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SUPREME COURT
STATE OF WASHINGTON
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NO. 88270-3

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

K.L.B.,

Petitioner.

SUPPLEMENTAL BRIEF OF RESPONDENT

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TABLE OF CONTENTS

	Page
A. <u>ISSUES PRESENTED</u>	1
B. <u>STATEMENT OF THE CASE</u>	1
C. <u>ARGUMENT</u>	4
1. SUFFICIENT EVIDENCE SUPPORTS THE TRIAL COURT'S FINDING THAT FARE ENFORCEMENT OFFICER WILLET WAS A PUBLIC SERVANT	5
2. K.L.B. HAS FAILED TO PROVE THAT THE STATUE PROHIBITING FALSE STATEMENTS TO PUBLIC SERVANTS IS UNCONSTITUTIONALLY VAGUE	13
D. <u>CONCLUSION</u>	20

TABLE OF AUTHORITIES

Page

Table of Cases

Federal:

Grayned v. City of Rockford, 408 U.S. 104,
92 S. Ct. 2294, 33 L. Ed.2d 222 (1972) 14

Terry v. Ohio, 392 U.S. 1,
88 S. Ct. 1868, 20 L. Ed.2d 889 (1968)..... 17

Washington State:

City of Bellevue v. Acrey, 37 Wn. App. 57,
678 P.2d 1289, reversed on other grounds,
103 Wn.2d 203, 691 P.2d 957 (1984)..... 17, 18

Dolan v. King County, 172 Wn.2d 299,
258 P.3d 20 (2012)..... 11

Spokane v. Douglass, 115 Wn.2d 171,
795 P.2d 693 (1990)..... 14

State v. Cantu, 156 Wn.2d 819,
132 P.3d 725 (2006)..... 6

State v. Clark, 48 Wn. App. 850,
743 P.2d 822 (1987)..... 11

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

State v. Fiser, 99 Wn. App. 714,
995 P.2d 107 (2000)..... 5

State v. Gonzalez, 168 Wn.2d 256,
226 P.3d 131 (2010)..... 6, 12

State v. Huff, 111 Wn.2d 923,
767 P.2d 572 (1989)..... 14

<u>State v. Kennedy</u> , 107 Wn.2d 1, 726 P.2d 445 (1986).....	17
<u>State v. Lalonde</u> , 35 Wn. App. 54, 665 P.2d 421 (1983).....	17
<u>State v. Lilyblad</u> , 163 Wn.2d 1, 177 P.3d 686 (2008).....	6
<u>State v. Salinas</u> , 119 Wn.2d 192, 829 P.2d 1068 (1992).....	5
<u>State v. Smith</u> , 111 Wn.2d 1, 759 P.2d 372 (1988).....	14
<u>State v. Speaks</u> , 119 Wn.2d 204, 829 P.2d 1096 (1992).....	5
<u>State v. Watson</u> , 160 Wn.2d 1, 154 P.3d 909 (2007).....	13, 14
<u>State v. White</u> , 97 Wn.2d 92, 640 P.2d 1061 (1982).....	15, 16, 17, 18
<u>State v. Williams</u> , 171 Wn.2d 474, 251 P.3d 877 (2011).....	17

Constitutional Provisions

Federal:

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

Statutes

Washington State:

Bellevue City Code 10.16.030	18
Former RCW 9A.76.020	15, 18

RCW 7.80.040.....	8, 10
RCW 7.80.070.....	8, 9
RCW 9A.04.110	7, 8, 9, 10, 16
RCW 9A.56.040	16
RCW 9A.60.040	16
RCW 9A.68.010	12, 16
RCW 9A.68.020	12, 16
RCW 9A.68.040	16
RCW 9A.76.020	17
RCW 9A.76.175	1, 4, 7
RCW 9A.76.180	16
RCW 9A.80.010	12, 16
RCW 81.112.210.....	8, 10
RCW 81.112.220.....	2

Rules and Regulations

Washington State:

CrR 3.6.....	3, 11
RAP 2.5.....	6
RAP 13.7.....	4

Other Authorities

Seattle Times Staff, Sound Transit approves light-rail fares, but the honor system will apply, Seattle Times, March 26, 2009 (available at http://seattletimes.nwsourc.com/html/localnews/2008930875_weblightrail26m.html) (last visited July 17, 2013) 2

A. ISSUES PRESENTED

1. Whether a fare enforcement officer is a public servant, regardless of his employer, when he performs such government functions as monitoring fare payment, identifying evaders, and issuing civil infractions.

2. Whether K.L.B. has failed to establish that RCW 9A.76.175 is unconstitutionally vague where a person of common intelligence would understand that a fare enforcement officer is a public servant.

B. STATEMENT OF THE CASE

Juvenile respondent K.L.B. was charged by information with two counts of making a false statement to a public servant, after he provided a false name to a police officer and a Sound Transit fare enforcement officer. CP 54-55.

Sound Transit contracts with Securitas Security Services to provide security and fare enforcement services for Link light rail. RP 58-59. Brett Willet works for Securitas and has worked as a

light rail fare enforcement officer since May of 2010.¹ RP 81. Willet wears a uniform with patches reading, "Sound Transit," "Security," and "Fare Enforcement." RP 28. He also wears a tool belt, which includes a radio, handcuffs, and key ring, but does not include any weapon.² RP 27. When checking for fare violations, Willet and his partner board the train after all of the passengers have boarded, and instruct all of the passengers to produce their proof of fare payment. RP 59. Starting at opposite ends of the car, they check each passenger's fare until they meet in the middle, or until they find a violation. RP 59. When a passenger is unable to provide valid fare, Willet can issue a civil infraction under RCW 81.112.220. RP 60.

On August 6, 2010, Willet and his partner, Benjamin Hill, boarded a train and instructed all of the passengers to present proof of fare payment. RP 59, 65. K.L.B. and his companions did not have valid fare. When asked for their names or identification,

¹ In the Court of Appeals, K.L.B. repeatedly referred to Willet as a "ticket collector." No evidence suggests that Willet's job was to collect tickets. Indeed, Link light rail stations do not have ticket gates or collection sites. Rather, passengers purchase tickets or passes prior to boarding the train and are subject to spot checks for fare enforcement. See Seattle Times Staff, Sound Transit approves light-rail fares, but the honor system will apply, Seattle Times, March 26, 2009 (available at http://seattletimes.nwsources.com/html/localnews/2008930875_weblightrail26m.html) (last visited July 17, 2013).

² The uniform that Willet wore for trial was identical to the one worn on August 6, 2010. RP 59.

they all lied. RP 65-68. Willet was eventually able to identify K.L.B. with the help of Sound Transit Police Officer Leland Adams. RP 72. K.L.B. and his companions were cited for fare evasion. RP 104.

K.L.B. filed a CrR 3.6 motion, challenging the investigatory stop. K.L.B. argued that he was unlawfully seized by a state actor when Willet ordered him and his companions off the train. CP 13-27. The trial court denied K.L.B.'s motion to suppress. CP 49-51.

At trial, K.L.B.'s defense focused entirely on whether there was sufficient evidence that he knew his false statement was material; K.L.B. never challenged Willet's status as a public servant. RP 145-46. In closing argument, the State commented, "I don't expect any argument that he's also fulfilling a government role and that qualified under the statutory definition of public servant." RP 136. K.L.B.'s attorney never responded to or refuted this comment. RP 142-46.

The court found K.L.B. guilty of making a false statement to Sound Transit Fare Enforcement Officer Willet, as charged in count II, but found him not guilty of making a false statement to Officer Adams, as charged in count I. CP 41-44. The court

imposed the \$75 victim penalty assessment, but no further sanctions. CP 36-38.

On appeal, K.L.B. argued that the State failed to prove that Willet was a public servant, that K.L.B. knew Willet was a public servant, or that K.L.B. knew that his false statement was material. K.L.B. also argued that the false-statement statute was unconstitutionally vague. The Court of Appeals affirmed K.L.B.'s conviction. Of the issues raised at the Court of Appeals, only two are left for this court: whether Willet was a public servant, and whether K.L.B. can show that the statute is unconstitutionally vague.³

C. ARGUMENT

K.L.B. challenges his conviction for making a false statement to a public servant, arguing that State failed to prove that Fare Enforcement Officer Willet was a public servant.⁴ K.L.B.'s argument should be rejected because the State introduced

³ K.L.B. has abandoned his other sufficiency arguments, because they were not included in the petition for review. RAP 13.7(b).

⁴ In his petition for review, K.L.B., also asks this Court to decide whether the word "knowingly" modifies the phrase "public servant." Petition for Review at 8. The State agrees with the Court of Appeals' holding that RCW 9A.76.175 implicitly requires the State to prove that a defendant knew that he was making a false statement to a public servant.

sufficient evidence to prove that Willet was a public servant. K.L.B. also argues that the public servant statute is unconstitutionally vague. K.L.B.'s constitutional argument fails because his behavior fell squarely within the terms of the statute.⁵

1. SUFFICIENT EVIDENCE SUPPORTS THE TRIAL COURT'S FINDING THAT FARE ENFORCEMENT OFFICER WILLET WAS A PUBLIC SERVANT.

Evidence is sufficient to support a conviction if, viewed in the light most favorable to the State, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). "A claim of insufficiency admits the truth of the State's evidence and all reasonable inferences that reasonably can be drawn therefrom." Id. Circumstantial and direct evidence are equally reliable. State v. Fiser, 99 Wn. App. 714, 718, 995 P.2d 107 (2000). A reviewing court must defer to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. Id. at 719. The appellate court need not be convinced of the defendant's guilt beyond a

⁵ This Court should address the sufficiency argument before reaching the vagueness challenge. See State v. Speaks, 119 Wn.2d 204, 207, 829 P.2d 1096 (1992) (noting that an appellate court should avoid deciding constitutional issues if a case can be decided on nonconstitutional grounds).

reasonable doubt, but only that there is substantial evidence in the record to support the conviction. Id. at 718.

Although K.L.B.'s argument is characterized as sufficiency of the evidence, it is really an issue of statutory construction, raised for the first time on appeal.⁶ Courts review issues of statutory construction de novo. State v. Lilyblad, 163 Wn.2d 1, 6, 177 P.3d 686 (2008). The goal in interpreting a statute is to carry out the legislature's intent and the first step is to examine the plain language of the statute. State v. Gonzalez, 168 Wn.2d 256, 263, 226 P.3d 131 (2010). A statute is ambiguous only when it is susceptible to two reasonable interpretations. Id. If the plain language of a statute is unambiguous, no further inquiry is required. Id. Courts presume the legislature does not intend absurd results and, where possible, interpret statutes to avoid such absurdity. State v. Ervin, 169 Wn.2d 815, 823-24, 239 P.3d 354 (2010).

A person is guilty of making a false statement to a public servant if he "knowingly makes a false or misleading material

⁶ Although the State did not raise a RAP 2.5 argument in the Court of Appeals, this Court has inherent authority to consider issues not raised by the parties. State v. Cantu, 156 Wn.2d 819, 822 n.1, 132 P.3d 725 (2006). If there is any ambiguity in the record as to either of the issues, it is because K.L.B. did not raise these issues at the trial court level.

statement to a public servant.” RCW 9A.76.175. A public servant is defined as:

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).

There are two ways that Willet meets the definition of “public servant”: (1) as someone who occupies the position of an officer of government, or (2) as a person participating in performing a government function. The two categories overlap to a degree, so it is unsurprising that Willet might satisfy both. This Court should hold that Willet is a public servant under either portion of the definition.

The Court of Appeals held Willet was a public servant because he was a “person ... who presently occupies the position of ... any officer ... of government...” Slip Opinion at 5-6.

An “officer” is defined as “a person holding office under a city, county, or state government ... who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes ... all persons lawfully

exercising or assuming to exercise any of the powers or functions of a public officer." RCW 9A.04.110(13).

"Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit. RCW 9A.04.110(8). A government function "includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government." RCW 9A.04.110(9).

Regional transit agencies like Sound Transit may establish a schedule of fines and penalties for civil infractions issued for failure to pay the required fare or failure to provide proof of fare payment. RCW 81.112.210(1). Transit agencies "may designate persons to monitor fare payment who are equivalent to and are authorized to exercise all the powers of an enforcement officer, defined in RCW 7.80.040. An agency is authorized to employ personnel to either monitor fare payment, or to contract for such services, or both." RCW 81.112.210(2). Fare enforcement officers may "(i) request proof of payment from passengers; (ii) request personal identification from a passenger who does not produce proof of payment when requested; (iii) issue a citation under RCW 7.80.070; and (iv) request that a passenger leave the regional transit authority

facility when the passenger has not produced proof of payment.”

Id.

As a fare enforcement officer, Willet provided security and customer service for Sound Transit facilities. RP 59. He also enforced fare policy and was authorized to detain fare evaders for the purposes of issuing civil infractions. RP 60. Willet was authorized by statute to issue notices of infractions, and the legislature clearly authorized Sound Transit to contract for his service. A notice of an infraction is a determination that a civil infraction has been committed. RCW 7.80.070. Civil infractions carry monetary penalties, and failure to respond to civil infractions can result in further penalties. Id. The authority vested in fare enforcement officers is the exercise of a government power contemplated by the definition of “officer.” See RCW 9A.04.110(13). Willet was certainly performing a public function and was vested with the exercise of a sovereign power of government: enforcing the laws of a transit agency, and issuing notices of infractions.

Alternatively, as the trial court found, there is sufficient evidence to show that Willet was “participating as an advisor,

consultant, or otherwise in performing a governmental function.”⁷
RCW 9A.04.110(23). The legislature explicitly authorized regional transit authorities to designate or contract for fare enforcement officers. RCW 81.112.210(2) (“A regional transit authority may designate persons to monitor fare payment who are equivalent to and are authorized to exercise all the powers of an enforcement officer, defined in RCW 7.80.040. An authority is authorized to employ personnel to either monitor fare payment, or to contract for such services, or both.”).

Willet was designated to perform a government function. Sound Transit contracted with Willet’s employer, Securitas Security Services, to provide fare enforcement services. It was Willet’s job to monitor fare payment, identify people who did not have adequate fare, and issue citations. As the trial court found, Willet was clearly performing a government function—fare enforcement. RP 155.⁸ Thus, the evidence supported the trial court’s conclusion that Willet was a public servant.

K.L.B. does not dispute that Willet was performing a government function. Rather, K.L.B. argues that Willet was not a

⁷ Because Willet’s status as a public servant was not disputed at trial, the trial court made only general findings as to this element.

⁸ The written findings incorporate the court’s oral findings. CP 44 (Appendix A).

Sound Transit "employee."⁹ However, the definition of "public servant" is broader than simply government employees, and specifically includes a number of people who are unlikely to be government employees, including jurors, advisors, consultants or any other person performing a government function. There is no meaningful argument that the legislature intended to define public servants narrowly or limit public servants to government employees.

The issue of whether Willet was a public servant was not disputed at trial. In fact, by challenging Willet's investigatory stop under CrR 3.6, K.L.B. implicitly acknowledged that Willet was acting on behalf of the government. See State v. Clark, 48 Wn. App. 850, 856, 743 P.2d 822 (1987) (for purposes of motion to suppress based on unlawful search or seizure, the critical factors in determining whether a private person acts as a government agent include whether the government knew of and acquiesced in the intrusive conduct and whether the party performing the search intended to assist law enforcement efforts or to further his own

⁹ K.L.B. offers no definition of an "employee" or any authority that a public servant must be a government employee. As this Court is aware, labor and employment law can be complicated, and requires analysis beyond just "titles, labels, or paperwork." See Dolan v. King County, 172 Wn.2d 299, 314, 258 P.3d 20 (2012).

ends). Referring to the uniform Willet wore at trial, K.L.B.'s counsel even stated that Willet looked like a "public enforcement officer," arguing "perhaps not a police officer like a Seattle Police Department because his tool belt did not have a weapon or a gun on it, but for all other purposes, he looked like a person with authority." RP 39.

Holding that Willet was not a public servant would significantly weaken the fare enforcement system. If Willet and his colleagues were not public servants, passengers could lie to them without legal repercussions, which would make it nearly impossible to enforce the fare policy and issue infractions. Similarly, Willet and his coworkers would not be subject to the terms of various anti-corruption statutes, including bribery (RCW 9A.68.010), receiving unlawful compensation (RCW 9A.68.020), or official misconduct (RCW 9A.80.010). The legislature could not have intended such results when it authorized Sound Transit to designate fare enforcement officers. See Gonzalez, 168 Wn.2d at 263 (primary goal of statutory construction is to carry out the legislature's intent).

2. K.L.B. HAS FAILED TO PROVE THAT THE STATUE PROHIBITING FALSE STATEMENTS TO PUBLIC SERVANTS IS UNCONSTITUTIONALLY VAGUE.

For the first time on appeal,¹⁰ K.L.B. also argues that the statute defining public servant is unconstitutionally vague as applied to his case.¹¹ K.L.B.'s argument should be rejected because the statute gives notice of what conduct is proscribed and does not encourage arbitrary enforcement.

The due process clause of the Fourteenth Amendment requires that statutes provide fair notice of the conduct they proscribe. State v. Watson, 160 Wn.2d 1, 6, 154 P.3d 909 (2007). A statute fails to provide the required notice if it either forbids or requires the doing of an act in terms so vague that people of common intelligence must necessarily guess at its meaning and differ as to its application. Watson, 160 Wn.2d at 7. Because it is assumed that people are able to choose between lawful and unlawful conduct, it is necessary "that laws give the person of ordinary intelligence a reasonable opportunity to know what is

¹⁰ Because the vagueness issue was not raised in the trial court, the State had no incentive to fully develop a record in response to the issue.

¹¹ K.L.B. also argues that the false statement statute is unconstitutionally vague because it is not clear whether the *mens rea* of "knowingly" applies to the phrase "public servant." As stated above, the State agrees that the word "knowingly" applies to public servant.

prohibited, so that [the person] may act accordingly." Grayned v. City of Rockford, 408 U.S. 104, 108, 92 S. Ct. 2294, 33 L. Ed.2d 222 (1972). A statute is not unconstitutional if the general area of conduct against which it is directed is made plain. State v. Huff, 111 Wn.2d 923, 928-29, 767 P.2d 572 (1989).

K.L.B. has a heavy burden to meet the above standard. A reviewing court will presume a statute is constitutional. Watson, 160 Wn.2d at 11. A party challenging a statute's constitutionality bears the burden of proving its unconstitutionality beyond a reasonable doubt. Spokane v. Douglass, 115 Wn.2d 171, 177, 795 P.2d 693 (1990). A statute is not unconstitutionally vague if the defendant's conduct falls squarely within its prohibitions. State v. Smith, 111 Wn.2d 1, 10, 759 P.2d 372 (1988).

K.L.B.'s vagueness argument hinges on the definition of a public servant. He argues that if the statute can be applied to his false statement to Fare Enforcement Officer Willet, the statute is unconstitutionally vague because Willet was employed by a private security company. K.L.B. offers no authority or argument to explain how application of the statute to his case renders the statute vague. A person of ordinary intelligence would understand that a fare enforcement officer--whether an employee of the transit agency or

an individual contracted by the transit agency--performs a government function. In fact, the trial court's findings here established that K.L.B. took several steps to deceive Willet, suggesting that K.L.B. knew full well that Willet was a public servant, performing an official function.

K.L.B. relies on this Court's opinion in State v. White, 97 Wn.2d 92, 640 P.2d 1061 (1982) to support his claim that the definition of "public servant" is vague. K.L.B.'s reliance on White is misplaced. In White, the Court struck down the first two sections of the statute at issue, which provided that a person was guilty of obstructing a public servant if he or she "(1) without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public servant, or (2) in any such statement or report shall make any knowingly untrue statement to a public servant...." Id. at 95-96 (citing former RCW 9A.76.020). The Court classified the statute as a "stop and identify" statute, and held that the language at issue was unconstitutionally vague, explaining:

The problems with the statute before us are obvious. For example, when must a citizen answer inquiries, and when does he have "lawful excuse" not to answer? What is "lawfully required" in the way of reports or information? May any "public servant", as

defined in RCW 9A.04.110(22), demand information or only those charged with investigating or enforcing laws and regulations? May any citizen be stopped at any time-or only when there is suspicious conduct, or in high crime areas, or only in the course of investigating a suspected or known crime? The possible applications and interpretations are nearly endless.

Id. at 99.

Although the Court referenced the definition of "public servant," the opinion does not rest on that definition.¹² The single sentence mentioning the definition of public servant followed extensive discussion of other deficiencies in the obstructing statute.

Id. at 100. The Court's holding rests primarily on the phrases "lawfully required" and "lawful excuse." "Public servant" is mentioned only in so far as that term might interplay with the other vague terms. Moreover, as this Court has since acknowledged, vagueness was not the primary concern in White; rather, the Court was particularly concerned that the "stop and identify" statute at issue expanded law enforcement's ability to stop citizens. This Court has repeatedly rejected K.L.B.'s broader interpretation of

¹² Had the opinion in White depended solely on the definition of "public servant," such a holding would have called into question the constitutionality of a number of statutes that reference the definition, including theft in the second degree (RCW 9A.56.040), criminal impersonation in the first degree (RCW 9A.60.040), bribery (RCW 9A.68.010), receiving unlawful compensation (RCW 9A.68.020), trading in public office (RCW 9A.68.040), intimidating a public servant (RCW 9A.76.180), and official misconduct (RCW 9A.80.010), none of which have since been held to be unconstitutionally vague.

White. See State v. Williams, 171 Wn.2d 474, 481, 251 P.3d 877 (2011) (noting that in White, “vagueness was not our only concern...[w]e were also concerned that the stop and identify statute was an unwarranted extension of the “Terry¹³ Stop,” which required the officer to provide specific and articulable facts that gave rise to a reasonable suspicion that there was criminal activity afoot.”); State v. Kennedy, 107 Wn.2d 1, 16, 726 P.2d 445 (1986) (noting that in White, “we invalidated a statute on the grounds it gave the police more authority to stop, detain, and question citizens than was provided for by Terry.”). White does not hold that the definition of “public servant” is unconstitutionally vague.

In State v. Lalonde, 35 Wn. App. 54, 57, 665 P.2d 421 (1983), the Court of Appeals addressed whether the phrase “public servant,” as used in RCW 9A.76.020(3), was unconstitutionally vague. Acknowledging White, the court held that the definition of “public servant,” as used in the statute prohibiting obstruction of a public servant, was not vague. Id.

Division One’s opinion in City of Bellevue v. Acrey, 37 Wn. App. 57, 62-63, 678 P.2d 1289, reversed on other grounds, 103 Wn.2d 203, 691 P.2d 957 (1984), is also instructive. Following

¹³ Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed.2d 889 (1968).

a traffic collision, the defendants lied to a police officer about who had been driving the car. Id. at 59. They were charged with obstructing a public officer, under Bellevue City Code 10.16.030, which provided, "It is unlawful for any person to make any willfully untrue, misleading or exaggerated statement, or to willfully hinder, delay or obstruct any public officer in the discharge of his official powers or duties." Id. at 61. Relying on White, the defendants argued that the Bellevue City Code was also unconstitutionally vague. The Court of Appeals distinguished the case from White, holding that the ordinance "does not require anyone, as did the [former RCW 9A.76.020], to make any statement when asked to do so by a 'public servant.' The Bellevue ordinance only makes it illegal to make a 'willfully untrue, misleading or exaggerated statement' to a public officer." Id. at 62. The court further held that the Bellevue ordinance was not the sort of "standardless stop-and-identify statute" at issue in White. Id.

Just as in Acrey, the statute at issue is not a standardless stop-and-identify statute that encourages arbitrary stops; nor does it require anyone to make a statement when asked by a public servant. Rather, it prohibits knowingly making a materially false statement to a public servant. The fact that this case involves a

private contractor working as a public servant does not mean that the statute fails to give adequate notice of the prohibited conduct or encourages arbitrary enforcement.¹⁴

Finally, K.L.B. argues that because the State did not initially rely on the phrase "officer of government" from the public-servant definition, a "reasonable person" could not understand that Willet fell under this clause. Petition at 11 (arguing that if prosecutors, who are "presumably reasonable people" were not "on notice" that Willet fell within the "officer of government" clause, K.L.B. could not have notice). K.L.B. cites no authority to support his claim that an appellate court cannot arrive at a reasonable conclusion unless it is first asserted by the State. As argued above, K.L.B. should be considered a public servant under either part of the statute. The mere fact that the State did not assert an alternative argument does not make it unreasonable.

A person of ordinary intelligence would understand that a fare enforcement officer was performing a government function.

¹⁴ K.L.B.'s argument presupposes that he realized that Willet was not a Sound Transit employee. However, K.L.B. cannot show that he was aware that Willet was a private contractor. Willet's uniform included patches that read "Sound Transit," "Fare Enforcement," and "Security." RP 75. Together with his partner, he checked each passenger for proof of fare payment. In all likelihood, K.L.B. believed Willet to be a Sound Transit employee. There is no basis in the record to conclude otherwise.

K.L.B. has not met his burden of showing how application of the term "public servant" to Fare Enforcement Officer Willet renders the statute vague.

D. CONCLUSION

For all the foregoing reasons, the State respectfully asks this Court to affirm K.L.B.'s conviction.

DATED this 18 day of July, 2013.

Respectfully submitted,

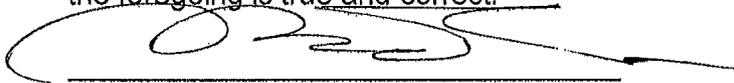
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Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to the attorneys for the petitioner, Lila Silverstein, containing a copy of the Brief of Respondent, in STATE V. K.L.B., Cause No. 88270-3, in the Supreme Court, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

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Name
Done in Seattle, Washington

07-18-13
Date

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Dear Supreme Court Clerk:

Submitted for filing in the above-mentioned appeal, is the Supplemental Brief of Respondent. Please let me know if you have problems opening the attachment.

Thank you,

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W554 King County Courthouse
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Seattle, WA 98104
Phone: 206-296-9489
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For

Bridgette Maryman
Deputy Prosecuting Attorney
Attorney for Respondent

Appendix A

1 6 Bus transfer passes were accepted as fare when the light rail service began in June 2009, but
2 were no longer accepted as of December 31, 2009

3 7 The respondent stated that he did not know how to use the fare system

4 8 The respondent and his two companions were instructed by FEO Willet to exit the
train at the Othello Station

5 9 Pursuant to Sound Transit standard operating procedure, the FEOs asked the
6 respondent and his companions for identification once they exited the train and were standing on
the platform at the Othello Station. The respondent was either unwilling or unable to present
7 identification to the FEOs

8 10 Neither the respondent nor his companions were able to provide their address to the
FEOs

9 11 The respondent identified himself to FEO Willet as Kinds M Marty (DOB
10 6/22/1995). One of the respondent's companions identified himself as James J King (DOB
4/2/1994), and the other identified himself as Jamal J Johnson (DOB 1/1/1993)

11 12 Because the FEOs were unable to ascertain the respondent's identity based upon the
12 limited information he had provided, he was temporarily detained at the Othello Station, and
Sound Transit Police was called to assist in identifying the respondent and his companions for
13 the purpose of issuing citations for the *civil infraction of fare evasion*

14 13 Within about 10 minutes, Deputies Lee Adams, Jon Nelson, and Eddie Draper
responded to the Othello Station

15 14 Deputy Adams contacted the respondent for the purposes of identification, while
16 Deputy Draper contacted the male who identified himself as James King, and Deputy Nelson
contacted the male who identified himself as Jamal Johnson

17 15 When initially asked for his name and date of birth, the respondent initially gave
18 Deputy Adams the same information that he had provided to FEO Willet

19 16 Deputy Adams informed the respondent that it was a crime to falsely identify himself
20 to a police officer. At this point, the respondent admitted that his name was not Kinds M Marty,
but was in fact Keonte L Beaver. The respondent also gave Deputy Adams his date of birth as
6/23/1995

21 17 Deputy Adams was able to confirm via photos viewed on his computer and through
22 dispatch that the identification provided by the respondent was his true identity, and that the
respondent's address was 9852 Arrowsmith Ave South in Seattle

23
FINDINGS OF FACT AND CONCLUSIONS OF LAW
PURSUANT TO JuCR7 11(d) - 2

Daniel T Satterberg, Prosecuting Attorney
Juvenile Court
1211 E Alder
Seattle Washington 98122
(206) 296 9025 FAX (206) 296 8869

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4 The incident occurred in Seattle, King County, Washington

In making these findings, the court relied upon the testimony of witnesses and evidence introduced at trial

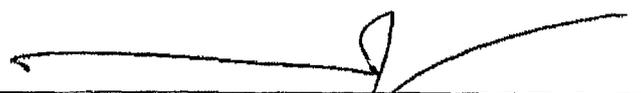
III

- 1 The respondent is guilty of Making a False or Misleading Statement to a Public Servant (Count II)
- 2 The respondent is not guilty of Making a False or Misleading Statement to a Public Servant (Count I)

IV

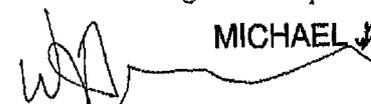
Judgment should be entered in accordance with Conclusion of Law III In addition to these written findings and conclusions, the Court hereby incorporates its oral findings and conclusions as reflected in the record

DATED this 17th day of June, 2011

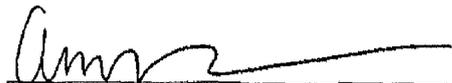


Honorable Judge ~~Christopher Washington~~

MICHAEL J. TRICKEY



David Giles, WSBA #42022 Wesley Brenner #41343
Deputy Prosecuting Attorney



Amy Bowles, WSBA # 33541
Attorney for Respondent

OFFICE RECEPTIONIST, CLERK

To: Ly, Bora
Cc: 'Maria Riley'; lila@washapp.org; Maryman, Bridgette
Subject: RE: State of Washington v. K.L.B./Case # 88270-3

Rec'd 7-18-13

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Ly, Bora [<mailto:Bora.Ly@kingcounty.gov>]
Sent: Thursday, July 18, 2013 11:44 AM
To: OFFICE RECEPTIONIST, CLERK
Cc: 'Maria Riley'; lila@washapp.org; Maryman, Bridgette
Subject: FW: State of Washington v. K.L.B./Case # 88270-3

Please find the attached appendix to be filed with the brief which was already submitted to the Court for filing. Please let me know if you should have any questions or concerns.

Thanks, Bora

From: Ly, Bora
Sent: Thursday, July 18, 2013 11:27 AM
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Cc: Maryman, Bridgette; lila@washapp.org; 'Maria Riley'
Subject: State of Washington v. K.L.B./Case # 88270-3

Dear Supreme Court Clerk:

Submitted for filing in the above-mentioned appeal, is the Supplemental Brief of Respondent. Please let me know if you have problems opening the attachment.

Thank you,

Bora Ly
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For

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