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SUPREME COURT NO. 90281-0
COURT OF APPEALS NO. 69911-3-I

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

WILLIAM MICHAEL REIS,

Petitioner.

SUPPLEMENTAL BRIEF OF RESPONDENT

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ORIGINAL

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A. ISSUE

Is the cultivation of marijuana presumptively illegal in Washington, such that law enforcement seeking a search warrant need not disprove the affirmative defense for cultivation of *medical* marijuana when investigating the suspected *illicit* manufacture of marijuana?

B. FACTS

Detective Calabrese of the King County Sheriff's Office received a confidential tip that someone named William was growing marijuana at an address in Burien, King County. CP 23. The detective saw marijuana plants on the back deck of William Reis's home and a man matching Reis's description transferring the plants on the deck into larger pots. CP 11, 23. He also saw black plastic covering Reis's basement windows and condensation on a window that was slightly open. Id. He could also hear a loud fan-like humming sound. Id. Based on his training and experience, he concluded that Reis was growing a significant amount of marijuana. CP 23-25. Reis's neighbors were afraid of Reis and did not want to cooperate with police. CP 26.

Detectives determined that Reis had previously been convicted of a Violation of the Uniform Controlled Substances Act for growing marijuana in his home, and that Reis had been found in possession of 1.3 grams of marijuana in 2011. CP 26.

King County District Court Judge D. Mark Eide reviewed the affidavit, concluded that there was probable cause to believe Reis was violating the Uniform Controlled Substances Act, and approved a search warrant. CP 32. Officers found a total of thirty-seven marijuana plants in the house and 13.17 pounds (approximately 210.72 ounces) of marijuana.[1] CP 33. Officers also found scales, ledgers, receipts for marijuana sales, and planting equipment—all indicative of a marijuana grow operation. Id. Reis was charged with a Violation of the Uniform Controlled Substances Act, Manufacturing Marijuana. CP 1.

On January 21, 2012, Reis filed a motion to suppress evidence. CP 20. He alleged that the search warrant was not supported by probable cause. CP 18. The trial court denied Reis's motion, concluding "that the legislature did not intend to decriminalize all marijuana grow operations, nor put the burden on law enforcement to demonstrate that a grower of marijuana is not a qualified medical marijuana patient or a designated provider." CP 92. Thus, the trial court ruled, law enforcement officers seeking a search warrant need not establish that a person growing

[1] Under RCW 69.51A.040, a qualifying medical marijuana patient may possess no more than fifteen marijuana plants and no more than twenty-four ounces of useable marijuana. Someone who is both a qualifying patient and a designated provider may possess no more than thirty plants and forty-eight ounces of useable marijuana. Under RCW 69.51A.085, a collective garden for qualifying patients may contain no more than fifteen plants per patient, up to forty-five plants. A collective garden may contain no more than twenty-four ounces of useable marijuana per patient, up to seventy-two ounces.

marijuana is not authorized to possess or cultivate marijuana for medical purposes. CP 93.

Reis obtained discretionary review. CP 95. The Court of Appeals affirmed the trial court, holding that statutory amendments that occurred in 2011, when read in light of the Governor's veto, did not decriminalize the cultivation of marijuana, that qualifying patients and designated providers could invoke an affirmative defense, and that police need not disprove the affirmative defense before obtaining a search warrant. State v. Reis, 180 Wn. App. 438, 322 P.3d 1238 (2014).

C. ARGUMENT

Reis argues that the Court of Appeals and the trial court erred in interpreting recent amendments to Chapter 69.51A RCW. He argues that the amendments decriminalized the cultivation of medicinal marijuana such that a qualified provider who is growing marijuana is not committing a crime. Thus, he argues, in order to obtain a search warrant police must establish that a marijuana grower is not growing for lawful medicinal purposes. This argument must be rejected. Laws of 2011, ch. 181, as modified by the Governor's partial veto, did not decriminalize the cultivation of marijuana; marijuana cultivation remains illegal under Washington law, although a qualified provider may invoke an affirmative defense to prosecution where the evidence supports it.

1. CULTIVATION OF MARIJUANA IS ILLEGAL BUT AN AFFIRMATIVE DEFENSE EXISTS FOR DESIGNATED PROVIDERS WHO GROW FOR MEDICAL PURPOSES.

Under RCW 69.50.204(c)(22), marijuana is a Schedule I unlawful controlled substance, and cultivation is prohibited. RCW 69.50.401(1).[2] In 1998, however, Washington voters approved by citizen initiative the Medical Use of Marijuana Act (MUMA) to allow people suffering from serious medical conditions to use marijuana medicinally. The Act provided that:

> Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, may benefit from the medical use of marijuana, shall not be found guilty of a crime . . . . Persons who act as designated providers to such patients shall also not be found guilty of a crime . . . .

Laws of 1999, ch. 2, § 2 (Initiative Measure No. 692 app. Nov. 3 1998), codified as RCW 69.51A.005.[3] The law provided an affirmative defense for medical marijuana.

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[2] Initiative 502, passed in November 2012, legalized possession of small amounts of marijuana for individuals over twenty-one years of age. Growing marijuana for personal recreational use remains illegal. Initiative 502 has no bearing on the current case.

[3] "'Designated provider' means a person who: (a) Is eighteen years of age or older; (b) Has been designated in writing by a patient to serve as a designated provider under this chapter; (c) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and (d) Is the designated provider to only one patient at any one time." RCW 69.51A.010(1). "'Qualifying patient' means a person who: (a) Is a patient of a health care professional; (b) Has been diagnosed by that health care professional as having a terminal or debilitating medical condition; (c) Is a resident of the state of Washington at the time of such diagnosis; (d) Has been advised by that health care professional about the risks and benefits of the medical use of marijuana; and (e) Has been advised by that health

> If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter.

RCW 69.51A.040. Thus, marijuana possession and cultivation remained presumptively illegal under Washington law even after passage of the MUMA, but qualified patients and their designated providers could raise an affirmative defense to prosecution.

In 2011, the legislature approved amendments to chapter 69.51A RCW that were intended to broaden protections for patients and providers of medical marijuana. See Laws of 2011, ch. 181. The stated intent was to shield users from arrest, prosecution and criminal sanctions. Id. § 101(1)(a)(vetoed). These heightened protections would apply to qualifying patients and designated providers who, among other requirements, registered with the Department of Health:

> The medical use of cannabis **in accordance with the terms and conditions of this chapter** does not constitute a crime and a qualifying patient or designated provider **in compliance with the terms and conditions of this chapter** may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences . . . if:
>
> . . .

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care professional that they may benefit from the medical use of marijuana." RCW 69.51A.010(4).

> (3) **The qualifying patient or designated provider keeps a copy of this or her proof of registration with the registry established in section 901 of this act** and the qualifying patient or designated provider's contact information **posted prominently next to any cannabis plants, cannabis products, or useable cannabis located at his or her residence;**
>
> . . .

Id. at 401, codified as RCW 69.51A.040 (emphasis added). Registration with the Department of Health required demonstrating a medical need or a designation as a provider. The registry thus provided a means—otherwise unavailable—for police to quickly distinguish between qualified patients and designated providers, on the one hand, and illicit users and illegal providers, on the other. The law did not require that anyone submit this medical information to the registry; participation was optional. Id. § 901(6)(vetoed).

Since participation in the registry was not mandatory, meaning that some patients and providers might be unprotected from arrest and prosecution, the legislature added a new section for qualified patients and designated providers who were unable or unwilling to register:

> (1) **A qualifying patient or designated provider who is not registered with the registry established in section 901 of this act may raise the affirmative defense set forth in subsection (2) of this section,** if:
>
> . . .

> (2) **A qualifying patient or designated provider who is not registered with the registry established in section 901 of this act**, but who presents his or her valid documentation to any peace officer who questions the patient or provider regarding his or her medical use of cannabis, **may assert an affirmative defense to charges of violation of state law relating to cannabis through proof at trial, by a preponderance of the evidence, that he or she otherwise meets the requirements of RCW 69.51A.040.**

Id. 403, codified as RCW 69.51A.043 (emphasis added). Individuals not registered with the Department of Health's registry, but otherwise fulfilling all requirements of RCW 69.51A.040, are clearly not eligible for the heightened protections against arrest, prosecution, or criminal sanctions. Instead, these qualifying patients or designated providers continue the 2010 method of raising an affirmative defense. This proposed legislative scheme created two tiers of protection with registration as the key distinguishing criterion.

This two-tiered system never became law. Governor Gregoire vetoed large sections of the bill, including the key provisions that would have established a framework for licensing and registration of qualifying patients and designated providers. The Governor feared that a registry would "open public employees to federal prosecution," particularly because "the United States Attorneys have made it clear that state law would not provide these individuals with a safe harbor from federal

prosecution." Partial Veto Message on Engrossed Second Substitute S.B. 5073, 62nd Leg., Reg. Sess. (Wash. 2011). The legislature did not override the veto.

When a Governor vetoes a bill voted on by both houses of the legislature, the Governor is acting in a legislative capacity, so the intent of the legislature cannot be considered apart from the Governor's intent. Shelton Hotel Co. v. Bates, 4 Wn.2d 498, 506, 104 P.2d 478 (1940); Hallin v. Trent, 94 Wn.2d 671, 677, 619 P.2d 357 (1980). The Governor's veto of a portion of a measure, if the veto is not overridden, removes the vetoed material from the legislation as effectively as though it had never been considered by the legislature. State ex rel. Stiner v. Yelle, 174 Wash. 402, 408, 25 P.2d 91 (1933).

It follows that it is currently impossible to register as a "qualified patient" or "designated provider," so it is also impossible for anyone to meet the requirements of RCW 69.51A.040 in order to obtain the higher tier of protections. The premise for what Reis describes as the presumptively legal use of medical marijuana—assuming, arguendo, that any such a presumption existed—depended on the ability and willingness of patients and providers to demonstrate to police that they were acting within the law. Once that premise was defeated by the veto of the registry, the concept of legal medicinal use and growing became impossible.

Governor Gregoire recognized that her veto eliminated the higher tier of protection for qualified patients and designated providers. In her veto message, she stated, "*I am also open to legislation* that establishes a secure and confidential registration system to provide arrest and seizure protections under state law." Laws of 2011, ch. 181, Governor's veto message at 1376 (emphasis added). By stating that she was open to future legislation providing these heightened protections, Governor Gregoire clearly recognized that *this* bill as vetoed would not provide such protections. The Governor also recognized that the preexisting affirmative defense would suffice to protect qualified patients and designated providers from criminal punishment. See RCW 69.51A.043, .045, .047; see also Laws of 2011, ch. 181, Governor's veto message at 1376 ("I am not vetoing Sections 402 or 406, which establish affirmative defenses for a qualifying patient or designated provider who is not registered with the registry established in section 901. **Because these sections govern those who have not registered,** this section is meaningful even though section 901 has been vetoed." (emphasis added)). Thus, the two-tiered statutory scheme originally intended by the legislature—where marijuana use and cultivation would be presumptively legal for registrants—did not become law.

2. REIS'S INTERPRETATION OF RCW 69.51A.040 IGNORES THE REST OF THE UNIFORM CONTROLLED SUBSTANCES ACT AND KEY LANGUAGE OF THE MEDICAL USE OF MARIJUANA ACT.

Reis argues that because the "plain language" of RCW 69.51A.040 says, "the medical use of cannabis . . . does not constitute a crime," it follows that possession of marijuana for medical use is presumptively legal rather than an affirmative defense. He maintains that because medical marijuana is presumptively legal, law enforcement bears the burden of proving that a suspect does not have a medical reason for possessing or cultivating marijuana. He also argues that the rule of lenity demands his interpretation be accepted. Reis is incorrect on both accounts.

"Legislation never is written on a clean slate, never is read in isolation, and never applies in a vacuum. Every new act is a component of an extensive and elaborate system of written laws." 2B Statutes and Statutory Construction, § 53:1, 373-74 (7th ed. 2012). The plain language meaning is discerned from everything within the statute and related statutes that shed light on the legislature's intent. State v Bunker, 169 Wn.2d 571, 577, 238 P.3d 487 (2010). Further, "[a]n act must be construed as a whole, considering all provisions in relation to one another and harmonizing all." Id. at 578. Especially when interpreting exceptions

to a general statutory prohibition, the entire legislative scheme must be considered so that the exceptions are analyzed in the context of the general prohibition. In re Pers. Restraint of Adams, 178 Wn.2d 417, 430, 309 P.3d 451 (2013).

In keeping with these fundamental rules of statutory construction, RCW 69.51A.040 must be read in conjunction with the general prohibition in RCW 69.50.401(1) against the possession and the cultivation of marijuana. The legislature recognized the continued existence of a general prohibition when it changed section 103 to state, "[n]othing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale, or use of cannabis for nonmedical purposes." See Laws of 2011, ch. 181, § 103, codified as RCW 69.51A.020. With this general prohibition, the legislature carved out exceptions for medical marijuana users. RCW 69.51A.040 provides that "[t]he medical use of cannabis **in accordance with the terms and conditions of this chapter** does not constitute a crime and a qualifying patient or designated provider **in compliance with the terms and conditions of this chapter** may not be arrested, prosecuted," or subject to sanctions if the six requirements are met. RCW 69.51A.040 (emphasis added). This is clearly a limited exception to the general prohibition

against cultivation; the exception will apply only if other terms of the chapter are met.

Reis's interpretation of RCW 69.51A.040 would create a blanket exception to the prohibition on cultivation that renders superfluous RCW 69.51A.043 and other affirmative defenses. An affirmative defense admits the defendant committed a criminal act but pleads an excuse for doing so. State v. Votava, 149 Wn.2d 178, 187-88, 66 P.3d 1050 (2003). If possession of medical marijuana is presumptively legal, and if police and prosecutors have the burden to prove otherwise, then there would be no need for an affirmative defense.

Reis argues that, like in Washington Federation of State Employees, AFL-CIO, Council 8, AFSCME v. State, portions of RCW 69.51A.040 that reference Section 901 are "incidentally vetoed" and rendered "manifestly obsolete." 101 Wn.2d 536, 682 P.2d 869 (1984). Reis is incorrect. In Washington Federation, Governor Spellman approved Substitute House Bill 1226, except for section 30 and all references thereto. 101 Wn.2d at 538. This Court determined that the veto of the entire section 30 was valid and that the "deleted references to section 30 were incidentally vetoed purely as a ministerial act." Id. at 544. This Court found that deleting the references to section 30 was permissible because, "[i]f not deleted, the Code Reviser, pursuant to

RCW 1.08.015(2)(m), would have taken out such "manifestly obsolete" references." Id. RCW 1.08.015(2)(m) provides that the code reviser shall edit and revise laws enacted by the legislature "to the extent deemed necessary or desirable by the reviser and **without changing the meaning of any such law**, in the following respects only . . . (m) Strike provisions manifestly obsolete." (Emphasis added.) Removing the references to section 30 was permissible because doing so would not alter the meaning of the law in Washington Federation.

The language of RCW 69.51A.040 that references section 901 is *not* obsolete and its removal alters the meaning of the law. RCW 69.51A.040(2), .040(3), and .040(6) are all *necessary conditions* to receive the higher tier of protection. To deem them meaningless would broaden the scope of those eligible, contrary to the actions and intent of either the legislature or the Governor. This was clearly recognized by the code reviser, who properly left this specific language intact, instead adding a "Reviser's note: Section 901 of this act was vetoed by the governor." RCW 69.51A.040.

Reis argues that Chapter 69.51A RCW contains ambiguity and that the rule of lenity requires this Court to construe the statutes in favor of Reis. This argument should be rejected. The statutes are unambiguous, so the rule of lenity does not apply. The rule of lenity requires that, when

two possible constructions of a statute are permissible, the statute must be strictly construed against the State and in favor of the accused. State v. Gore, 101 Wn.2d 481, 485-86, 681 P.2d 227 (1984). "A statute is ambiguous if it is susceptible to two or more reasonable interpretations, it is not ambiguous merely because different interpretations are conceivable." State v. Tili, 139 Wn.2d 107, 115, 985 P.2d 365 (1999).

RCW 69.51A.040 and .043 are not ambiguous, either alone or in conjunction with one another. RCW 69.51A.040 provides a higher tier of protection if six requirements, including registration with the Department of Health, are fulfilled. Until a registry is created via amendment to MUMA, no one can fulfill the six requirements for the higher tier of protection. That does not suggest the statute has multiple reasonable interpretations. It is not reasonable to conclude from the statute's language that the legislature intended to wholly decriminalize marijuana. RCW 69.51A.043 allows qualifying patients and designated providers not registered to raise an affirmative defense. There are two tiers of protection against arrest for qualifying patients and designated providers. The higher tier is currently unobtainable. All qualifying patients and designated providers, therefore, can only raise an affirmative defense.[4]

[4] Reis argued in his Petition for Review that failure to accept his interpretation of the statute will frustrate the needs of medicinal users. This policy argument must be directed to the continuing efforts to amend MUMA in the legislature. Medical marijuana has

3. A SEARCH WARRANT AFFIDAVIT NEED NOT DEFEAT AFFIRMATIVE DEFENSES.

Probable cause requires "reasonable grounds for suspicion supported by circumstances sufficiently strong to warrant a man of ordinary caution to believe the accused is guilty of the indicated crime." State v. Seagull, 95 Wn.2d 898, 906, 632 P.2d 44 (1981). According to the Washington Supreme Court, "[r]easonableness is the key ingredient in the test for issuance of a search warrant." State v. Patterson, 83 Wn.2d 49, 52, 515 P.2d 496 (1973). Probable cause does not require law enforcement officers to disprove innocent explanations. Illinois v. Wardlow, 528 U.S. 119, 126, 120 S. Ct. 673, 145 L. Ed. 2d 570 (2000) ("[T]he Fourth Amendment accepts . . . persons arrested and detained on probable cause to believe they have committed a crime may turn out to be innocent."). "In making a determination of probable cause the relevant inquiry is not whether particular conduct is 'innocent' or 'guilty,' but the degree of suspicion that attaches to particular types of non-criminal acts." Illinois v. Gates, 462 U.S. 213, 245, n.13, 103 S. Ct. 2317, 76 L. Ed. 2d 527 (1983).

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thrived under existing law and, although greater protection for users and providers might eventually be deemed appropriate, a balance must be struck between ensuring greater protection for users and providers while still ensuring effective prosecution of illicit growers. This calibration must be performed by the legislature. Reis's interpretation of the existing statute would prevent meaningful enforcement of illicit marijuana cultivation.

Washington courts have similarly concluded that probable cause does not demand an absence of innocent explanations for a suspect's behavior. State v. Fore, 56 Wn. App. 339, 344, 783 P.2d 626 (1989); State v. Graham, 130 Wn.2d 711, 725, 927 P.2d 227 (1996) (holding that police officers had probable cause to detain the defendant where a person of reasonable caution would believe the defendant possessed an illegal drug). In State v. Fry, 168 Wn.2d 1, 13, 228 P.3d 1 (2010), the court held that "an affirmative defense does not negate probable cause for a search . . . conducted with a valid warrant." Fry attempted to thwart a police search by showing a medical marijuana card. This Court held that purported evidence of an affirmative defense did not prevent the officer from carrying out the search. This Court reasoned, "[i]t is difficult to imagine how a law enforcement officer, having been presented with a medical marijuana authorization, would be able to determine that the marijuana is otherwise being lawfully possessed . . . without some kind of search." Id. at 6. An officer does not need to assess the relative strength of the suspect's affirmative defense because "[t]he officer is not judge or jury." Id. at 8 (quoting McBride v. Walla Walla Cnty., 95 Wn. App. 33, 40, 975 P.2d 1029 (1999)).[5]

[5] Probable cause to search is distinct from probable cause to arrest. "Probable cause to arrest concerns the guilt of the arrestee, whereas probable cause to search an item concerns the connection of the items sought with crime and the present location of the

The rule that probable cause does not require law enforcement to disprove affirmative defenses is particularly apt with regard to MUMA. The facts that make possession lawful are uniquely in the user or grower's possession and are subject to important privileges, such that gathering those facts would be nearly impossible for police. RCW 69.51A.010 defines "qualified patients" and "designated providers" in a way that relies on confidential communications with health care providers. Police officers do not have access to private medical information of suspects to determine whether a marijuana grow operation is for medical as opposed to recreational purposes. RCW 5.60.060 ("a physician ... shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient); RCW 10.58.010 ("The rules of evidence in civil actions, so far as practicable, shall be applied to criminal prosecutions."); State v. Broussard, 12 Wn. App. 355, 529 P.2d 1128 (1974) (discussing privilege in the criminal law context). Thus, officers cannot know by normal investigative techniques whether a grow is medical or illicit. They would have to rummage

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items." United States v. O'Connor, 658 F.2d 688, 693, n.7 (9th Cir. 1981). "This distinction is a critical one, and is particularly important in search warrant cases . . . . [A] search warrant is not rendered invalid because of a lack of grounds to arrest any particular person . . . ." 2 Search and Seizure §3.1(b), 12 (5th ed. 2012).

through medical records or otherwise delve into the private physician/ patient relationship to do so. It would be impossible for police to know where to begin their investigation, because they would have no idea who treated a patient for medical problems, if anyone. Moreover, it is difficult to imagine how officers would obtain access to such records without first searching the grow operation itself, and without some other evidence that the defendant was violating the MUMA. For all these reasons, this Court should hold that the usual rule—that police need not disprove affirmative defenses—applies in this context.

4. THE SEARCH WARRANT AFFIDAVIT IN THIS CASE ESTABLISHED PROBABLE CAUSE.

In a review of a denial of a motion to suppress, findings of fact will be upheld if they are supported by substantial evidence. Conclusions of law are reviewed de novo. State v. Mendez, 137 Wn.2d 208, 214, 970 P.2d 722 (1999), overruled on other grounds by Brendlin v. California, 551 U.S. 249, 127 S. Ct. 2400, 168 L. Ed. 2d 132 (2007). The reviewing court should give the magistrate's decision "great deference." State v. Cole, 128 Wn.2d 262, 286, 906 P.2d 925 (1995). The reviewing court should resolve any doubts in favor of the warrant. State v. Jackson, 150 Wn.2d 251, 265, 76 P.3d 217 (2003).

There is no real dispute in this case about whether there was probable cause to believe that Reis was growing a significant amount of marijuana at his home. The search warrant for William Reis's residence was based on clear evidence described in Detective Calabrese's affidavit. The detective received a tip that a person named William was growing marijuana in Burien's Shorewood neighborhood. On three separate occasions, Detective Calabrese saw what he identified as marijuana plants on Reis's back deck as the detective drove by the house. From a neighboring yard, the detective saw black plastic covering the basement windows of Reis's home. The detective also heard the loud humming of a fan coming from the basement and noticed condensation on the interior of one of the windows.

Based on his training and experience, Detective Calabrese knew that covered windows, fans, and condensation from humidity were consistent with a marijuana grow operation. Detective Calabrese also found that Reis had been previously charged with VUCSA for growing marijuana in his home and that Reis's neighbors feared him. Only after this investigation did Detective Calabrese seek a search warrant for Reis's home. The facts all pointed to a large-scale marijuana grow operation.

Detective Calabrese's affidavit was based on sufficient evidence to establish probable cause for a search without an inquiry into whether Reis

had a medical marijuana authorization. Without conducting a search of Reis's house, the detective had no way of discovering the purpose for Reis's possession and cultivation of marijuana. The detective was not required to rule out innocent explanations or to disprove the affirmative defense that Reis was a qualifying patient or designated provider. The search of Reis's home was lawful.

D. CONCLUSION

For the foregoing reasons, the State respectfully asks this Court to affirm Reis's conviction.

DATED this 24th day of November, 2014.

Respectfully submitted,

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Certificate of Service by Electronic Mail

Today I directed electronic mail addressed to Stephanie J Boehl and Kurt Edward Boehl, the attorneys for the petitioner, at sboehl@gsblaw.com and kurt@keblaw.com, containing a copy of the **SUPPLEMENTAL BRIEF OF RESPONDENT**, in State v. William Michael Reis, Cause No. 90281-0, 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.

Dated this 24 day of November, 2014.

Name:
Done in Seattle, Washington

OFFICE RECEPTIONIST, CLERK

To: Ly, Bora
Cc: Whisman, Jim; 'kurt@keblaw.com'; 'sboehl@gsblaw.com'
Subject: RE: State of Washington v. William Michael Reis/90281-0

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From: Ly, Bora [mailto:Bora.Ly@kingcounty.gov]
Sent: Monday, November 24, 2014 3:03 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Whisman, Jim; 'kurt@keblaw.com'; 'sboehl@gsblaw.com'
Subject: State of Washington v. William Michael Reis/90281-0

Good afternoon,

Attached for filing in the above-referenced case, please find the Supplemental Brief of Respondent.

Please let me know if you should have difficulties opening the attachment.

Thank you,

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For

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Attorney for Respondent