

66107-8

66107-8

No. 66107-8-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

STATE OF WASHINGTON,

Respondent,

v.

Michael P. (DOB: 6/12/94),

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY
JUVENILE DIVISION

APPELLANT'S OPENING BRIEF

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CLERK OF COURT
JUVENILE DIVISION

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A. SUMMARY OF ARGUMENT

A police officer conducted a "Terry"¹ stop of Michael P. as he and a friend were sitting on a bench in a park at 8:30 in the evening. The two young men were not violating any laws or acting suspiciously. The officer was investigating a report of a potential attempted car prowl. The only basis for the stop was that the boys had the same general characteristics as the car prowling suspects—they were young black men who were wearing dark clothing. During the course of the stop, Michael made statements to the officer that resulted in his adjudication of guilt for one count of harassment.

A police officer may not conduct a Terry stop of a person on the street to investigate a completed misdemeanor crime unless the crime poses an ongoing safety risk to society. Because the crime of attempted "car prowling" is a misdemeanor that did not pose an ongoing risk to society, the stop was unlawful. All fruits of the stop, including Michael's statements to the officer, must be suppressed.

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

B. ASSIGNMENT OF ERROR

The investigatory stop violated Michael P.'s state and federal constitutional right to be free from unreasonable searches and seizures.

C. ISSUE PERTAINING TO ASSIGNMENT OF ERROR

Whether police may conduct a Terry stop to investigate the completed misdemeanor crime of attempted car prowling?

D. STATEMENT OF THE CASE

On November 8, 2009, at around 8:15 p.m., Seattle Police Officer David Ellithorpe received a call of a reported attempted "car prowl" in the area of 6800 Holly Park Drive South in Seattle. CP 9, 13; RP 12. There was no report of any stolen or damaged property. The suspects were described as "two young black males dressed in dark clothing." RP 13. The suspects were last seen headed southbound toward the basketball courts in John C. Little Park. RP 13.

About 15 minutes later, Officer Ellithorpe drove past the park and saw two young black men wearing dark clothing seated on a bench next to the basketball courts. RP 14, 45. One of the boys was 15-year-old Michael P. CP 9. Although the young men were not engaged in any illegal behavior, the officer parked his car,

exited, and conducted a Terry investigative stop. RP 14-15, 50.

The officer testified the young men were not free to leave from the time he initiated the contact. RP 46-48. The officer initially patted them down, finding no weapons or contraband. RP 47-48. He told them he was investigating a car prowler. RP 15. He asked them their names, what they were doing in the area, and whether they lived nearby. RP 15.

Both boys were indignant at being stopped by the officer and declared they were being unfairly "profiled" based on their race. RP 14. Michael was hostile and used foul language. RP 14. Due to Michael's hostile demeanor, the officer escorted him to his patrol car and placed him in the backseat while he checked his name on the computer. RP 16-17, 19, 21. Another officer arrived and attended to the other young man. RP 20.

Officer Ellithorpe checked Michael's name and found he had no outstanding warrants. RP 20. The officer had no basis to detain him further. RP 20. He escorted Michael back to the park bench and told both young men they were free to leave. RP 20.

As the young men walked away, Michael turned back around and said to Officer Ellithorpe, "I'm going the [sic] bust on you nigga." RP 21. Based on his experience, Officer Ellithorpe

believed the statement was a threat to "shoot" or "kill" him. RP 22-23. He took the threat seriously. RP 39-41. He arrested Michael for the crime of harassment, placed him in handcuffs and took him to the police station. RP 25, 35. Michael was charged in juvenile court with one count of harassment, RCW 9A.46.020. CP 1.

Defense counsel moved to suppress Michael's statement to the officer, arguing the Terry stop was unlawful and Michael's statement was fruit from the poisonous tree. RP 68-69. The court denied the motion, ruling the officer had sufficient basis to conduct a Terry stop to investigate the reported attempted car prowling.² RP 74-75; CP 14-15. Following a bench trial, the court adjudicated Michael guilty of harassment as charged. RP 116-19; CP 10-11.E.

ARGUMENT

OFFICER ELLITHORPE WAS NOT AUTHORIZED TO CONDUCT A TERRY STOP TO INVESTIGATE THE COMPLETED MISDEMEANOR CRIME OF ATTEMPTED CAR PROWLING; MICHAEL'S STATEMENT TO THE OFFICER MUST BE SUPPRESSED AS FRUIT OF THE POISONOUS TREE

1. An officer's authority to conduct a Terry stop to investigate a completed crime varies proportionally to the seriousness of the crime. An investigatory stop on the street constitutes a "seizure" for purposes of the Fourth Amendment,

even if the purpose of the stop is limited and the resulting detention is brief. Brown v. Texas, 443 U.S. 47, 50, 99 S. Ct. 2637, 61 L. Ed. 2d 357 (1979); Terry v. Ohio, 392 U.S. 1, 16, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968) ("whenever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person"). Here, Michael P. was "seized" for constitutional purposes from the moment the officer initiated the contact; at that point, he was not free to leave. RP 46-48.

The Fourth Amendment guarantees "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. Our state constitution goes further and requires actual authority of law before the State may disturb an individual's private affairs. State v. Day, 161 Wn.2d 889, 893, 168 P.3d 1265 (2007); Const. art. I, § 7 ("No person shall be disturbed in his private affairs, or his home invaded, without authority of law.").

Warrantless seizures are presumed unreasonable in violation of both the Fourth Amendment and article I, section 7. Day, 161 Wn.2d at 893; State v. Duncan, 146 Wn.2d 166, 171, 43 P.3d 513 (2002). There are, however, a few "jealously and

² A copy of the juvenile court's written findings of fact and conclusions of law regarding the suppression motion is attached as an appendix.

carefully drawn" exceptions to the warrant requirement which provide for those cases where the societal costs of obtaining a warrant outweigh the reasons for prior recourse to a neutral magistrate. State v. Williams, 102 Wn.2d 733, 736, 689 P.2d 1065 (1984) (citations omitted). The State bears the burden to show the particular search or seizure falls within one of these exceptions. Id.

One exception to the constitutional ban on warrantless searches and seizures is the "Terry" investigative stop. Duncan, 146 Wn.2d at 171-72; Day, 161 Wn.2d at 895; Terry, 392 U.S. at 21-22. A Terry investigative stop authorizes police officers to detain a person briefly for questioning without grounds for arrest "if they reasonably suspect, based on 'specific, objective facts' that the person detained is engaged in criminal activity or a traffic violation." Day, 161 Wn.2d at 896; Duncan, 146 Wn.2d at 172-74 (citing Terry, 392 U.S. at 21). To justify a Terry stop, the officer "must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Terry, 392 U.S. at 21. Under the Fourth Amendment, whether the officer had grounds for a Terry stop and search is tested against an objective standard. Day, 161 Wn.2d at 896. By contrast, under article I, section 7, the Court considers the totality of

the circumstances, including the officer's subjective belief. Id. at 896-97. Our constitution does not tolerate pretextual stops. Id. (citing State v. Ladson, 138 Wn.2d 343, 352, 979 P.2d 833 (1999)).

To assess the reasonableness of the officer's conduct, the Court must balance the need to search against the invasion of privacy entailed. Terry, 392 U.S. at 20-21. A Terry stop and frisk is "a serious intrusion upon the sanctity of the person." Id. at 17. The governmental interests to be weighed are effective crime prevention and detection. Id. at 22.

The government's interests at stake have less weight when an officer conducts an investigative stop to investigate a *completed* crime rather than an imminent or ongoing crime. United States v. Hensley, 469 U.S. 221, 105 S. Ct. 675, 83 L. Ed. 2d 604 (1985). That is because "[a] stop to investigate an already completed crime does not necessarily promote the interest of crime prevention as directly as a stop to investigate suspected ongoing criminal activity." Id. at 228. In addition,

the exigent circumstances which require a police officer to step in before a crime is committed or completed are not necessarily as pressing long afterwards. Public safety may be less threatened by a suspect in a past crime who now appears to be going about his lawful business than it is by a suspect who is currently in the process of violating the law. Finally, officers making a stop to investigate past

crimes may have a wider range of opportunity to choose the time and circumstances of the stop.

Id. at 228-29 (citing Brown, 443 U.S. at 51).

In Hensley, the United States Supreme Court addressed for the first time whether police officers may conduct a warrantless Terry stop to investigate a completed crime. Hensley, 469 U.S. at 227. Hensley was wanted for investigation of aggravated robbery when police stopped him. Id. at 223-25. Although the crime was completed weeks earlier, the Court weighed the competing interests at stake and held the Terry stop was reasonable. Id. at 234. The Court found determinative that the crime was a violent felony. Id. at 229. The Court explained,

Particularly in the context of felonies or crimes involving a threat to public safety, it is in the public interest that the crime be solved and the suspect detained as promptly as possible. The law enforcement interests at stake in these circumstances outweigh the individual's interest to be free of a stop and detention that is no more extensive than permissible in the investigation of imminent or ongoing crimes.

Id. But the Court explicitly refused to decide whether Terry stops are permitted to investigate all past crimes, however serious the crime. Id. The Court concluded: "It is enough to say that, if police have a reasonable suspicion, grounded in specific and articulable facts, that a person they encounter was involved in or is wanted *in*

connection with a completed felony, then a Terry stop may be made to investigate that suspicion." Id. (emphasis added).

The Washington Supreme Court has applied the reasoning of Hensley to hold that a police officer may not conduct a Terry stop to investigate an ongoing civil infraction other than a traffic infraction. Duncan, 146 Wn.2d at 175; see also Day, 161 Wn.2d at 898 (refusing to extend Terry to ongoing parking infractions). In Duncan, police officers stopped Duncan to investigate whether he was possessing an open container in public—a civil infraction. Duncan, 146 Wn.2d at 169. The court found the government's need to intrude into Duncan's privacy was less than it would be had the officers been investigating a more serious crime. Id. at 177. The court "accept[ed] the presumption that more serious crimes pose a greater risk of harm to society" and "place[d] an inversely proportional burden in relation to the level of the violation." Id. Thus, because a civil infraction generally poses a relatively minor public safety risk, police officers may not conduct a warrantless stop and frisk based solely on their suspicion that a person is committing an infraction. Id. at 178. The court made an exception for ongoing traffic infractions, due to the public safety risk they pose. Duncan, 146 Wn.2d at 173-74; Day, 161 Wn.2d at 897

(approving extension of Terry to traffic infractions, "due to the law enforcement exigency created by the ready mobility of vehicles and governmental interests in ensuring safe travel, as evidenced in the broad regulation of most forms of transportation") (quoting State v. Johnson, 128 Wn.2d 431, 454, 909 P.2d 293 (1996)).

2. The gross misdemeanor crime of car prowling is not sufficiently serious to justify a Terry investigative stop if the crime has already been completed. Officer Ellithorpe stopped Michael P. to investigate a reported attempted "car prowl." CP 9, 13; RP 12. In Washington, "car prowling" is a gross misdemeanor.³ RCW 9A.52.100. The *attempted* crime is a simple misdemeanor. RCW 9A.28.020(3)(e). The public safety concerns presented by the crime of attempted car prowl were not sufficiently serious to justify a warrantless investigative seizure where: the crime was completed at the time of the stop; there was no report that the suspects stole or otherwise damaged property; and Michael and his friend were sitting on a park bench and not engaged in any criminal or suspicious behavior at the time of the stop. RP 14-15, 50.

³ If the vehicle involved is a motor home or vessel with a cabin equipped with permanently installed sleeping quarters or cooking facilities, the crime is a class C felony. RCW 9A.52.095.

The constitutionality of the stop is a question of law this Court reviews *de novo*. State v. Gatewood, 163 Wn.2d 534, 539, 182 P.3d 426 (2008).

In United States v. Hughes, 517 F.3d 1013 (8th Cir. 2008), the Eighth Circuit considered the constitutionality of a Terry stop to investigate a completed trespass. Police responded to an apartment complex on a call of suspicious parties on the property. Id. at 1015. When officers arrived, they saw two men fitting the description of the suspects and stopped them, questioned what they were doing in the area, and then frisked them, finding contraband. Id. But when the officers first approached, the men were not engaged in suspicious activity. Id. at 1016. The court found significant that in Missouri, trespass is either a misdemeanor or an infraction. Id. at 1017. In light of these circumstances, the Eighth Circuit held the stop was unreasonable. Id. at 1018. The governmental interest in investigating a completed trespass did not outweigh Hughes's interest in avoiding the personal intrusion.

The Hughes court acknowledged that a criminal trespass can sometimes involve a risk of confrontation with a property owner or lessee, but held that risk standing alone was not sufficient to outweigh the individual's strong security interests. Id. at 1018.

Thus, although there may be cases where a Terry stop is justified to investigate a completed trespass, such as where there is a strong threat to public safety, there were no such facts present in the case. Id.

Hughes is indistinguishable from this case. Police stopped Michael P. to investigate the completed crime of attempted "car prowling," a misdemeanor. Michael and his friend were not behaving suspiciously at the time of the stop and there was no report that the suspects were armed or presented any other ongoing danger to the public. There was no report that the suspects stole or damaged property. Thus, Michael's strong interest in his personal security outweighed the governmental interests presented. The stop was unlawful.

Like the Eighth Circuit, the Washington Supreme Court distinguishes between misdemeanors and felonies in determining the extent of an officer's authority to intrude upon a person's privacy in order to investigate a crime. See Duncan, 146 Wn.2d at 177. The common law rule requiring a warrant prior to arresting an individual for the commission of a misdemeanor outside the officer's presence "illustrates the higher burden this court imposes upon officers when investigating lesser crimes." Id.; see also State v.

Walker, 129 Wn. App. 572, 574, 119 P.3d 399 (2005) (holding warrantless Terry stop to investigate completed misdemeanor crime of failure to transfer title unlawful).

The Ninth Circuit likewise holds that police officers generally may not conduct a Terry stop to investigate a completed misdemeanor crime. In United States v. Grigg, 498 F.3d 1070 (9th Cir. 2007), a police officer stopped Grigg to investigate the allegation that he was playing his car stereo at an excessive volume earlier in the day. The court emphasized the relative insignificance of the offense. Id. at 1077 ("the reasoning of Hensley suggests that we may properly consider the gravity of the offense in balancing the interest of crime prevention and investigation against the interest in privacy and personal security when a court assesses the reasonableness of a Terry stop") (citing Hensley, 469 U.S. 221). The court explained, "our evaluation of a Terry stop in the context of a completed misdemeanor should tend to give primary weight to a suspect's interests in personal security, while considering the law enforcement's interest in the immediate detention of a suspect is not paramount." Grigg, 498 F.3d at 1080. Because the completed misdemeanor at issue, violation of a noise ordinance, did not

present an ongoing danger to the public, the investigatory stop was unreasonable. Id. at 1081.

Like the Eighth Circuit, the Ninth Circuit did not adopt a per se rule that all warrantless stops to investigate completed misdemeanors are unreasonable; instead, "it depends on the misdemeanor." Id. The reviewing court must focus on the nature of the misdemeanor and the potential for ongoing danger. Id. Thus, a warrantless stop to investigate drunken or reckless driving, disorderly conduct, assault, or domestic violence might be reasonable. Id. The court noted that in cases from other jurisdictions upholding warrantless stops to investigate completed misdemeanors, "the common rationale to justify the investigative stop . . . stems from the exigency of preventing or mitigating public safety risks associated with the nature of the offense." Id. at 1079 n.6 (citing State v. Burgess, 776 A.2d 1223, 1227-28 (Me. 2001) (upholding stop to investigate complaint of previous threat by drunken man to shoot holes in a vehicle); Floyd v. City of Crystal Springs, 749 So.2d 110, 117 (Miss. 1999) (upholding stop to investigate reckless driving); State v. Blankenship, 757 S.W.2d 354, 357 (Tenn. Crim. App. 1988) (upholding stop to investigate hit-and-run accident)); see also United States v. Moran, 503 F.3d 1135,

1142-43 (10th Cir. 2007) (upholding stop to investigate trespass where suspect was still on or near property, was possibly armed, and had repeated behavior in past; "at the time he was stopped, Mr. Moran more nearly represented an individual in the process of violating the law or a suspect fleeing from the scene of a crime than 'a suspect in a past crime who now appears to be going about his lawful business'") (quoting Hensley, 469 U.S. at 228); State v. Myers, 490 So.2d 700 (La. Ct. App. 1986) (upholding stop to investigate report that defendant's car had struck traffic sign earlier that morning, where driver was impaired or inattentive and presented potential danger to other traffic); City of Devils Lake v. Lawrence, 639 N.W.2d 466 (N.D. 2002) (upholding stop to investigate crime of disorderly conduct).

But where there are no such ongoing public safety risks presented by the crime, courts generally agree that a warrantless stops to investigate a completed misdemeanor is unreasonable. See, e.g., Blaisdell v. Comm'r of Pub. Safety, 375 N.W.2d 880 (Minn. Ct. App. 1985), aff'd on other grounds, 381 N.W.2d 849 (Minn. 1986) (warrantless stop to investigate "no-pay" gas theft committed approximately two months earlier unreasonable, where officer did not observe any current driving violations or unusual or

careless driving); State v. Amburgy, 122 Ohio App. 3d 277, 701 N.E.2d 728 (1997) (stop to investigate completed trespass unreasonable).

Here, police stopped Michael P. to investigate the completed misdemeanor crime of attempted "car prowling." There was no report that the suspects stole or harmed private property. There was no report that the suspects were armed or presented any other ongoing danger to the public. Michael was not violating the law or acting suspiciously at the time of the stop; he was merely "a suspect in a past crime who now appear[ed] to be going about his lawful business." Hensley, 469 U.S. at 228. The warrantless investigatory stop was therefore unreasonable, in violation of the Fourth Amendment and article I, section 7.

3. Michael's statement to the officer must be suppressed as fruit of the poisonous tree. All evidence obtained, either directly or indirectly, as the result of an unlawful seizure must be suppressed as fruit of the poisonous tree. Wong Sun v. United States, 371 U.S. 471, 484-85, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963); Ladson, 138 Wn.2d at 359.

Here, Michael P. made the statements to the officer that served as the basis for the charge for harassment during the Terry

stop. He would not have made the statements if not for the unlawful stop. The statements were fruit of the poisonous tree and must therefore be suppressed.

E. CONCLUSION

Michael P.'s state and federal constitutional right to be free from unreasonable seizures was violated when Officer Ellithorpe conducted a Terry stop to investigate the completed misdemeanor crime of attempted car prowling. The fruits of the seizure must therefore be suppressed.

Respectfully submitted this 4th day of April 2011.



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APPENDIX

FILED

KING COUNTY WASHINGTON

NOV 18 2010

SUPERIOR COURT CLERK

BY JOVELITA V AVILA
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DIVISION

STATE OF WASHINGTON,

Plaintiff,

vs

MICHAEL PIGOTT
DOB 6/12/94

Respondent

No 10-8-02210-6 SEA

WRITTEN FINDINGS OF FACT AND
CONCLUSIONS OF LAW ON CrR 3.5
MOTION TO SUPPRESS THE
RESPONDENT'S STATEMENTS

A hearing on the admissibility of the respondent's statements was held on September 30, 2010 before ^{Protem Judge} Commissioner Julia Garratt

The court informed the respondent that

(1) he may, but need not, testify at the hearing on the circumstances surrounding the statement, (2) if he does testify at the hearing, he will be subject to cross examination with respect to the circumstances surrounding the statement and with respect to his credibility, (3) if he does testify at the hearing, he does not by so testifying waive his right to remain silent during the trial, and (4) if he does testify at the hearing, neither this fact nor his testimony at the hearing shall be mentioned to the jury unless he testifies concerning the statement at trial After being so advised, the defendant did testify at the hearing

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PURSUANT TO ~~CR 7.11(d)~~ CrR 3.5 - 1

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1 After considering the evidence submitted by the parties and hearing argument, to wit the
2 testimony of Seattle Police Officer David Ellithorpe as well as the respondent, the Court enters the
3 following findings of fact and conclusions of law as required by CrR 3.5

4 1 FINDINGS OF FACT

5 A On November 8, 2009 at around 8 15pm, Officer Ellithorpe responded to a call of a
6 reported car prowl in the area of 6800 Holly Park Drive South in Seattle, Washington The
7 suspects were described as two black, male teens wearing dark clothing who were seen running
8 south towards the basketball courts in the 7100 block of Holly Park Drive South

9 B At around 8 30pm, Officer Ellithorpe arrived in the area of the 7100 block of Holly Park
10 Drive South and observed two black, male teens who matched the description seated on a bench
11 next to the basketball courts There were no other males in the area One of the males was later
12 identified as the respondent

13 C Officer Ellithorpe contacted the respondent and conducted a brief inquiry as to the
14 respondent's identity and the reason the respondent was in the area While Officer Ellithorpe
15 spoke to the respondent, another officer contacted the other male

16 D The respondent became very hostile and accused Officer Ellithorpe of racial profiling
17 The respondent was verbally abusive and aggressive towards Officer Ellithorpe Given the
18 respondent's high level of hostility towards Officer Ellithorpe, Officer Ellithorpe patted the
19 respondent down over the respondent's clothes for the officer's safety

20 E Officer Ellithorpe walked the respondent to his patrol car and put the respondent in the
21 backseat The respondent was not in handcuffs
22
23

1 F Officer Ellithorpe ran the respondent's name in the data base After the respondent's
2 name returned clear, Officer Ellithorpe told the respondent he was free to leave Officer
3 Ellithorpe escorted the respondent back to the other male

4 G The respondent started to walk away with the other male and continued to accuse Officer
5 Ellithorpe of racial profiling He then turned around and yelled at Officer Ellithorpe "I'm gonna
6 bust on you!"

7 H Officer Ellithorpe arrested the respondent and transported him to the precinct

8 I While at the precinct, Officer Ellithorpe asked the respondent why he made the threat
9 The respondent stated that "bust on you" meant that he was going to steal something The
10 respondent then denied that he made any such comment Officer Ellithorpe did not recall
11 *advise* advising the respondent of his Miranda rights prior to questioning the respondent at the precinct

12 J The Court finds Officer Ellithorpe's testimony to be credible The Court does not find the
13 respondent's testimony to be credible

14 2 CONCLUSIONS OF LAW AS TO THE ADMISSIBILITY OF THE RESPONDENT'S
15 STATEMENTS

16 The following statements of the respondent are admissible in the State's case-in-chief

17 All statements made by the respondent to Officer Ellithorpe prior to his arrest The pre-
18 arrest statements are admissible because Officer Ellithorpe initial actions of stopping and
19 detaining the respondent did not create a custodial situation Officer Ellithorpe had reasonable
20 articulable suspicion to conduct an investigatory stop because (1) the respondent fit the
21 description of the suspects, (2) the respondent was in the area where the suspects were seen
22 running towards, (3) there were no other individuals in the area, and (4) Officer Ellithorpe
23

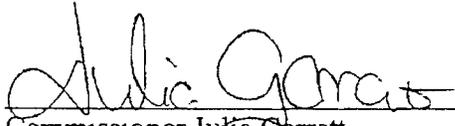
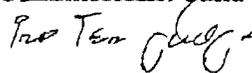
1 arrived in the area within fifteen minutes of receiving the call Therefore, Officer Ellithorpe was
2 entitled to stop the respondent and ask preliminary questions

3 Officer Ellithorpe's actions of placing the respondent in the back of the patrol car without
4 handcuffs were not outside the parameters of an investigative Terry stop Officer Ellithorpe also
5 had a reasonable basis to do a safety pat down based on the respondent's level of aggression and
6 hostility towards Officer Ellithorpe Officer Ellithorpe's actions during the pat down were within
7 the normal parameters of officer's safety There is no evidence to suggest that the respondent
8 was coerced or threatened prior to making statements to Officer Ellithorpe

9 The statements made by the respondent in response to Officer Ellithorpe's questions at
10 the precinct are not admissible in the State's case-in-chief because the respondent's statements
11 were given in response to custodial interrogation and the respondent was not advised of his
12 Miranda warnings

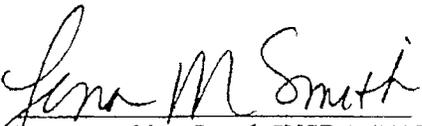
13 In addition to the above written findings and conclusions, the Court incorporates by
14 reference its oral findings and conclusions

15 Signed this 18th day of November, 2010

16
17 
18 Commissioner Julia Garratt
19 

20 Presented by

Approved for entry

21 
22 Lena Madden Smith WSBA #41246
23 Deputy Prosecuting Attorney


Jim Conroy WSBA #11563
Attorney for Respondent