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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

K. L. B.,

Juvenile Petitioner.

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SUPPLEMENTAL BRIEF OF PETITIONER

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LILA J. SILVERSTEIN  
Attorney for Petitioner

WASHINGTON APPELLATE PROJECT  
1511 Third Avenue, Suite 701  
Seattle, Washington 98101  
(206) 587-2711  
lila@washapp.org

 ORIGINAL

TABLE OF CONTENTS

A. INTRODUCTION ..... 1

B. ISSUES PRESENTED ..... 2

C. STATEMENT OF THE CASE..... 3

D. ARGUMENT ..... 6

**1. An employee of a private security firm who validates fare payment on the light rail is not a “public servant” under RCW 9A.04.110.**..... 6

        a. The plain language of the statute, which must be strictly construed, governs. .... 6

        b. In stating that the Securitas employee was a “public servant” because “he was performing a government function,” the State and trial court improperly rendered the phrase “advisor, consultant or otherwise” superfluous..... 7

        c. The Court of Appeals affirmed on a different ground which was equally erroneous, because the Securitas employee who collected train tickets was not “a person holding office under a city, county, or state government”. .... 10

**2. The definition of “public servant” is unconstitutionally vague and overbroad if it can be applied to an employee of a private security firm who validates fare payment on the light rail.**..... 12

**3. Under RCW 9A.76.175, the statute criminalizing making a false statement to a public servant, the State must prove that the speaker *knew* the listener was a public servant.** ..... 16

        a. Under the plain language of the statute, the mens rea applies to the “public servant” element. .... 17

        b. Absent a published opinion clarifying the application of the mens rea, RCW 9A.76.175 is unconstitutionally vague. .... 19

E. CONCLUSION ..... 20

**TABLE OF AUTHORITIES**

**Washington Supreme Court Decisions**

*Bellevue v. Lorang*, 140 Wn.2d 19, 992 P.2d 496 (2000)..... 13

*In re the Personal Restraint of Heidari*, 174 Wn.2d 288, 274 P.3d 366  
(2012)..... 14

*Southwest Washington Chapter, Nat. Elec. Contractors Ass'n v. Pierce  
Cnty.*, 100 Wn. 2d 109, 667 P.2d 1092, 1096 (1983) ..... 8

*State v. Abrams*, 163 Wn. 2d 277, 178 P.3d 1021 (2008)..... 13

*State v. Engel*, 166 Wn.2d 572, 210 P.3d 1007 (2009)..... 6

*State v. Ervin*, 169 Wn.2d 815, 239 P.3d 354 (2010) ..... 6, 9

*State v. Graham*, 130 Wn.2d 711, 927 P.2d 227 (1996)..... 8

*State v. Jacobs*, 154 Wn.2d 596, 115 P.3d 281 (2005)..... 6

*State v. Kilburn*, 151 Wn.2d 36, 84 P.3d 1215 (2004)..... 7

*State v. Moeurn*, 170 Wn.2d 169, 240 P.3d 1158 (2010) ..... 6

*State v. Sanchez Valencia*, 169 Wn.2d 782, 239 P.3d 1059 (2010)..... 13

*State v. White*, 97 Wn.2d 92, 640 P.2d 1061 (1982)..... 13, 14, 15

*State v. Williams*, 144 Wn.2d 197, 26 P.3d 890 (2001)..... 13

**Washington Court of Appeals Decisions**

*In re Guardianship of Knutson*, 160 Wn. App. 854, 250 P.3d 1072 (2011)  
..... 8, 9

*State v. LaLonde*, 35 Wn. App. 54, 665 P.2d 421 (1983)..... 15

*State v. Liewer*, 65 Wn. App. 641, 829 P.2d 236 (1992)..... 11

*State v. Stephenson*, 89 Wn. App. 794, 950 P.2d 38 (1998)..... 8

**United States Supreme Court Decisions**

*Flores-Figueroa v. United States*, 556 U.S. 646, 129 S.Ct. 1886, 173 L.Ed. 2d 853 (2009)..... 17, 18

*Kolender v. Lawson*, 461 U.S. 352, 103 S.Ct. 1855, 75 L.Ed.2d 903 (1983) ..... 13

**Decisions of Other Jurisdictions**

*City of Columbus v. New*, 1 Ohio St.3d 221, 438 N.E.2d 1155 (1982) ... 19, 20

*State v. Mullin*, 778 P.2d 233 (Alaska Ct. App. 1989) ..... 6

*State v. Pinckney*, 276 N.W.2d 433 (Iowa, 1979)..... 11

**Constitutional Provisions**

U.S. Const. amend. XIV ..... 13

**Statutes**

RCW 9A.04.110..... passim

RCW 9A.76.175..... 2, 7, 17, 18

A. INTRODUCTION

15-year-old K.B. rode the Link light rail and presented his bus transfer to the ticket collector when asked for proof of payment. The ticket collector, Brett Willet, was employed by a private company called Securitas. Bus transfers had been valid on the light rail in the past, but – despite no signs warning of a change – bus transfers were no longer accepted by this time. Instead of simply explaining the change and/or allowing him to pay the fare, Willet ejected K.B. from the train and demanded his identification so he could issue a citation. K.B. was scared and gave a false name. Although he soon corrected it, he was nevertheless charged with and convicted of making a false statement to a public servant.

The conviction is improper because Willet was not a public servant under the statute, which defines “public servant” as a government employee, officeholder, advisor, or consultant. Construing the statute more broadly than the plain language supports, as occurred in this case, not only violates canons of statutory interpretation, it contravenes sound policy. A child now has a criminal record as a result of a common youthful mistake usually addressed through parental discipline. Lying is wrong, but it is only criminal under narrow circumstances. Those circumstances do not exist in this case, and this Court should reverse.

B. ISSUES PRESENTED

1. Whether an employee of a private security firm contracted to validate fare payment on the light rail is a “public servant” under RCW 9A.04.110(23), which defines “public servant” as “an officer or employee of government,” and “any person participating as an advisor, consultant, or otherwise in performing a governmental function.”

2. Whether RCW 9A.04.110(23) is unconstitutionally vague and overbroad as applied in this case to an employee of a private security firm, where this Court has stated, “the RCW Title 9A definition of ‘public servant’ is entirely too broad and encompasses nearly any person who is employed by government.”

3. Whether under RCW 9A.76.175, the statute criminalizing making a false statement to a public servant, the State must prove that the speaker **knew** the listener was a public servant.

4. Whether RCW 9A.76.175 is unconstitutionally vague because the State argues it need not prove knowledge as to the public servant element but the Court of Appeals held otherwise in an unpublished opinion.

### C. STATEMENT OF THE CASE

On August 6, 2010, 15-year-old K. B. was riding the Link light rail with two companions. RP 65. Brett Willet was working as a ticket collector (“fare enforcement officer”) on the train that day. Willet is employed by a private company called Securitas, which has a contract with Sound Transit to handle fare validation on the light rail. RP 22, 58; *State v. K.L.B.*, 169 Wn. App. 1034 (2012), *review granted*, 177 Wn. 2d 1004, 300 P.3d 416 (2013) at \*1 n.1.

When Willet asked K.B. and his companions to present proof of fare payment, they gave him their bus transfers. RP 65. Willet informed them that while bus transfers had previously been valid on the light rail, they were no longer accepted. RP 65. There were no signs in the train station advising that bus transfers were no longer accepted, and K.B. and his companions said they were unaware of the change. RP 66, 81.

Willet ordered the three to exit the train with him at the next station, and demanded that they identify themselves. RP 67-68. K.B. told Willet that his name was Kinds Marty. RP 68.

The Securitas employee contacted the King County Sheriff’s Office for help, and K.B. provided his true name to Deputy Leland Adams after Deputy Adams warned him it was a crime to lie to a police officer. RP 72, 94. After Deputy Adams finished talking to K.B. and his

companions, Willet notified them that they would be receiving citations for failure to pay the light rail fare. RP 80.

Although K.B. had already been removed from the train for failure to pay and would receive a citation for the infraction, the incident did not end there. The State charged K.B. in juvenile court with two counts of making a false statement to a public servant: one count for giving a false name to the Securitas ticket collector and another for apparently failing to correct the false name his adult companion had given to Deputy Adams. RP 135; CP 54-55. The court found him not guilty as to the count involving Deputy Adams, but guilty on the count involving the ticket collector. RP 154-55; CP 43-44. Over K.B.'s objections that the Securitas employee was not a "public servant" under the statute, the juvenile court said, "he is performing a government function, so I think he is a public servant." RP 155.

K.B. appealed, arguing insufficient evidence supported his conviction because, inter alia, a private employee is not a "public servant" within the meaning of the statute. The statute defines "public servant" as a government officer or employee or "any person participating as an advisor, consultant, or otherwise in performing a governmental function." RCW 9A.04.110(23). The State argued that the Securitas employee was a public servant because he was "performing a government function,"

without recognizing that the person performing the government function must be an advisor, consultant or something similar. K.B. also argued that if the statute could be applied to his statements to the Securitas employee, then it was unconstitutionally vague.

The Court of Appeals affirmed, but not on the ground relied on by the trial court or the State. The court held that the Securitas employee was a public servant because he was an “officer” of government, even though “officer” means someone who is “a person holding office under a city, county, or state government.” *K.L.B.* at \*3 (citing RCW 9A.04.110(13)). The court held the statute was not unconstitutionally vague as applied because a person of reasonable intelligence would know that a light rail ticket collector was an officeholder, even though the State had not even argued as much. The court essentially rejected as dictum this Court’s statement in another case that the definition of “public servant” is “entirely too broad.” *K.L.B.* at \*6.

D. ARGUMENT

**1. An employee of a private security firm who validates fare payment on the light rail is not a “public servant” under RCW 9A.04.110.**

- a. The plain language of the statute, which must be strictly construed, governs.

This primary issue in this case is one of statutory construction, a question of law this Court reviews de novo. *State v. Engel*, 166 Wn.2d 572, 576, 210 P.3d 1007 (2009). In determining the meaning of a statute, courts look first to the text; if the statute is clear on its face, its meaning is to be derived from the language alone. *State v. Moeurn*, 170 Wn.2d 169, 174, 240 P.3d 1158 (2010). If the statute is susceptible to more than one reasonable interpretation, “we may resort to statutory construction, legislative history, and relevant case law for assistance in discerning legislative intent.” *State v. Ervin*, 169 Wn.2d 815, 820, 239 P.3d 354 (2010).

Criminal statutes must be strictly construed in favor of the accused, because violations result in a serious deprivation of liberty. *State v. Jacobs*, 154 Wn.2d 596, 601-02, 115 P.3d 281 (2005) (explaining and applying rule of lenity); *see also State v. Mullin*, 778 P.2d 233, 236 (Alaska Ct. App. 1989) (noting that ambiguity in the statutory definition of “public servant” must be “strictly construed in favor of the defendant,”

and holding that an employee of a private organization contracting with the state to provide services to prison inmates was not a “public servant”). Moreover, any law punishing speech must be narrowly confined in light of First Amendment concerns. *See, e.g., State v. Kilburn*, 151 Wn.2d 36, 42, 84 P.3d 1215 (2004) (limiting harassment statute to “true threats” to avoid constitutional problems).

- b. In stating that the Securitas employee was a “public servant” because “he was performing a government function,” the State and trial court improperly rendered the phrase “advisor, consultant or otherwise” superfluous.

The statute under which K.B. was convicted provides:

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. “Material statement” means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

RCW 9A.76.175. “Public servant,” in turn, means:

any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become **any officer or employee of government**, including a legislator, judge, judicial officer, juror, **and any person participating as an advisor, consultant, or otherwise in performing a governmental function.**

RCW 9A.04.110(23) (emphases added).<sup>1</sup>

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<sup>1</sup> The statutes at issue in this case are also attached as Appendix A.

Under settled principles of statutory construction, the word “otherwise” in the above statute must be construed to mean something similar to “advisor” or “consultant”. See *In re Guardianship of Knutson*, 160 Wn. App. 854, 868, 250 P.3d 1072 (2011) (“under the established interpretative canons of *noscitur a sociis* and *eiusdem generis*, where general words follow specific words in a statutory enumeration, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words”). Thus, a person is a “public servant” if he is a government employee, officer, advisor, consultant, or similar professional. RCW 9A.04.110(23); see also *Southwest Washington Chapter, Nat. Elec. Contractors Ass'n v. Pierce Cnty.*, 100 Wn. 2d 109, 116, 667 P.2d 1092, 1096 (1983) (“The *eiusdem generis* rule is generally applied to general and specific words clearly associated in the same sentence in a pattern such as ‘[specific], [specific], or [general]’”).

This Court and the Court of Appeals have held that uniformed police officers and judges are public servants under RCW 9A.04.110(23). *State v. Graham*, 130 Wn.2d 711, 719, 927 P.2d 227 (1996) (police); *State v. Stephenson*, 89 Wn. App. 794, 950 P.2d 38, 808-09 (1998) (judges). But under the plain language of the statute, which must be strictly construed, the Securitas employee to whom K.B. gave a false name is not

a “public servant”. He was not employed by the government and was not an advisor or consultant to the government.

In arguing the Securitas employee was a public servant, the State acknowledged he was not a government employee or officer, but claimed, “[K.B.’s] argument fails because sufficient evidence supports that Willet was performing a government function on August 6, 2010.” Brief of Respondent at 5. The trial court had similarly stated, “he is performing a government function, so I think he is a public servant.” RP 155; *see also* Brief of Respondent at 7 (“As the trial court found, Willet was clearly performing a government function – fare enforcement. As such, the evidence supported the trial court’s conclusion that Willet was a public servant.”).

The problem is that the State and trial court improperly read the preceding clause out of existence. *See Ervin*, 169 Wn.2d at 823 (statutes may not be construed in a manner which renders portions meaningless or superfluous). The statute does **not** say that **any** person performing a government function is a public servant; the person must be participating as an advisor, consultant, or similar professional. RCW 9A.04.110(23); *see Knutson*, 160 Wn. App. at 868. “Advisor” means “one who gives advice,” and “consultant” similarly means “a person who gives

professional or expert advice.”<sup>2</sup> The Securitas employee was validating fare payment, not advising the government. Because the Securitas ticket collector was neither an employee of government nor an advisor, consultant, or similar professional, he was not a “public servant” under the statute. RCW 9A.04.110(23).

- c. The Court of Appeals affirmed on a different ground which was equally erroneous, because the Securitas employee who collected train tickets was not “a person holding office under a city, county, or state government”.

The Court of Appeals understood the problem with the State’s and trial court’s analysis, but affirmed anyway. The court based its holding on a different clause than the one on which the State and trial court relied. It held that the Securitas employee was “an officer of government” under RCW 9A.04.110(23) as defined in RCW 9A.04.110(13). *K.L.B.* at \*3.

But the latter statute provides:

“Officer” and “public officer” means **a person holding office** under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer.

RCW 9A.04.110(13).

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<sup>2</sup> [www.dictionary.reference.com](http://www.dictionary.reference.com) (last viewed July 3, 2013).

The Court of Appeals erred, because under the plain meaning of the words, an employee of a private security firm who checks train tickets is not “a person holding office” or a person exercising the powers of an officeholder. *Id.*; *see also* <http://officeholder.askdefine.com/> (“officeholder” means “someone who is appointed or elected to an office and who holds a position of trust”). Willet was exercising the duties of a “fare enforcement officer” pursuant to RCW 81.112.210(2)(a) and RCW 7.80.040, but he was not exercising the duties of an elected or appointed official. *Cf. State v. Pinckney*, 276 N.W.2d 433, 436 (Iowa, 1979) (Stating, “It is the unsupervised exercise of sovereign power which is the hallmark of a public office,” and holding a liquor properties manager for the state beer and liquor control department was not a “public officer”).

The Court of Appeals’ decision in *State v. Liewer* is instructive. 65 Wn. App. 641, 829 P.2d 236 (1992). There, the defendant was employed as a clerical worker in the Seattle Municipal Court. *Id.* at 643. The Court of Appeals held the defendant was a “public servant” within the meaning of subsection 23 because he was an employee of government performing a government function, but he was **not** a “public officer” within the meaning of subsection 13 because his tasks did not meet the definition of those performed by one who holds office. *Id.* at 645. Here, the ticket collector

was neither a government employee nor an officeholder; he performed tasks that a government employee might perform, but he was not one.

In sum, the Securitas employee was lawfully exercising his authority to validate fares on the light rail, but this does not make him an “officeholder” or government employee or advisor. RCW 9A.04.110(13), (23). The Court of Appeals cited no legislative history showing the drafters intended these phrases to mean something other than what the plain words convey.

Construing the statute more broadly than the plain language supports, as occurred in this case, not only violates canons of statutory interpretation, it contravenes sound policy. A 15-year-old child, K.B., now has a criminal record as a result of a common youthful mistake usually addressed through parental discipline. Lying is wrong, but it is only criminal under narrow circumstances. Those circumstances do not exist in this case, and this Court should reverse.

**2. The definition of “public servant” is unconstitutionally vague and overbroad if it can be applied to an employee of a private security firm who validates fare payment on the light rail.**

Another reason this Court should construe RCW 9A.04.110(23) **not** to apply to the private security company employee at issue here is that the State’s extension of the definition to the circumstances of this case renders the statute unconstitutionally vague and overbroad. The State’s

proposal thus violates the rule that statutes must be construed to be constitutional whenever possible. *See State v. Abrams*, 163 Wn. 2d 277, 282, 178 P.3d 1021 (2008) (“Wherever possible, it is the duty of this court to construe a statute so as to uphold its constitutionality.”).

Due process requires that individuals (1) receive adequate notice of what conduct is proscribed and (2) are protected from arbitrary enforcement. U.S. Const. amend. XIV; *State v. Williams*, 144 Wn.2d 197, 203, 26 P.3d 890 (2001). Ordinary people must be able to “understand what is and is not allowed.” *State v. Sanchez Valencia*, 169 Wn.2d 782, 791, 239 P.3d 1059 (2010). A statute that does not comport with these requirements is unconstitutionally vague. *Kolender v. Lawson*, 461 U.S. 352, 357, 103 S.Ct. 1855, 75 L.Ed.2d 903 (1983). Courts are “especially cautious in the interpretation of vague statutes when First Amendment interests are implicated.” *Bellevue v. Lorang*, 140 Wn.2d 19, 31, 992 P.2d 496 (2000); *accord Kolender*, 461 U.S. at 358.

In *State v. White*, this Court struck down the then-existing “stop and identify” statute as unconstitutionally vague. *State v. White*, 97 Wn.2d 92, 99, 640 P.2d 1061 (1982). The statute in question made it a misdemeanor to “obstruct a public servant” by failing, “without lawful excuse”, to provide true information “lawfully required” of an individual by a “public servant”. *Id.* at 95 (citing RCW 9A.76.020(1) and (2)

(1982)). This Court noted, “The problems with the statute before us are obvious.” *Id.* at 99. It explained that a determination of what information was “lawfully required” was subjective and that the term “lawful excuse” was “nowhere defined.” *Id.* at 100. The Court continued, “Beyond these difficulties, **the RCW Title 9A definition of “public servant” is entirely too broad and encompasses nearly any person who is employed by government.**” *Id.* at 100 (emphasis added). The statutory definition of public servant the Court condemned in *White* is exactly the same provision applied to convict K.B. in this case. *Compare White*, 97 Wn.2d at 100 (citing RCW 9A.04.110(22) (1982)) *with* RCW 9A.04.110(23) (2010). And here, the State extended it to someone who is not even employed by government. If this Court held the definition was “entirely too broad” as applied to government employees, it is certainly overbroad as applied to the private employee at issue here.

The Court of Appeals decided not to follow this Court’s decision in *White* simply because “[a]lthough the [supreme] court expressed concern about the definition of ‘public servant,’ its holding did not rest on that term alone.” *K.L.B.* at \*6. But the fact that the overbroad definition of “public servant” was not the sole concern in *White* does not render this Court’s analysis on the topic irrelevant. *See In re the Personal Restraint of Heidari*, 174 Wn.2d 288, 193, 274 P.3d 366 (2012) (explaining that

alternate basis for holding should not be disregarded as “dictum”).

Indeed, in an earlier case the Court of Appeals acknowledged that *White* “held the term ‘public servant,’ as used in those sections of the statute, was entirely too broadly defined.” *State v. LaLonde*, 35 Wn. App. 54, 58, 665 P.2d 421 (1983) (citing *White*, 97 Wn.2d at 100). It affirmed the conviction in that case only because the definition was not vague **as applied to uniformed police officers**. *LaLonde*, 35 Wn. App. at 58. But here, the listener was not a uniformed police officer and indeed wore the uniform of a private security firm. RP 27-28, 116. Accordingly, as applied to a Securitas employee, the definition of “public servant” is unconstitutionally vague. *See White*, 97 Wn.2d at 100; *LaLonde*, 35 Wn. App. at 58.

The Court of Appeals held the definition is not vague because a “reasonable person” would understand that the ticket collector was an “officer of government” under the first clause of the statute. *K.L.B.* at \*6. But the appellate prosecutors apparently did not even think the Securitas employee fell under that clause, and presumably they are reasonable people. Brief of Respondent at 5-7. And the trial deputy prosecutor acknowledged that while it was clear that Sheriff’s Deputy Adams was a public servant, it was **not** as clear that the Securitas employee, Willet, was

a public servant. RP 136 (“In this case both these individuals are public servants, FEO Willet and Deputy Adams, **clearly Deputy Adams**”).

If it was not clear to the prosecutors that this private employee fell within the “officeholder” clause of the “public servant” statute, surely it was not clear to a 15-year-old boy. This Court should hold that the definition of “public servant” is unconstitutionally vague and overbroad as applied to the Securitas employee in this case, and should construe the statute not to include such persons.

**3. Under RCW 9A.76.175, the statute criminalizing making a false statement to a public servant, the State must prove that the speaker *knew* the listener was a public servant.**

Not only did the State fail to prove the Securitas employee was a public servant, the State failed to prove K.B. **knew** he was a public servant, providing an independent basis for reversal in this case. *See* Brief of Appellant at 7-8; Reply Brief of Appellant at 2-6. As the trial deputy prosecutor noted in the CrR 3.6 hearing, Willet’s uniforms “don’t look like any of the law enforcement uniforms” and “the badge is a – doesn’t have any government office on it, it has Securitas, which is a private company.” RP 116.

On appeal, the State argued that it does not have to prove the speaker knew the listener was a public servant to obtain a conviction under

the statute. Brief of Respondent at 8-9. The State is wrong, and this Court should hold that the mens rea applies to the “public servant” element.

- a. Under the plain language of the statute, the mens rea applies to the “public servant” element.

Again, the false-statement statute provides:

A person who **knowingly** makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. “Material statement” means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

RCW 9A.76.175 (emphasis added). Under the plain language of the statute, the word “knowingly” applies to the entire verb phrase immediately following it; i.e., “knowingly” applies to each element of the phrase “makes a false or misleading material statement to a public servant.”

The U.S. Supreme Court recently faced a similar statutory construction issue in *Flores-Figueroa v. United States*, 556 U.S. 646, 129 S.Ct. 1886, 173 L.Ed. 2d 853 (2009). The statute at issue there punishes a person who “knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person.” *Id.* at 647 (citing 18 U.S.C. 1028A(a)(1)). The Court followed standard rules of English grammar to hold that the word “knowingly” applied to the object of the verb phrase. *Id.* at 650-51. In other words, the Government was required

to show that the defendant **knew** that the “means of identification” he or she unlawfully transferred, possessed, or used, in fact, belonged to “another person.” *Id.* at 647.

The Court explained, “[a]s a matter of ordinary English grammar, it seems natural to read the statute's word “knowingly” as applying to all the subsequently listed elements of the crime.” *Id.* at 650.

In ordinary English, where a transitive verb has an object, listeners in most contexts assume that an adverb (such as knowingly) that modifies the transitive verb tells the listener how the subject performed the entire action, including the object as set forth in the sentence. Thus, if a bank official says, “Smith knowingly transferred the funds to his brother's account,” we would normally understand the bank official's statement as telling us that Smith knew the account was his brother's. Nor would it matter if the bank official said “Smith knowingly transferred the funds to the account of his brother.” In either instance, if the bank official later told us that Smith did not know the account belonged to Smith's brother, we should be surprised.

*Id.* at 650-51. Similarly here, as a matter of ordinary English grammar, the legislature applied the mens rea of “knowingly” to each element of RCW 9A.76.175, including the object of the verb phrase, “public servant”.

*See id.*<sup>3</sup>

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<sup>3</sup> The State argued that, notwithstanding the statute, the prosecution need not prove the speaker knew the listener was a public servant because the pattern jury instruction doesn't say so. Brief of Respondent at 9 (citing WPIC 120.04). But WPICs are not the law; the statute is the law, and WPICs cannot override legislative mandate. *See, e.g., State v. Kyllo*, 166 Wn.2d 856, 865-66, 215 P.3d 177 (2009).

- b. Absent a published opinion clarifying the application of the mens rea, RCW 9A.76.175 is unconstitutionally vague.

The Court of Appeals agreed with K.B. on this point, and held that the State must prove the speaker knew the listener was a public servant to obtain a conviction under RCW 9A.76.175. *K.L.B.* at \*4 n.4. But the Court of Appeals' opinion is unpublished, and therefore some county prosecutors may continue prosecuting people for violating this statute even if they did not know the listener was a public servant. The statute as it stands now is subject to arbitrary enforcement, and is unconstitutionally vague.

RCW 9A.76.175 suffers the same infirmity that an Ohio ordinance suffered in *City of Columbus v. New*, 1 Ohio St.3d 221, 223, 438 N.E.2d 1155 (1982). In that case, the Ohio Supreme Court invalidated a law which provided, "No person shall knowingly make a false, oral or written, sworn or unsworn, statement to a law enforcement officer who is acting within the scope of his duties." The court held, inter alia, that the statute was unconstitutionally vague regarding the application of the mens rea:

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Furthermore, WPIC 120.04 **does** require the State to prove the defendant knew his statement was material, and material means "reasonably likely to be relied upon **by a public servant** in the discharge of his or her official powers or duties." RCW 9A.76.175 (emphasis added). Thus, the State must prove a defendant knew the listener was a public servant to obtain a conviction under RCW 9A.76.175.

[I]t is unclear whether “knowingly” means only that the accused must have known that his/her statement was false in order to have violated the ordinance, or that the accused must have known that the statement was false **and** that the statement was made to a law enforcement officer, or that the accused knew that the statement was false, **and** that the statement was made to a law enforcement officer, **and** that the law enforcement officer was acting within the scope of the officer’s duties at the time of the rendering of the false statement.

*Id.* at 224 (emphases in original). The same infirmities exist in our statute until and unless this Court clarifies the application of the adverb “knowingly” in a published opinion. This Court should hold that in order to obtain a conviction under RCW 9A.76.175, the State must prove the defendant knew the listener was a public servant.

E. CONCLUSION

This Court should hold that an employee of a private security company contracted to validate fare payment on the light rail is not a “public servant” within the meaning of RCW 9A.04.110(23), and that in order to obtain a conviction for knowingly making a false statement to a public servant under RCW 9A.76.175, the State must prove the speaker knew the listener was a public servant. This Court should reverse K.B.’s conviction for insufficiency of the evidence.

Respectfully submitted this 16th day of July, 2013.

/s/ Lila J. Silverstein  
Lila J. Silverstein – WSBA 38394  
Washington Appellate Project

APPENDIX A  
Relevant Statutes

**RCW 9A.04.110(23)**

“Public servant” means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

**RCW 9A.04.110(13)**

“Officer” and “public officer” means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer.

**RCW 9A.76.175**

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. “Material statement” means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

**IN THE SUPREME COURT OF THE STATE OF WASHINGTON**

STATE OF WASHINGTON, )  
 )  
 Respondent, )  
 ) NO. 88270-3  
 v. )  
 )  
 K.B., )  
 )  
 Petitioner. )

**DECLARATION OF DOCUMENT FILING AND SERVICE**

I, MARIA ARRANZA RILEY, STATE THAT ON THE 18<sup>TH</sup> DAY OF JULY, 2013, I CAUSED THE ORIGINAL **SUPPLEMENTAL BRIEF OF PETITIONER** TO BE FILED IN THE **WASHINGTON STATE SUPREME COURT** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X] BRIDGETTE MARYMAN  
KING COUNTY PROSECUTING ATTORNEY (X) U.S. MAIL  
APPELLATE UNIT ( ) HAND DELIVERY  
KING COUNTY COURTHOUSE ( ) \_\_\_\_\_  
516 THIRD AVENUE, W-554  
SEATTLE, WA 98104

**SIGNED** IN SEATTLE, WASHINGTON THIS 18<sup>TH</sup> DAY OF JULY, 2013.



X \_\_\_\_\_

Washington Appellate Project  
701 Melbourne Tower  
1511 Third Avenue  
Seattle, WA 98101  
Phone (206) 587-2711  
Fax (206) 587-2710

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**To:** Maria Riley  
**Cc:** PAOAppellateUnitMail@kingcounty.gov; Lila Silverstein  
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**State v. K.L.B.**

**No. 88270-3**

Please accept the attached document for filing in the above-subject case:

**Supplemental Brief of Petitioner**

Lila J. Silverstein - WSBA #38394  
Attorney for Petitioner  
Phone: (206) 587-2711  
E-mail: [lila@washapp.org](mailto:lila@washapp.org)

By

**Maria Arranza Riley**  
**Staff Paralegal**  
**Washington Appellate Project**  
**Phone: (206) 587-2711**  
**Fax: (206) 587-2710**  
**E-mail: [maria@washapp.org](mailto:maria@washapp.org)**  
**Website: [www.washapp.org](http://www.washapp.org)**

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