050(2)(a)	22
RCW 9.41.050(2)(a)-(b)	21
RCW 9.41.050(b).....	22

A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Whether the trial court properly denied the defendant's motion to suppress where the discovery of the firearms at issue was made in open or plain view and their subsequent seizure was justified by exigent circumstances and/or the plain view doctrine.
2. Whether, viewing the evidence in the light most favorable to the State, there was sufficient evidence from which a rational trier of fact could have found the elements of the charged crimes and the accompanying firearm enhancements beyond a reasonable doubt.

B. STATEMENT OF THE CASE.

1. Procedure

On March 26, 2010, Joseph Deforest Carter, hereinafter referred to as the "defendant," was charged by information with three counts of second degree unlawful possession of a firearm in counts I, II, and III, attempting to elude a pursuing police vehicle in count IV, unlawful possession of a controlled substance, cocaine, in count V, and unlawful possession of a controlled substance, hydrocodone, in count VI. CP 1-3.

The State filed an amended information on July 29, 2010, which added a deadly weapon sentence enhancement to each count, and three firearm sentence enhancements to counts IV, V, and VI. CP 8-12. *See* RP 3-4.

On September 1, 2010, the case was called for trial, RP 3-5, and the court conducted a hearing pursuant to Criminal Rule (CrR) 3.6. RP 5-101, 108-38, 144-371. The State called Tacoma Police Officer Christopher Martin, RP 11-55, 223-57, and Officer David Johnson, RP 56-98. The defendant called Leann Buckmaster, RP 108-28, Blaine Buckmaster, RP 147-94, Jerome Akins, RP 195-206, and Charisma Taylor, RP 210-19, 282-321. The State then called Officer Martin, RP 223-57, Britta Johnson, RP 257-60, Officer Donald Walkinshaw, RP 260-69, and Officer Joshua Rasmussen in rebuttal. RP 269-73.

The parties gave their arguments, RP 323-62, CP 13-29, 159-70, and the court ruled that evidence of three handguns found in the defendant's vehicle following a police pursuit was admissible. RP 370-71; CP 252-57. Specifically, the court found that officers had probable cause to arrest the defendant for attempting to elude, that the first handgun was found in open view when the driver's door was opened, that "the officers did not know if there were any passengers in the vehicle," and

therefore, that the officers had “a need to secure [that handgun] for safety.” RP 368-70; CP 252-57; Appendix A. Consequently, the court found that the officers had a lawful right to enter the vehicle to retrieve the first gun when they found two more guns, and that the same safety concerns necessitated seizure of these handguns as well. RP 370; CP 252-57. The court, therefore, denied the defendant’s motion to suppress. RP 370-71; CP 252-57. *See* RP 4-10.

The State noted that it no longer intended to present evidence of “nunchucks” found in defendant’s vehicle, RP 367, 371, and therefore, moved to dismiss the non-firearm deadly weapon enhancements. RP 372. The court granted this motion and the State filed a second amended information, which eliminated these enhancements from each count. RP 372, 429-30; CP 155-58.

The court then heard the parties’ motions in limine. RP 372-400, 437-38; CP 76-83.

The parties selected a jury, RP 401-18, 435-36, and gave opening statements. RP 439-40.

At trial, the State called Officer Kevin Clark, RP 440-57, Centura Gray, RP 459-71, Forensic Scientist Frank Boshears, RP 471-86, Officer Donald Walkinshaw, RP 486-97, Officer Joshua Rasmussen, RP 497-504, Detective Brian Vold, RP 515-36, Officer Christopher Martin, RP 536-

641, Officer David Johnson, RP 641-87, and Corrections Deputy Adam Cedric Wade, RP 687-94. The State then rested. RP 694.

The defendant called Jerome Akins, RP 694-97.

The defendant moved to dismiss count IV, attempting to elude, for insufficient evidence of the element of driving in a reckless manner, and the court denied this motion. RP 707-16.

The defendant then called Charisma Taylor, RP 718-51, Steven Prebeynos, RP 753-66, Leann Buckmaster, RP 767-81,792-99, Samath Hem, RP 799-811, and Blaine Buckmaster, RP 843-66. The defendant testified. RP 866-910. The defense then rested. RP 910.

The State called Britta Johnson, RP 910-15, and Officer David Johnson, RP 921-25, in rebuttal.

The parties discussed jury instructions, RP 701-02, 916-20, 926-37, and the court read the instructions to the jury. RP 938; CP 171-200.

The parties gave their closing arguments. RP 938-66 (State's closing), 985-1001 (Defendant's closing), 1001-29 (State's rebuttal).

The jury found the defendant guilty of counts I, II, IV, V, and V, and found two firearm sentence enhancements with respect to counts IV, V, and VI. RP 1038-46; CP 201-12.

On October 22, 2010, the court sentenced the defendant to 8 months on count I, 8 months on count II, 24 months on count IV, 24

months on count V, and 24 months on count VI, with six consecutive firearm sentence enhancements of 18 months, for a total of 132 months in total confinement, and legal financial obligations in the amount of \$900.00. RP 1066-68; CP 232-46.

On November 1, 2010, the defendant filed a timely notice of appeal. CP 249.

2. Facts

On March 25, 2010, Tacoma Police Officers Christopher Martin and David Johnson were conducting surveillance of a person wanted on a domestic violence warrant in the 3500 block of South Cushman in Tacoma, Washington. RP 13-14 (3.6 hearing), 59-61 (3.6 hearing), 543-46 (trial). They were in full police uniform in a fully-marked Tacoma Police Department patrol car. RP 14-16 (3.6 hearing), 58 (3.6 hearing), RP 540-43 (trial), 644-46 (trial).

As the officers were sitting in that vehicle, parked on the east curb of South Cushman, a gray Toyota Camry sped southbound, about five feet from the passenger side of the patrol car, at a speed in excess of 40 miles per hour in a 25-mile-per-hour zone. RP 17-20 (3.6 hearing), 59-63 (3.6 hearing), 547-49 (trial), 646-48 (trial). The Camry quickly pulled to the east curb of South Cushman, about four to five houses south of the officers' location, and the driver's door opened and shut very quickly

without anyone exiting the vehicle. RP 21-23 (3.6 hearing), 63-64 (3.6 hearing), 549 (trial), 648-49 (trial). The Camry then accelerated rapidly towards the intersection of South Cushman and 36th, at which there was a stop sign. RP 23, 64 (3.6 hearing), 549-50 (trial), 649 (trial). The vehicle turned right onto West 36th Street without signaling the turn or stopping as directed by the sign. RP 23(3.6 hearing), 64(3.6 hearing), 550 (trial), 649 (trial).

Given the strange behavior and traffic violations, Officer Martin began following the vehicle. RP 23 (3.6 hearing), 65 (3.6 hearing), 550-51 (trial), 650-51 (trial). When he reached the intersection of South Cushman and West 36th Street, he saw the Camry turning north onto South Ainsworth Avenue. RP 23(3.6 hearing), RP 551 (trial), 651 (trial). Officer Martin did not recall seeing the vehicle signal the turn. RP 23 (3.6 hearing). Officer Martin turned onto Ainsworth and observed the same vehicle accelerate rapidly and turn onto South 35th Street. RP 24-25(3.6 hearing), 551-52 (trial), 651 (trial). That vehicle turned in front of an oncoming vehicle, which had the right of way, forcing the oncoming vehicle to slow and pull to the side to avoid a collision. RP 27(3.6 hearing), 66, 247-48(3.6 hearing), 551-52 (trial), 652 (trial).

Officer Martin followed the Camry onto South 35th Street, and activated his patrol car's lights and siren. RP 28(3.6 hearing), 67(3.6 hearing), 553-54 (trial), 653-54 (trial). The Camry did not stop, but turned south onto Alaska Street. RP 28(3.6 hearing), 67-68(3.6 hearing), 554

(trial), 654 (trial). Officer Martin pursued the Camry onto Alaska, with the patrol car's lights and siren activated, and estimated that his speed reached 50 miles per hour. RP 29(3.6 hearing), 83(3.6 hearing), 554-55 (trial), 654-55 (trial).

The Camry made a very sharp turn onto South 36th Street without stopping at a stop sign. RP 30-31(3.6 hearing), 68(3.6 hearing), 555 (trial), 655 (trial). The Camry turned so sharply and at such high speed that its passenger-side tire went down into a drainage ditch and violently shot back up. RP 556 (trial). When Officer Martin turned onto South 36th, he lost sight of the Camry and turned off his emergency lights. RP 33(3.6 hearing), 82-83(3.6 hearing), 556-57 (trial), 655-56 (trial). Officer Johnson, however, saw the Camry turn into an alley west of Alaska. RP 33(3.6 hearing), 68(3.6 hearing), 558-59 (trial), 656 (trial). Officer Martin looked down that alley and saw the brake lights of the Camry. RP 34(3.6 hearing), 559 (trial). He turned down the alley and the Camry skidded to a stop behind a garage off the alley at 3522 South Alaska Street. RP 34(3.6 hearing), 69(3.6 hearing), 559 (trial), 656 (trial).

Officer Martin stopped his patrol car almost adjacent to the Camry, noting that he and Officer Johnson initially thought the driver had exited the vehicle. RP 35(3.6 hearing), 69(3.6 hearing), 560 (trial), 656-58 (trial).

The officers got out of their car, but the alley was completely dark and the windows of the Camry were tinted such that Officer Martin could not see through its side or back. RP 35(3.6 hearing), 69-70(3.6 hearing), 561-65 (trial), 658 (trial). Officer Martin noted that this caused him concern that the driver may be hiding in the Camry and may have a weapon. RP 35(3.6 hearing). *See* RP 70-71(3.6 hearing). Officer Johnson went around the front of the Camry and saw the defendant “reclined back in the driver’s seat.” RP 70, 658-59 (trial).

Officer Johnson testified that seeing the driver “hunkered down in the seat” caught him by surprise, concerned him, and that “the hairs stood up on the back of [his] neck.” RP 659 (trial). Johnson announced to Martin that the driver was still in the vehicle. RP 35(3.6 hearing), RP 561-65 (trial), 659 (trial).

Officer Martin approached the driver’s side door of the Camry, pulled it open, and observed the defendant reclined in the driver’s seat, apparently trying to hide from officers. RP 35-36(3.6 hearing), 565 (trial). The defendant was “sweating profusely.” RP 35-36(3.6 hearing), 566 (trial). *See* RP 77(3.6 hearing).

Officer Martin told the defendant to “show [his] hands” and “exit the vehicle,” multiple times, but the defendant did not comply. RP 35-36(3.6 hearing), 565 (trial). Although Martin could see the defendant’s hands, they remained at the defendant’s side. RP 36(3.6 hearing), 565

(trial). When the defendant did not comply, Officer Martin grabbed him by the shirt and pulled him out of the car and to the ground outside because of safety concerns. RP 36 (3.6 hearing), 568 (trial). Officer Johnson provided cover by drawing his weapon. RP 36 (3.6 hearing), 71-72 (3.6 hearing), 659 (trial). Johnson explained that he felt this was necessary due to the overall circumstances, including that the driver had fled from them, they were in “an area of high crime,” it was dark, and the defendant, who was slumped down in the vehicle with tinted windows, had an advantage on them. RP 72(3.6 hearing). *See* RP 568-69 (trial). Officers then placed the defendant into handcuffs. RP 37, 660-61 (trial).

Officer Martin testified that when he opened the door and pulled out the defendant, he was not able to see the area of the rear floorboard and could not know if someone was hiding by laying down in that area. RP 55(3.6 hearing), 568-69 (trial). Officer Johnson, who was maintaining cover on the defendant, could not see into the back seat, either. RP 74.

Officer Johnson then observed, through the open driver’s door, a handgun, which was a Rockledge .38-caliber revolver, lying on the driver’s seat of defendant’s vehicle. RP 37 (3.6 hearing), 75 (3.6 hearing), 569-70 (trial), 662 (trial). Officer Martin testified that he could see the handgun from outside the vehicle and that it was located right under where the defendant had been sitting. RP 37 (3.6 hearing), 569 (trial). Officer

Martin reached in through the open driver's door, picked up the handgun, and removed six rounds from its cylinder. RP 37-38(3.6 hearing), RP 569-70 (trial).

As he reached in to retrieve the revolver, he saw a .45-caliber Kimber semi-automatic pistol between the driver's seat and the center console of the vehicle. RP 38 (3.6 hearing), 570-71 (trial). *See* RP 665 (trial). Martin removed its magazine and ejected a round from its chamber, noting that it had a laser site on it. RP 38(3.6 hearing), 570-71 (trial).

As Officer Martin was securing this pistol, he looked straight down at the floorboard in front of the driver's seat and saw the grip of another handgun, a Hi-Point, 9mm semiautomatic pistol. RP 38 (3.6 hearing), 571-74 (trial). He retrieved this gun, which was also loaded. RP 38-39 (3.6 hearing), 575 (trial).

The defendant testified that he saw the police car parked in the area of 35th and Cushman and that he tried to make sure his "speed [wa]s right" and his seatbelt was on. RP 871. He testified that when he got to the stop sign at 36th and Cushman he put his turn signal on and then turned right onto 36th. RP 874-75. The defendant testified that he drove up to the intersection with Alaska, where he stopped at a stop sign, and then turned right into an alley. RP 875. The defendant testified that he parked his car behind a garage, that a police car pulled along side his vehicle, and that two police officers got out. RP 875-76. The defendant testified that the

officer driving opened his door and said, "You asshole. You run from me?" RP 876. The defendant testified that this officer then yanked him out of the car. RP 876. The defendant denied that the officers ever activated the patrol car's emergency lights or siren. RP 876-77. The defendant testified that he was not aware that there were firearms in the vehicle he was driving and that the vehicle did not belong to him. RP 879. He testified that the Camry was registered to the fiancée of "a lady named Bridget." RP 879.

A records check indicated that the defendant had been convicted of a felony and was prohibited from possessing firearms. RP 39. The defendant stipulated to this fact at trial. RP 577; CP 84. *See* RP 881.

Officer Kevin Clark transported the defendant to the jail, where, during the booking process, Corrections Deputy Wade found a bag in the defendant's sock which contained approximately fifteen identical pills, each marked "M357," and a smaller bag, which had a white powder inside. RP 441-53, 690-92. Both the pills and the white powder were tested by the Washington State Patrol Crime Laboratory. RP 476-84, and the pills were found to contain hydrocodone, RP 480-84, and the white powder was found to contain cocaine. RP 476-80. *See* RP 449-52.

Detective Brian Vold test-fired the three handguns and found each to be fully functional firearms. RP 518-34.

Officer Martin testified that the relevant events occurred in Tacoma, Washington. RP 567.

C. ARGUMENT.

1. THE TRIAL COURT PROPERLY DENIED THE DEFENDANT'S MOTION TO SUPPRESS BECAUSE THE DISCOVERY OF THE FIREARMS AT ISSUE WAS MADE IN OPEN OR PLAIN VIEW AND THEIR SUBSEQUENT SEIZURE WAS JUSTIFIED BY EXIGENT CIRCUMSTANCES AND/OR THE PLAIN VIEW DOCTRINE.

“When reviewing the denial of a suppression motion, an appellate court determines whether substantial evidence supports the challenged findings of fact and whether the findings support the conclusions of law.” *State v. Garvin*, 166 Wn.2d 242, 249, 207 P.3d 1266 (2009) (citing *State v. Hill*, 123 Wn.2d 641, 644, 870 P.2d 313 (1994)); *State v. Louthan*, 158 Wn. App. 732, 740-41, 242 P.3d 954 (2010). “Evidence is substantial when it is enough ‘to persuade a fair-minded person of the truth of the stated premise.’” *Id.* (quoting *State v. Reid*, 98 Wn. App. 152, 156, 988 P.2d 1038 (1999)). This Court “do[es] not review credibility determinations on appeal, leaving them to the fact finder,” *State v. Gibson*, 152 Wn. App. 945, 951, 219 P.3d 964 (2009).

Moreover, “[u]nchallenged findings of fact are treated as verities on appeal,” *State v. Afana*, 169 Wn.2d 169, 176, 233 P.3d 879 (2010), and where a defendant does not challenge the trial court’s factual findings,

appellate courts “limit [their] review to whether the trial court’s findings support its legal conclusions.” *Louthan*, 158 Wn. App. at 741. Courts “review conclusions of law from an order pertaining to the suppression of evidence de novo,” *Id.* at 740, and “can uphold the trial court on any valid basis.” *Gibson*, 152 Wn. App. at 948, 958.

The Fourth Amendment to the United States Constitution provides that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause.” Article I, section 7 of the Washington State Constitution mandates that “[n]o person shall be disturbed in his private affairs, or his home invaded, without authority of law.”

“[T]he right to be free from unreasonable governmental intrusion into one’s ‘private affairs’ encompasses automobiles and their contents.” *State v. Tibbles*, 169 Wn.2d 364, 369, 236 P.3d 885 (2010)(quoting *State v. Parker*, 139 Wn.2d 486, 494, 987 P.2d 73 (1999)).

“[A] warrantless search is per se unreasonable, unless it falls within one of the carefully drawn exceptions to the warrant requirement.” *State v. Patton*, 167 Wn.2d 379, 386, 219 P.3d 651 (2009); *State v. Jones*, 163 Wn. App. 354, 259 P.3d 351 (2011). Similarly, “[t]he ‘authority of law’ requirement of article I, section 7 is satisfied by a valid warrant, subject to a few jealously

guarded exceptions.” *State v. Afana*, 169 Wn.2d 169, 176-77, 233 P.3d 879 (2010). Illegally obtained evidence is not admissible in court. *Mapp v. Ohio*, 367 U.S. 643, 82 S. Ct. 23, 7 L. Ed. 72 (1961); *State v. Afana*, 169 Wn.2d 169, 180, 233 P.3d 879 (2010).

Among the recognized exceptions to the warrant requirement are “consent, exigent circumstances, searches incident to a valid arrest, inventory searches, plain view, and *Terry* investigative stops.” *Tibbles*, 169 Wn.2d at 369.

Another “exception to the warrant requirement is the open view doctrine.” *State v. Jones*, 259 P.3d 351. “When a law enforcement officer observes something in open view from a lawful vantage point, the observation is not a ‘search’ triggering the protections of article I, section 7.” *State v. Swetz*, 160 Wn. App. 122, 134, 247 P.3d 802 (2011) (citing *State v. Kennedy*, 107 Wn.2d 1, 10, 726 P.2d 445 (1986), and *State v. Seagull*, 95 Wn.2d 898, 901, 632 P.2d 44 (1981)). Similarly, “[e]vidence discovered in ‘open view’ is not the product of a “search” within the meaning of the Fourth Amendment.” *State v. Louthan*, 158 Wn. App. 732, 746, 242 P.3d 954 (2010) (citing *State v. Perez*, 41 Wn. App. 481, 483, 704 P.2d 625 (1985) (citing *State v. Seagull*, 95 Wn.2d 898, 901-02, 632 P.2d 44 (1981))).

Indeed,

[u]nder the “open view” doctrine, there is no search because a government agent’s “observation takes place from a non-intrusive vantage point. The governmental agent is either on the outside looking outside or on the outside looking inside to that which is knowingly exposed to the public.”

Seagull, 95 Wn.2d at 902, 632 P.2d 44 (quoting *State v. Kaaheena*, 59 Haw. 23, 28-29, 575 P.2d 462 (1978)).

Accordingly, the object under observation is not subject to any reasonable expectation of privacy and the observation is not within the scope of the constitution. *State v. Kennedy*, 107 Wn.2d 1, 10, 726 P.2d 445 (1986).

Therefore, “if an officer, after making a lawful stop, looks into a car from the outside and sees a weapon or contraband in the car, he has not searched the car.” *Gibson*, 152 Wn. App. at 955 (quoting *Kennedy*, 107 Wn.2d at 10). “This is true even if the officer uses a flashlight to view the interior.” *Gibson*, 152 Wn. App. at 955.

Under the “plain view” exception to the warrant requirement, “the view takes place after an intrusion into activities or areas as to which there is a reasonable expectation of privacy.” *State v. Barnes*, 158 Wn. App. 602, 612, 243 P.3d 165 (2010). However, if this “intrusion is justified, the objects of obvious evidentiary value in plain view, sighted

inadvertently, may be seized lawfully and will be admissible.” *Barnes*, 158 Wn. App. at 612. “The plain view doctrine has at least three elements: (1) a prior justification for police intrusion whether by warrant or by a recognized exception to the warrant requirement; (2) an inadvertent discovery of incriminating evidence; and (3) immediate knowledge by police that they have evidence before them.” *State v. Lair*, 95 Wn.2d 706, 714, 630 P.2d 427 (1981). “Objects are immediately apparent [as incriminating evidence] when, considering the surrounding circumstances, the police can reasonably conclude that the substance before them is incriminating evidence.” *State v. Hudson*, 124 Wn.2d 107, 118, 874 P.2d 160 (1994).

“The exigent circumstances exception to the warrant requirement applies where ‘obtaining a warrant is not practical because the delay inherent in securing a warrant would compromise officer safety, facilitate escape or permit the destruction of evidence.’” *Tibbles*, 169 Wn.2d at 370 (quoting *State v. Smith*, 165 Wn.2d 511, 517, 199 P.3d 386 (2009)). “Exigent circumstances include: ‘(1) hot pursuit; (2) fleeing suspect; (3) danger to arresting officer or to the public; (4) mobility of the vehicle; (5) mobility or destruction of the evidence.’” *Swetz*, 160 Wn. App. at 135 (citing *Tibbles*, 169 Wn.2d at 370, 236 P.3d 885 (quoting *State v. Counts*, 99 Wn.2d 54, 60, 659 P.2d 1087 (1983))). “A court must look to the totality of the circumstances in determining whether exigent circumstances

exist.” *Tibbles*, 169 Wn.2d at 370. “The underlying theme of the exigent circumstances exception remains “[n]ecessity, a societal need to search without a warrant.” *Id.* at 372.

In the present case, the defendant argues that “[t]he trial court erred in finding that evidence of the guns was admissible” because even though officers “could lawfully observe the existence of the [first] handgun,” they “could not seize that handgun without a warrant.” Brief of Appellant, p. 21-22 (emphasis omitted). The record shows otherwise.

In the present case, in its finding as to disputed fact 6, the trial court found that, after the defendant had been “removed from the car,”

6) [a]s Officer Johnson went back to the Camry’s still open driver’s side door, to ensure that no one else was hiding in it, from outside the car, Officer Johnson observed a black revolver on the driver’s seat where the defendant had been sitting. Uncertain as to whether someone else was hiding in the back seat, one of the officers entered the car and picked up the gun the officer then saw the handgrip of a second handgun (.45 caliber Kimber semi-automatic with handgrip-activated laser sight, loaded with one round chambered) protruding from between the driver’s seat cushion and the center console. While making the second gun safe, the officer then observed the handgrips of yet a third handgun (a loaded 9mm Hi-Point semi-automatic, with one in the chamber) on the floorboard, sticking out from under the driver’s seat.

CP 252-57 (emphasis added); Appendix A.

The defendant does not challenge this or any finding of fact on appeal. See Brief of Appellant, p. 1-27. Because “[u]nchallenged findings

of fact are treated as verities on appeal,” *State v. Afana*, 169 Wn.2d 169, 176, 233 P.3d 879 (2010), all such findings, including finding of fact 6, must be treated as verities and this Court should “limit [its] review to whether the trial court’s findings support its legal conclusions.” *Louthan*, 158 Wn. App. at 741.

Here, the defendant argues that “[t]he trial court erred in finding that evidence of the guns was admissible,” Brief of Appellant, p. 24, but the record demonstrates otherwise.

Indeed, the first handgun found was observed by Officer Johnson while he was standing on a public roadway outside the defendant’s car. CP 132-36 (finding of fact 6); Appendix A. Thus, it was found “in open view from a lawful vantage point,” and, under the open view doctrine, Officer Johnson’s observation was “not a ‘search’ triggering the protections of article I, section 7,” *Swetz*, 160 Wn. App. 122, 134, 247 P.3d 802, or the Fourth Amendment. *Louthan*, 158 Wn. App. 732, 746, 242 P.3d 954 (2010). Because the observation by which the handgun was discovered cannot be a search, it cannot be an unlawful search.

Moreover, the alley was in “an area of high crime,” RP 72, was completely dark, and the Camry’s windows were so heavily tinted that officers could not see through them into the side or back of the car. CP 252-57; RP 35, 69-70. Officers initially thought that the driver of the Camry had fled prior to their arrival, CP 252-57 (undisputed fact III), RP 35, 69, and even after the defendant was removed from the driver’s seat,

they were “[u]ncertain as to whether someone else was hiding in the back seat,” of the Camry, CP 252-57, because neither officer could see into that area. RP 55, 74.

Indeed, the only thing that officers knew to be inside that Camry was an unsecured handgun lying in open view through an open driver’s door on the driver’s seat. CP 132-36 (finding of fact 6); Appendix A. There could have been another person in the back seat who could have gained access to that weapon and used it to assault the officers or others. It was too dark in the alley and the windows of the Camry were too tinted for the officers to know. *See* CP 252-57; RP 35, 69-70. There could have been a former occupant of the Camry who fled prior to the officers’ arrival who was still in the area and able to gain access to that weapon. *See* CP 252-57 (undisputed fact III), RP 35, 69. Indeed, officers knew there were other people in the alley at the time, RP 39, and at least one of them was apparently hostile to police. *See* RP 184-85.

In this situation, leaving the handgun in plain view in the open car and “obtaining a warrant was not practical because the delay inherent in securing a warrant would have compromised officer safety.” *Tibbles*, 169 Wn.2d at 370. Hence, “[t]he exigent circumstances exception to the warrant requirement applies,” *Id.*, and the officer’s entry into the Camry and subsequent seizure of the first handgun was lawful.

The second and third handguns were seen in plain view when the officer entered to secure the first handgun. Indeed, as he reached to

retrieve the first gun, he saw a semi-automatic pistol between the driver's seat and the center console of the vehicle, and secured it. RP 38.

However, as the officer was securing the second handgun, he looked straight down at the floorboard in front of the driver's seat and saw the grip of a third handgun, and also retrieved this gun, a loaded nine-millimeter, semiautomatic pistol. RP 38-39.

This presence of the second and third handguns presented many of the same dangers to the arresting officers and the public, *Swetz*, 160 Wn. App. at 135, that the first handgun presented, including the possibility that someone presently in the vehicle, someone recently in the vehicle, or someone else in that dark alley in that high-crime area, might have picked up one of those guns and used it to harm the officers or others.

As a result, "obtaining a warrant was not practical because the delay inherent in securing a warrant would have compromised officer safety." *Tibbles*, 169 Wn.2d at 370. Consequently, "[t]he exigent circumstances exception to the warrant requirement applies," *Id.*, to the second and third handguns as well, and the officer's seizure of those handguns was also lawful.

However, assuming *arguendo*, that exigent circumstances did not exist with respect to the second and third handguns, their seizure would still have been justified under the plain view doctrine.

Given the danger to officers and the public presented by the first handgun discovered, there was a prior justification for intrusion into the

vehicle. Moreover, given that the second and third handguns were discovered while that first weapon was being seized, these handguns were discovered inadvertently. Hence, there was “(1) a prior justification for police intrusion... by a recognized exception to the warrant requirement” and “(2) an inadvertent discovery” of evidence, and the first two prongs of the plain view doctrine are satisfied. *See Lair*, 95 Wn.2d at 714.

Nevertheless, the defendant argues that these “[g]uns, alone and without knowledge of additional facts, are not immediately recognizable as evidence of a crime,” because police did not know that defendant “was a felon prohibited from possessing firearms” at the time of the seizure. Brief of Appellant, p. 22-23. This argument is unpersuasive.

“Objects are immediately apparent [as incriminating evidence] when, considering the surrounding circumstances, the police can reasonably conclude that the substance before them is incriminating evidence.” *Hudson*, 124 Wn.2d at 118.

Under RCW 9.41.050,

(2)(a) A person shall not carry or place *a loaded pistol in any vehicle unless* the person has a license to carry a concealed pistol and: *(i) The pistol is on the licensee’s person, (ii) the licensee is within the vehicle at all times that the pistol is there, or (iii) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.*

(b) A violation of this subsection is a misdemeanor.

RCW 9.41.050(2)(a)-(b)(emphasis added).

In this case, the second and third handguns found in plain view inside the defendant's vehicle were both loaded, and neither the defendant nor anyone else was ultimately found to be in the vehicle at the time. RP 38-39. Hence, without knowing anything about the defendant, officers knew that there were two loaded pistols in his vehicle while the defendant was not in the vehicle, and that neither pistol was "locked within the vehicle." RCW 9.41.050(2)(a). Thus, the defendant was, at least arguably, in violation of RCW 9.41.050, which is a misdemeanor. RCW 9.41.050(b). As a result, considering the surrounding circumstances, the police could have reasonably concluded that the second and third pistols were evidence of a violation of RCW 9.41.050(b). Consequently, the second and third pistols were, under *Hudson*, 124 Wn.2d at 118, objects that were immediately apparent as incriminating evidence, and thus, the third element of the plain view exception, "immediate knowledge by police that they have evidence before them," *State v. Lair*, 95 Wn.2d 706, 714, 630 P.2d 427 (1981), was satisfied.

Therefore, even assuming *arguendo* that exigent circumstances did not exist with respect to the second and third handguns, their seizure would still have been justified under the plain view doctrine.

Because the discovery of all three handguns at issue was made in open or plain view and their subsequent seizure was justified by exigent circumstances and/or the plain view doctrine, the trial court properly denied the defendant's motion to suppress evidence of these handguns.

Therefore, the defendant's convictions should be affirmed.

2. VIEWING THE EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE STATE, THERE WAS SUFFICIENT EVIDENCE FROM WHICH A RATIONAL TRIER OF FACT COULD HAVE FOUND THE ESSENTIAL ELEMENTS OF THE CHARGED CRIMES AND THE ACCOMPANYING FIREARM ENHANCEMENTS BEYOND A REASONABLE DOUBT.

In a criminal case, a defendant may challenge the sufficiency of the evidence before trial, at the end of the State's case in chief, at the end of all of the evidence, after the verdict, and on appeal. *State v. Lopez*, 107 Wn. App. 270, 276, 27 P.3d 237 (2001). "In a claim of insufficient evidence, a reviewing court examines whether 'any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt,' 'viewing the evidence in the light most favorable to the State.'" *State v. Brockob*, 159 Wn.2d 311, 336, P.3d 59 (2006) (quoting *State v. Green*, 94 Wn.2d 216, 221, 616 P.2d 628 (1980)). Thus, "[s]ufficient evidence supports a conviction when, viewing it in the light most favorable to the State, a rational fact finder could find the essential elements of the crime beyond a reasonable doubt." *State v. Cannon*, 120 Wn. App. 86, 90, 84 P.3d 283 (2004). "A claim of insufficiency admits the truth of the State's evidence and all inferences that reasonably can be drawn therefrom." *Id.* (quoting *State v. Myers*, 133 Wn.2d 26, 37, 941 P.2d 1102 (1997)). All reasonable inferences from the evidence must be

drawn in favor of the State and interpreted most strongly against the defendant. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). “Determinations of credibility are for the fact finder and are not reviewable on appeal.” *Brockob*, 159 Wn.2d at 336.

In the present case, the defendant assumes evidence of the firearms was inadmissible and argues that “[w]ithout this evidence, the State presented... insufficient evidence to convict [him] of any crime or aggravating factor related to possession of firearms.” Brief of Appellant, p. 24-25. Because the defendant’s underlying assumption is incorrect, so is his conclusion.

Because, as was argued above, evidence of the three handguns was properly admitted at trial, viewing the evidence in the light most favorable to the State, there was sufficient evidence from which a any rational trier of fact could have found beyond a reasonable doubt that the defendant had the Rockledge and Kimber handguns in his possession and that he was armed with these firearms at the time of the crimes charged in counts IV, V, and VI.

Specifically, there was testimony that the Rockledge handgun was found in the driver’s seat, right under where the defendant had been sitting, in the car the defendant was driving. RP 37 569. The Kimber pistol was found between the defendant’s driver’s seat and the center console of that car. RP 38, 570-71. *See* RP 665. Viewing this evidence in the light most favorable to the State, a rational trier of fact could have

found that the defendant knowingly had both handguns in his possession or control. *See* CP171-200 (instructions 6 and 7); ***Brockob***, 159 Wn.2d at 336. Hence, there was sufficient evidence of this element with respect to counts I and II, and the defendant's convictions thereof should be affirmed.

Moreover, these handguns were located in the vehicle the defendant was driving while attempting to elude, RP 553-70, and the jury could properly infer that defendant had the controlled substances which formed the basis of counts V and VI in his sock at the time. *See* RP 441-53, 690-92. Viewing this evidence in the light most favorable to the State, a rational trier of fact could have found that the defendant was armed with both firearms at the time of the commission of the attempting to elude and unlawful possession of a controlled substance charges of counts IV, V, and VI. *See* CP 207-12; ***Brockob***, 159 Wn.2d at 336. Hence, there was also sufficient evidence of both firearm enhancements with respect to counts IV, V, and VI.

Therefore, the defendant's convictions and the enhancements pertaining thereto should be affirmed.

D. CONCLUSION.

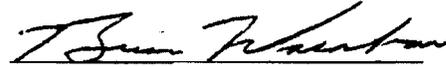
The trial court properly denied the defendant's motion to suppress because the discovery of the firearms at issue was made in open or plain view and their subsequent seizure was justified by exigent circumstances and/or the plain view doctrine.

Viewing the evidence in the light most favorable to the State, there was sufficient evidence from which a rational trier of fact could have found the elements of the charged crimes and the accompanying firearm enhancements beyond a reasonable doubt.

Therefore, the defendant's convictions should be affirmed.

DATED: October 27, 2011.

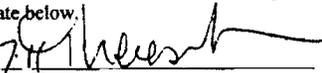
MARK LINDQUIST
Pierce County
Prosecuting Attorney



Brian Wasankari
Deputy Prosecuting Attorney
WSB # 28945

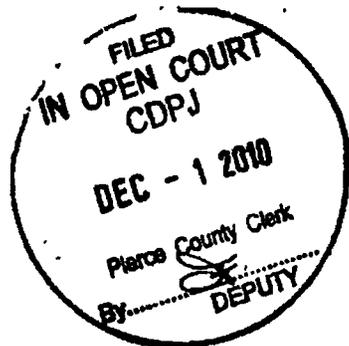
Certificate of Service:

The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

10-27-11 
Date Signature

APPENDIX "A"

UUUU
UUUU
1
2
3
4
5
6
UUUU
UUUU
7
8
9
10
11
UUUU
UUUU
12
13
14
15
16
17
UUUU
UUUU
18
19
20
21
22
23
UUUU
UUUU
24
25
26
27
28
UUUU
UUUU



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> JOSEPH DEFOREST CARTER, <p style="text-align: center;">Defendant.</p>		CAUSE NO. 10-1-01327-1 FINDINGS AND CONCLUSIONS ON ADMISSIBILITY OF EVIDENCE CrR 3.6
---	--	---

THIS MATTER having come on before the Honorable ELIZABETH MARTIN on the 1st, 8th, 13th and 14th days of September, 2010, and the court having rendered an oral ruling thereon, the court herewith makes the following Findings and Conclusions as required by CrR

THE UNDISPUTED FACTS

I.

On March 25, 2010, Tacoma Police K-9 Officers Martin and Johnson were wearing police uniforms and working together in a fully marked Tacoma Police K-9 patrol vehicle. At approximately 9:40 pm, their patrol car was parked along the east curb of the 3500 block of S. Cushman, facing south. At that time, the officers were conducting surveillance on a house in the 3600 block of S. Cushman, the believed residence of a person for whom there was an arrest warrant. The officers were parked with their lights off. The neighborhood is residential.

II.

As the officers waited, a gray Toyota Camry suddenly drove south past the officers, coming within 5 feet of the patrol car. The driver came to a stop, opened his door, and then shut

10-1-01327-1

1
2 it again. He then made a right turn at the intersection of S. Cushman and S. 36th Sts., a stop-sign-
3 controlled intersection. The police followed the Camry.
4

5 *The Camry's rear light to the south of the intersection were working.*

6 The police located a Camry in the alley just west of S. Alaska St. Its lights were off by
7 the time the officers reached it. Officer Johnson exited the patrol car, but was unable to ^{see} in
8 through the driver's side windows of the Camry. At that time, he could not see who or if anyone
9 was in it. Believing that whoever had been driving the Camry had already fled from it, Officer
10 Johnson began to move past the front of the Camry. As he moved by the windshield, Officer
11 Johnson was able to see that Defendant JOSEPH CARTER was reclining, as if hiding, in the
12 driver's seat. Officer Johnson advised Officer Martin that the driver was still in the car. Officer
13 Martin observed the defendant in the driver's seat. The defendant was sweating profusely, and
14 refused the officer's orders to exit the vehicle with hands exposed.
15

16 IV.

17 Officer Martin grabbed the defendant by the shirt and removed him from the car.
18

19 V.

20 Once the defendant was secured, Officer Johnson went back to the car to ensure no one
21 else was hiding in the car. One of the officers entered the Camry and found three loaded
22 firearms inside the passenger area.
23

24 VI.

25 A records check revealed that the defendant was a convicted felon and was prohibited
26 from lawfully possessing a firearm. As the search progressed, the officer found a pair of
27 nunchakas under the defendant's driver's seat. Also under the seat, the officer found the
28 following: a pistol magazine containing seven .45 caliber rounds, three loose .45 caliber rounds,

10-1-01327-1

a sock containing thirteen .38 caliber rounds, two vehicle titles with defendant's name on them, and the defendant's social security card.

VII.

Tacoma Police Officer Clark arrived to transport the defendant to jail. During the booking process, and in Officer Clark's presence, the searching jail officer found a baggie containing hydrocodone and powder cocaine.

THE DISPUTED FACTS

1) Was the Toyota Camry exceeding the speed limit as it drove past the officers on S. Cushman?

2) Did the driver of the Camry come to a stop at the stop-sign-controlled intersection of S. Cushman and S. 36th Streets before making a right turn onto S. 36th St.?

3) Through what route did the police follow the Camry, and what driving behavior did it's driver exhibit?

4) Was the Camry that sped past the police on S. Cushman the same car in which the defendant was found in the alley?

5) Why did Officer Martin pull the defendant out of the Camry?

6) How did the police see the firearms, and where did they find them?

FINDINGS AS TO DISPUTED FACTS

1) The Camry was exceeding the speed limit as it drove past the officers on S. Cushman.

2) The driver of the Camry failed to come to a stop at the stop-sign-controlled intersection of S. Cushman and S. 36th Streets before making a right turn onto S. 36th St.

10-1-01327-1

UUUU
NNNN

3) The police followed the Camry through the following route and observed the following driving behavior of it's driver: after turning right (west) on S. 36th St., the Camry made a sharp right turn (northbound) onto S. Ainsworth Ave.; as it approached S. 35th St., the Camry still appeared to be exceeding the speed limit; it then turned left (westbound) on S. 35th St., cutting off another car that had the right of way, and began accelerating rapidly as it approached Alaska St; at that point, due to the manner in which the Camry was being driven, the officers activated their emergency equipment (both lights and siren) in an effort to contact the Camry's driver. *the police vehicle had turned onto S. 35th St when it was approaching the intersection*

11 *the Camry's driver, however, made no effort to stop the vehicle, instead making a left turn (southbound) onto Alaska St.; as the Camry approached S. 36th St., the patrol vehicle *was approaching with lights and siren activated.**

12 *continued to pursue despite the fact that the intersection of S. 36th St. and Alaska St. had a 4-way stop, the Camry, *with lights and siren activated.* made a right turn (westbound) through the intersection without stopping, *S. Ainsworth and S. 35th St. that time.**

13 *dipping down into a drainage ditch at the corner as it made the turn; the pursuing officers briefly *while still**

14 *lost the Camry, and turned off their emergency equipment; due to ongoing radio traffic, the *at S. Ainsworth**

15 *officers were unable to broadcast their situation or position; as the officers approached the alley *off S. Ainsworth**

16 *west of Alaska St., Officer Johnson observed brake lights heading north in the alley from S. 36th *and S. 36th St.**

17 *St.; the officers turned down that way, and observed the Camry skidding to a halt next to a*

18 *garage behind 3522 S. Alaska St.*

UUUU
NNNN

UUUU
NNNN

UUUU
NNNN

4) The Camry that sped past the police on S. Cushman was the same car in which the defendant was found in the alley.

5) Officer Martin pulled the defendant from the Camry because he had already demonstrated dangerous behavior during the driving, and refused to exit the vehicle upon being ordered to exit.

UUUU
NNNN

10-1-01327-1

6) As Officer Johnson went back to the Camry's still open driver's side door, to ensure that no one else was hiding in it, from outside the car, Officer Johnson observed a black revolver on the driver's seat where the defendant had been sitting. Uncertain as to whether someone else was hiding in the back seat, one of the officers entered the car and picked up the gun the officer then saw the handgrip of a second handgun (.45 caliber Kimber semi-automatic with handgrip-activated laser sight, loaded, with one round chambered) protruding from between the driver's seat cushion and the center console. While making the second gun safe, the officer then observed the handgrips of yet a third handgun (a loaded 9mm Hi-Point semi-automatic, with one in the chamber) on the floorboard, sticking out from under the driver's seat.

REASONS FOR ADMISSIBILITY OR INADMISSIBILITY OF THE EVIDENCE

I.

The three firearms are admissible against the defendant. The revolver was observed by the officer in "open view." While that gun was on the seat inside the Camry, Officer Johnson observed it through the open door and while he was outside the Camry. Officer Johnson was not in a constitutionally protected area when he observed that gun. He immediately recognized that gun as contraband.

II.

As the officers could not determine from outside the car whether or not anyone else was hiding in the Camry, officer safety required that one of them enter the Camry and retrieve the revolver.

III.

Once inside the Camry to retrieve the revolver, the officer inadvertently saw the .45 caliber Kimber firearm in between the driver's seat and the center console. As that gun was in

10-1-01327-1

1
2
3
4
5
6
7
8

“plain view,” the officer was entitled to retrieve that gun as well. While the Camry was a constitutionally protected area, the officer was entitled to be in that area. He immediately recognized that gun as contraband. While he was rendering that gun safe, he inadvertently saw the Hi-Point firearm on the floorboard. Again, while the Camry was a constitutionally protected area, the officer was entitled to be in that area. He immediately recognized that third gun as contraband.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV.

The nunchakas, pistol magazine containing seven .45 caliber rounds, three loose .45 caliber rounds, a sock containing thirteen .38 caliber rounds, two vehicle titles with defendant's name on them, and the defendant's social security card, all of which were found under the driver's seat, are not admissible against him by stipulation.

DONE IN OPEN COURT this 14th day of November, 2010.

Prosecuted by:

TERRY LANE
Deputy Prosecuting Attorney
WSB # 16708

Approved as to Form:

TIMOTHY MCGUINNESS
Attorney for Defendant
WSB # 27180

txl

Elizabeth P. Lane
JUDGE
Elizabeth P. Lane
Nunc Pro Tunc 10-1-10
re-signed 12-1-10
DEC - 1 2010
Pierce County Clerk
By: [Signature]
DEPUTY

PIERCE COUNTY PROSECUTOR

October 27, 2011 - 2:45 PM

Transmittal Letter

Document Uploaded: 418479-Respondent's Brief.pdf

Case Name: St. v. Carter

Court of Appeals Case Number: 41847-9

- Designation of Clerk's Papers Supplemental Designation of Clerk's Papers
- Statement of Arrangements
- Motion: _____
- Answer/Reply to Motion: _____
- Brief: Respondent's
- Statement of Additional Authorities
- Cost Bill
- Objection to Cost Bill
- Affidavit
- Letter
- Copy of Verbatim Report of Proceedings - No. of Volumes: _____
Hearing Date(s): _____
- Personal Restraint Petition (PRP)
- Response to Personal Restraint Petition
- Reply to Response to Personal Restraint Petition
- Other: _____

Sender Name: Therese M Kahn - Email: tnichol@co.pierce.wa.us

A copy of this document has been emailed to the following addresses:
SLArnold2002@YAHOO.COM