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SUPREME COURT  
STATE OF WASHINGTON  
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BY SUSAN L. CARLSON  
CLERK

Supreme Court No. 96884-5

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON,

Petitioner.

v.

DAVID JOSEPH BROWN,

Respondent,

---

***BRIEF OF RESPONDENT***

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Supplemental Brief of Respondent

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Brief of Respondent - ii

## **I. IDENTITY OF RESPONDENT**

David J. Brown is the Respondent in this matter and he asks this Court to affirm the Court of Appeals decision designated in part II of this Brief.

## **II. COURT OF APPEALS DECISION**

The Respondent asks this Court to affirm the Court of Appeals' decision in *State v. Brown*, published January 17<sup>th</sup>, 2019, and amended on January 22<sup>nd</sup>, 2019.

## **III. ISSUE PRESENTED**

The issue ruled upon in *Brown* is a narrow and specific ruling focusing on dedicated turn lanes and the fact that Mr. Brown was not required to reactivate his turn signal while turning from a dedicated left turn-only-lane with no other possible direction to travel while both a green arrow traffic control device and a black and white road sign traffic control device directed Mr. Brown to only turn left in the only legal direction he could travel. The facts before the Court proved that Trooper Acheson knew where Mr. Brown was going to travel and there were no other vehicles in the area and thus no other traffic was affected by the movement without the reactivation of the vehicles signal. Any other movement would have been illegal and a violation of the two traffic control devices directing Mr. Brown to only turn left as he did. The narrow issue before this Court is whether once a driver indicates his or her intent to enter a dedicated turn-only-lane and enters that turn-only-lane after which the vehicle signal cycles off or stops, are they required to re-activate the turn signal when there are no other possible direction to travel except that which was previously indicated by the vehicle's

signal and the movement is done with reasonable safety while following traffic control devices directing the only direction of travel?

#### **IV. STATEMENT OF THE CASE**

On March 22nd, 2015, at approximately 10:15 p.m. Trooper Cadet Acheson was on patrol with his field training officer Trooper Robert Morris for what was the third or at most fourth night on duty as a new Trooper Cadet. Trooper Cadet Acheson's training and experience was limited to the standard trooper academy training and only three or four days on the job experience. CP 11; RP 5-6.

Trooper Cadet Acheson was traveling east on Clearwater Avenue in Kennewick, WA when he observed Mr. Brown make a right turn onto east Clearwater Ave. from Huntington Street and traveled east towards SR 395.

Mr. Brown then signaled his intent to change lanes and move to the left by activating his left turn signal which blinked numerous times prior to executing the lane change to the left of the two lanes.

As Mr. Brown then approached the left-turn-only lane where Clearwater Ave. consists of three east bound lanes with traffic control devices in the form of red, yellow, and green lights including turn arrows and black and white road signs directing which direction each lane is permitted to travel. Mr. Brown again signaled his intent to enter the dedicated left-turn-only lane and while doing so maneuvered his vehicle into the left-turn-only lane at which point his vehicles left turn signal cycled off. CP 12; RP at 13-14.

Mr. Brown then stopped his vehicle in the dedicated left-turn-only lane while awaiting the light to turn green to begin traveling onto north bound SR 395.

*Id.* Once the light turned green by indicating a left green turn only arrow and following the direction of the black and white traffic control device sign on the light pole, Mr. Brown began to execute the left turn onto north bound SR 395 at which point Trooper Cadet Acheson activated his patrol vehicles emergency light to conduct a stop of Mr. Brown. *Id.* After stopping Mr. Brown near the intersection of Yelm St. and SR 395 Trooper Cadet Acheson began an investigation for suspicion of a driving under the influence of intoxicants charge after which Mr. Brown was ultimately arrested for driving under the influence. CP 12, 72, 79.

Disputing the Trooper's belief that he committed a traffic infraction Mr. Brown challenged the basis for the traffic stop and filed his Motion to Suppress in Benton County District Court. A hearing on his motion was held on February 18<sup>th</sup>, 2016 which resulted in Mr. Brown's favor. CP 11-14, 41-50, 57-58. The State's Motion for Reconsideration was denied by the District Court on March 31<sup>st</sup>, 2016. CP 3, 11, 21-24. Written Findings of Fact and Conclusions of Law were entered by the District Court on April 29<sup>th</sup>, 2016 and the State appealed those findings to Benton County Superior Court. CP 2, 5-7, 11-14. On appeal Benton County Superior Court reversed the District Court incorrectly finding that Mr. Brown was required to signal continuously during the last one hundred feet of the turn. The Court overlooked the fact that RCW 46.61.305's 100 foot reference is prior to making a turn and ignored the "when required" language referenced by Mr. Brown along with the fact that Mr. Brown did in fact signal his intent to turn and it was from a left turn-only-lane with no other possible direction to travel as well as the

turn was completed with reasonable safety as required by RCW 46.61.503. CP 111-112.

Mr. Brown's motion for discretionary review to Division III of the Court of Appeals was granted on October 17<sup>th</sup>, 2017 and the ruling was published January 17<sup>th</sup>, 2019 wherein the Court correctly ruled "a turn signal is only 'required' as contemplated by subsection 2 when public safety is implicated, as indicated in subsection 1. In safety-related circumstances, a turn signal must 'be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.' RCW 46.61.305(2). However, if a left or right-hand turn can be made safely without the use of a signal, no signal is required." *State v. Brown*, 35304-4-III, at 18.

## V. ARGUMENT

This Court should affirm the Court of Appeals ruling in *Brown* because it is a narrow ruling that is distinguishable and not in conflict with a prior Court of Appeals decision in *State v. Lemus*, 103 Wn. App. 94, 99, 11 P.3d 326, 329 (2000), as the facts before the Court were specific to turn-only-lanes where the driver indicated the intent to enter that turn-only-lane.

- A. The ruling in *Brown* is not in conflict with the prior ruling in *Lemus* as the *Brown* ruling related to a narrow and distinguishable fact pattern that involved a dedicated turn-only-lane with two other traffic control devices present directing him in the only direction possible as opposed to the ruling in *Lemus* which was limited only to signaling lane changes while traveling on a multi-lane roadway.**

The Court of Appeals decision in *State v. Brown*, 432 P.3d 1241, (Wash. Ct. App. 2019) is not in conflict with the prior Division Three Court of Appeals decision in *Lemus*, interpreting RCW 46.61.305, because the Court in *Lemus* was

reviewing facts that involved a multilane roadway with a vehicle changing lanes without signaling and the Court made very clear that the ruling was limited to signaling lane changes. *Id.* at 99-100. The *Lemus* ruling also made clear, similarly to the *Brown* ruling, that the Court relies on the language of the statute just as the Court did in *Brown* to give meaning to every word in the statute. Thus, the words “when required” were given meaning by the Court in *Brown* as applied to the distinguishable facts and issue of dedicated turn-only-lanes. The Court correctly found that after indicating the intent to make such turn by use of a proper signal before turning, as RCW 46.61.305 specifically states, as well as with reasonable safety prior to making the turn as Mr. Brown did reinitiating the signal is not required. In *Lemus* there was simply a failure to indicate the lane change by use of a proper signal. The facts and issues before the two Courts are clearly distinguishable and the rulings are not in conflict.

The Court of Appeals also ruled correctly in *Brown* when it found that Trooper Acheson lacked sufficient and reasonable suspicion that Mr. Brown committed a traffic infraction because RCW 46.61.503 does not mandate the use of a signal during a turn but rather prior to making such turn, which Mr. Brown did, and his signal cancelled before making the turn from the lane. Mr. Brown’s actions constituted an appropriate signal sufficient to notify Trooper Acheson where he intended to travel and in fact did travel with reasonable safety and with no other possible direction to travel while abiding by the rules governing traffic control devices contained in RCW 46.61.050, RCW 46.61.055, and RCW 46.04.611. RCW 46.61.050 states that all vehicles shall obey the instructions of

any official traffic control device. RCW 46.04.611 defines a traffic control device as all signs, signals, markings, and devices for purposes of warning, regulating and guiding traffic and RCW 46.61.055(1)(b) states that when vehicle operators are facing a green arrow signal, they may enter the intersection control area only to make the movement indicated by such arrow and such movement is permitted. *See* RCW 46.61.050, RCW 46.61.055, RCW 46.04.611. When read together, Mr. Brown obeyed the relevant traffic control device rules and reinitiating his intent to turn left from the dedicated turn-only-lane was not required. Doing anything other than what Mr. Brown did, or traveling in any other direction than he did, would have been illegal.

The Courts role when interpreting statutes is to effectuate the legislative intent of the statute as applied to the facts before the Court. Mr. Brown's conduct complied with RCW 46.61.503 by notifying the vehicles around him, in particular Trooper Acheson, of where he intended to travel followed by traveling where he indicated with reasonable safety and with the appropriate signal while having no other possible direction to travel. *See State v. Sullivan*, 143 Wn.2d 162, 174-75, 19 P.3d 1012 (2001). Similarly, the Court of Appeals decision in *Brown* was the correct ruling because, as noted by the Court when citing the Georgia decision in *Bowers v. State*, 221 Ga. App. 886, 473 S.E.2d 201 (1996) interpreting virtually the identical signaling statute the Court found that the words "when required" would be rendered meaningless just as would be the case for the language included in RCW 46.61.503. A turn from a dedicated turn-only-lane after giving an appropriate signal to enter such lane notifying Trooper Acheson where Mr. Brown

was traveling followed by a turn that was made with reasonable safety after his vehicle signal cancelled complied with RCW 46.61.503 and thus the *Brown* holding was correct and should be affirmed. Moreover, the traffic control devices present directing and mandating where Mr. Brown must have traveled also notified Trooper Acheson where Mr. Brown was traveling and thus reinitiating his turn signal was not required and the ruling should be affirmed.

**B. When and how drivers in Washington are required to signal a lane change versus turning from a dedicated turn-only-lane is clear from the two rulings in *Brown* and *Lemus* and are distinct and separate signaling issues for the two distinct traffic maneuvers in each case that the public can easily interpret.**

The *Brown* decision clarified for Washington drivers the fact that once a driver signals the intent to enter a dedicated left or right turn-only-lane and proceeds into such lane there is no need to re-activate such signal when there is no other possible direction to travel AND there is no public safety at issue to notify others after the driver has already done so by signaling the entrance of a dedicated turn-only-lane. Contrary to the States assertion, the *Brown* decision DID NOT hold that drivers in Washington State are no longer required to signal simple lane changes nor did it hold that drivers turning from one roadway to another are no longer required to signal prior to doing so. Mr. Brown indicated his intent to turn prior to making the turn and did so with reasonable safety while following the other mandated traffic control devices as stated above and thus, the Division III Court of Appeals ruling should be affirmed.

As noted by the Court of Appeals, and again contrary to the States assertion, the primary issue on appeal in *Brown* was whether, “under RCW

46.61.305, a driver must reinitiate his turn signal after he signals to enter a left-turn-only-lane, enters the lane, and the turn signal cancels before the turn from the lane.” *State v. Brown*, 35304-4-III, at 7. The issue before the Court and the ruling in *Brown* is similar to the following out of State cases. In *Grindeland v. State of Montana*, 32 P.3<sup>rd</sup> 767 (2001), the Montana Supreme Court interpreted a similar statute involving a motorist making a right-turn without giving an appropriate signal where other traffic as not affected. Mr. Grindeland was being followed by a deputy sheriff in response to a careless driver compliant. Shortly after the deputy began following him, Grindeland approached an intersection and made a right-turn without using a turn signal and was subsequently stopped for failing to signal the turn. The Montana Supreme Court found that since the turn did not affect any other traffic, a signal was not required.

Next, in *United States of America v. Mariscal*, 285 F.3d 1127 (2002), the United States District Court for the District of Arizona was reviewing facts also similar to *Brown* where Mariscal made a right-turn without using mechanical or hand signals. The Court found that the officers lacked reasonable suspicion to believe that the driver had done something illegal. *Id.* at 1133. In interpreting the Arizona signaling statute the Court found, like Montana did in *Grindeland*, that there must have been some possibility the other traffic would be affected by the movement for such a turn to be in violation of the statute. Thus, law enforcement lacked a sufficient reasonable suspicion to make a lawful stop of the vehicle. *Id.* at 1131.

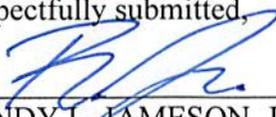
Finally, in *United States of America v Caseres*. 533 F.3d 1064 (2008), the Ninth Circuit Court of Appeals found that the right-turn made by Caseres without the use of a turn signal was not a lawful basis for the seizure of Caseres as the California traffic code required the use of a signal only in the event any other traffic may be affected by the movement. *Id* at 1068-1069. Similar to *Brown*, the Ninth Circuit Court of Appeals held, as this Court should hold, lacking any safety concern for other traffic or affecting any other traffic there was insufficient evidence to uphold the stop.

As stated in *State v. Brown*, the Washington State Legislature amended RCW 46.61.503 over fifty years ago and chose to include the words “when required” and “hereinafter” in the same enactment and thus, there must be an occasion such as a turn-only-lane when a driver is not required to reactivate the signal when there is no other possible direction to travel. The Supreme Court of Washington is not the proper forum to amend or change the language of a statute. The legislature of the State of Washington is empowered and required to make changes such as removing the “when required” language from RCW 46.61.305(2) to clarify the issue the State would like this Court to do and it simply isn’t empowered to do so. Should the legislature believe RCW 46.61.503 needs to be clearer and mirror the identical signal statutes in Oregon and Texas without the “when required” language, then an amendment removing those two words would need to be done. *See Millay v. Cam*, 135 Wn.2d 193, 203, 955 P.2d 791 (1998).

## VI. CONCLUSION

For the reasons stated above, Mr. Brown requests that this Court affirm the Court of Appeals decision in *State v. Brown*, 432 P.3d 1241 as the decision in *Brown* is a clear and limited holding as applied to the distinct facts of the case relating to dedicated turn-only-lanes. Moreover, the Court of Appeals decision in *Brown* is a clear and logical holding as to the application of RCW 46.61.305 to dedicated turn-only-lanes holding that a driver is not required to reactivate the signal while in such a turn lane after already having indicated the intent to turn in the only possible direction of travel and modern vehicle signal technology automatically turns off the signal after moving into the dedicated turn lane. Furthermore, when reading RCW's 46.61.305, 46.61.050, 46.04.611, and 46.61.055(1)(b) together as applied to the facts in *Brown* this Court should affirm the decision because Mr. Brown was mandated by two other traffic control devices to turn the only possible direction he could and reactivating his signal is not required as he already had indicated where he was going to travel and doing anything other than that which he did would have been illegal. Any change to such an interpretation of RCW 46.61.305 would require the Washington legislature to amend the statute to further clarify its intent.

Respectfully submitted,



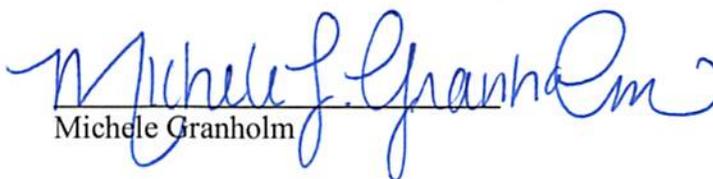
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**CERTIFICATE OF SERVICE**

I certify that on the 9<sup>th</sup> day of August, 2019, I caused a true and correct copy of this Reply to Motion for Review to be served on the following by U.S. Mail.

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Michele Granholm

# APPENDIX A



IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

STATE OF WASHINGTON,

Plaintiff,

v.

DAVID BROWN,

Defendant.

No. J956381

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER OF DIMISSAL  
DUE TO LACK OF PROBABLE  
CAUSE TO INITIATE TRAFFIC STOP**

**THIS MATTER**, having come before the Court and being heard by the Honorable Judge Steve T. Osborne, on February 18<sup>th</sup>, 2016 and on March 31<sup>st</sup>, 2016 for the State's motion for reconsideration, after considering testimony, the submitted exhibits, and after reviewing the applicable case law as well as arguments of counsel, makes the following Findings of Fact, Conclusions of Law, and enters an Order Granting Defendants Motion To Dismiss For Lack Of Sufficient Reasonable Suspicion To Initiate The Traffic Stop.

**FINDINGS OF FACT**

1. On March 22<sup>nd</sup>, 2015, at approximately 10:15 p.m. Trooper Cadet Acheson was on patrol with his field training officer Robert Morris for what was the third or fourth night on duty as a new Trooper Cadet. Trooper Cadet Acheson's training and experience was limited to the standard trooper academy training and only three or four days on the job training.

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**ORIGINAL**

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2. At the time of approximately 10:15 p.m. Trooper Cadet Acheson was on patrol traveling east on Clearwater Avenue when he and his field training officer Robert Morris observed the Defendant make a right turn onto east Clearwater Ave. from Huntington St. While making the turn the Defendant's left side tires crossed over the white dashed divider line by approximately one tire width for a very brief time after which the vehicle fully returned to its proper lane of travel. The testimony presented failed to reveal any other concerns for other traffic or any community care taking function that warranted stopping the Defendant based upon this turn.
3. The Defendant then signaled his intent to change lanes and move to the left by activating his left turn signal which blinked numerous times prior to executing the lane change to the left of the two lanes.
4. As the Defendant then approached the left turn lane where Clearwater Ave. consists of three east bound lanes the Defendant again signaled his intent to enter the dedicated left turn lane and while doing so maneuvered his vehicle into the left turn lane at which point the left turn signal cycled off.
5. The Defendant then stopped his vehicle in the dedicated left turn lane while awaiting the light to turn green to being traveling onto north bound SR 395. Once the light turned green the Defendant began to execute the left turn onto north bound SR 395 at which point Trooper Cadet Acheson activated his patrol vehicles emergency light to conduct a stop of the Defendant for what he reported was the wide turn from Huntington St. to Clearwater Ave. After stopping the Defendant near the intersection of Yelm St. and SR 395 Trooper Cadet Acheson began an investigation for suspicion of a driving under the influence of intoxicants charge after which the Defendant was ultimately arrested for driving under the influence.

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**CONCLUSIONS OF LAW**

1. The evidence presented in the case at bar established the Defendant made a legal right turn from Huntington St. to Clearwater Ave. and did so while keeping his vehicle within the lane as reasonably as practicable.
2. The case law cited by the Defendant in his brief, in particular *state v. Prado* and *State v. Jones*, are applicable to the facts in this matter and therefore the Defendant did not commit a traffic infraction when his left side tires crossed the white dashed center line of Clearwater Ave.
3. Based upon the evidence presented, there was insufficient time and distance for the Defendant to comply with the signal statute while executing the lane change to enter the dedicated left turn lane at the intersection of Clearwater Ave. and SR 395. The Defendant complied with the signal statute as best he could and due to the impossibility to comply with the signal statutes requirement of signaling for 100 feet prior to making a lane change the Defendant cannot be in violation of said provision when it was impossible to comply with such.
4. The intent of turn signals is to notify other drives where the Defendant was intending to travel. Trooper Acheson's testimony confirmed that not only did he knew where the Defendant intended to travel but in fact the Defendant did travel in the direction Trooper Acheson suspected he would go and therefore, The Defendant wasn't required to re-indicate the direction he was turning from the dedicated left turn lane at the intersection of east bound Clearwater Ave. and north bound SR 395 as the Defendant had already signaled his intent to enter that lane prior to entering it.
5. After full review of the applicable statutory authority, case law, and evidence presented, the Court was unable to find that any traffic violation was committed by the Defendant on March 22<sup>nd</sup>, 2015 when he

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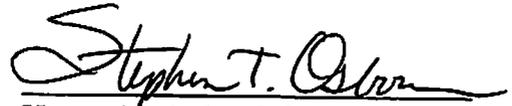
was stopped by Trooper Acheson for the alleged wide turn traffic violation.

6. Based upon the Court finding that the Defendant did not violate any traffic code, the traffic stop initiated by Trooper Acheson of the Defendant on March 22<sup>nd</sup>, 2015 lacked probable cause warranting suppression of all evidence obtained from that point on and dismissal of the above captioned matter.

**ORDER GRANTING DEFENDANTS MOTION FOR DISMISSAL**

**IT IS, THEREFORE, HEREBY ORDERED, ADJUDGED, AND DECREED** that as a consequence of the lack of probable cause to initiate the traffic stop of the Defendant, David Brown on March 22<sup>nd</sup>, 2015, Defendant's Motion To Suppress is Granted and the above captioned matter is **DISMISSED WITH PREJUDICE.**

DATED this 29<sup>th</sup> day of April, 2016.

  
Honorable Judge Osborne

Submitted by:  
**ARMSTRONG, KLYM, WAITE, ATWOOD & JAMESON, P.S.**  
*Attorneys for Defendant*

By:  4/29/16  
**RANDY L. JAMESON, JR., WSBA #30851**

Approved as to form;  
Notice of presentment waived;

By:   
**ANDREW CLARK, WSBA #46667**  
Deputy Prosecuting Attorney  
Benton County Prosecuting Attorneys Office

**ARMSTRONG, KLYM, WAITE, ATWOOD & JAMESON, P.S.**

# APPENDIX B

**ORIGINAL**  
JOSIE DELVIN  
BENTON COUNTY CLERK

APR 21 2017  
FILED *JCA*

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF BENTON

STATE OF WASHINGTON,

Plaintiff/Appellant,

vs.

DAVID JOSEPH BROWN,

Defendant/Respondent.

NO. 16-1-00431-1

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW ON RALJ  
HEARING

THIS MATTER, having come duly and regularly before the Court on appeal of the decision of the District Court, the defendant being personally present and represented by Randy Jameson, Attorney for Defendant, and the State of Washington being represented by Andrew J. Clark, Deputy Prosecuting Attorney for Benton County, the Court having reviewed the case record to date and the exhibited admitted therein, and having been fully advised in the premises, now, therefore, makes the following:

FINDINGS OF FACT

1. The Court adopts and incorporates herein the findings of facts entered by the District Court.
2. The Court takes no position on the State's assertion additional findings were supported by substantial evidence, finding alternative grounds justifies reversing the District Court decision.

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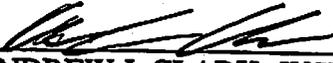
CONCLUSIONS OF LAW

1. Warrantless traffic stops are permissible exceptions to the Fourth Amendment prohibition against unreasonable search and seizure when a police officer has reasonable suspicion of either criminal activity or a traffic infraction. The District Court incorrectly applied a probable cause standard in this case.
2. The Court upholds the District Court decision finding no infraction was committed under RCW 46.61.290(1) when the defendant made a wide turn onto Clearwater Avenue from Huntington Street.
3. The Court upholds the District Court decision finding no infraction was committed under RCW 46.61.305 when the defendant made both left lane changes on Clearwater Avenue.
4. The Court finds the defendant did not continuously signal his left turn onto SR 395 as required by RCW 46.61.305. Having observed the defendant fail to signal a left turn, troopers had reasonable suspicion to believe a violation of RCW 46.61.305 had occurred.
5. The Court finds the District Court erred in finding the stop of the defendant's vehicle was not supported by reasonable suspicion of a traffic infraction.
6. Based on the above, the decision of the District Court is reversed, and the matter is remanded to District Court for reinstatement of the charge of Driving Under the Influence with an Allegation of BAC of at Least 0.15.

DONE IN OPEN COURT this 21<sup>st</sup> day of March, 2017.

  
\_\_\_\_\_  
Judge Alex Ekstrom

Presented by:

  
\_\_\_\_\_  
**ANDREW J. CLARK, WSBA #46667**  
**Deputy Prosecuting Attorney**  
**OFC ID 91004**

\_\_\_\_\_  
**RANDY JAMESON, WSBA #30851**  
**Attorney for Defendant**

# APPENDIX C

## **RCW 46.04.611**

### **Traffic-control devices.**

Official traffic-control devices means all signs, signals, markings and devices not inconsistent with Title 46 RCW placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

[ 1965 ex.s. c 155 § 88.]

## **RCW 46.61.050**

### **Obedience to and required traffic control devices.**

**\*\*\* CHANGE IN 2019 \*\*\* (SEE 1325-S.SL) \*\*\***

(1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

[ 1975 c 62 § 18; 1965 ex.s. c 155 § 7.]

### **NOTES:**

*Rules of court: Monetary penalty schedule—IRLJ 6.2.*

**Severability—1975 c 62: See note following RCW 36.75.010.**

*Bicycle awareness program: RCW 43.43.390.*

## **RCW 46.61.055**

### **Traffic control signal legend.**

**\*\*\* CHANGE IN 2019 \*\*\* (SEE 1325-S.SL) \*\*\***

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

**(1) Green indication**

**(a) Vehicle operators facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicle operators turning right or left shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators turning right or left shall also stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).**

**(b) Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Vehicle operators shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators shall also stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).**

**(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.**

**(2) Steady yellow indication**

**(a) Vehicle operators facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicle operators shall stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).**

**(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 shall not enter the roadway.**

**(3) Steady red indication**

**(a) Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown. However, the vehicle operators facing a steady circular red signal may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their**

movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown. However, the vehicle operators facing a steady red arrow indication may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(d) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(4) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

[ 1993 c 153 § 2; 1990 c 241 § 2; 1975 c 62 § 19; 1965 ex.s. c 155 § 8.]

## **NOTES:**

**Severability—1975 c 62:** See note following RCW 36.75.010.

## **RCW 46.61.305**

### **When signals required—Improper use prohibited.**

(1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in RCW 46.61.310 subsection (2), shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

[ 1975 c 62 § 30; 1965 ex.s. c 155 § 43.]

### **NOTES:**

*Rules of court: Monetary penalty schedule—IRLJ 6.2.*

**Severability—1975 c 62:** See note following RCW 36.75.010.

**ARMSTRONG, KLYM, WAITE, ATWOOD & JAMESON, P.S.**

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