

WASHINGTON STATE COURT OF APPEALS DIVISION THREE

CASE SUMMARIES FOR ORAL ARGUMENT

The following summaries are drawn from briefs and lower court judgments. The summaries have not been reviewed for accuracy by the judges and are intended to provide a general idea of facts and issues presented in the cases. The summaries should not be considered official court documents. Facts and issues presented in these summaries should be checked for accuracy against records and briefs, available from the Court, which provide more specific information.

Date of Hearing: Thursday, September 12, 2019
Location: Spokane, 500 North Cedar

9:00 a.m.

1) **No.: 35548-9-III**

Case Name: Personal Restraint Petition of Oscar Alfred Alden

County: Douglas

Case Summary: A jury found Oscar Alden guilty of second degree murder for the shooting death of Tom Maks. The trial court sentenced him to 231 months in prison, and this Court affirmed. Raising additional arguments, Mr. Alden filed this Personal Restraint Petition.

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2) **No.: 35957-3-III**

Case Name: State of Washington v. Ty C. Mansfield

County: Spokane

Case Summary: In 2017, fourteen year old Ty Mansfield placed a classmate in a chokehold, causing that other student to pass out. When Mr. Mansfield released that student, he fell to the floor, fracturing his jaw. The State charged Mr. Mansfield in juvenile court with assault in the second degree. The parties proceeded to a bench trial,

litigating issues of *mens rea* and adolescent brain development. The juvenile court found Mr. Mansfield guilty of assault in the second degree. At the disposition hearing, the court made a “manifest injustice” finding and imposed a downward departure sentence. Mr. Mansfield appeals.

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3) No.: 36297-3-III

Case Name: Charles K. Anderson v. Dep’t of Labor & Indus.

County: Benton

Case Summary: After nearly 30 years with the same employer, Charles Anderson was diagnosed with an occupational disease. The Department of Labor and Industries allowed Mr. Anderson’s claim for benefits and issued a wage calculation. Absent from that calculation was acknowledgment of the value of the company-owned and maintained vehicle that Mr. Anderson had been permitted to use for personal purposes for more than a decade. Mr. Anderson protested the wage calculation. The Board of Industrial Insurance Appeals and the superior court affirmed. Mr. Anderson appeals.

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4) No.: 36154-3-III

Case Name: Lori Sweeney et al. v. James N. Dunlap, M.D., et ux, et al.

County: Spokane

Case Summary: Dr. James Dunlap treated Lori Sweeney for a shoulder injury. Ms. Sweeney eventually sued Dr. Dunlap for medical malpractice. That lawsuit was dismissed as being beyond the statute of limitations and this Court affirmed. Ms. Sweeney then refiled suit in another county. That case was dismissed through application of res judicata. Ms. Sweeney appeals the dismissal of her second lawsuit.

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11:00 a.m.

5) No.: 36334-1-III

Case Name: Confederated Tribes and Bands of the Yakama Nation v. Yakima County, et al.

County: Yakima

Case Summary: Yakima County granted a permit for Granite Northwest Inc. to expand mining operations. The Confederated Tribes and Bands of the Yakama Nation challenged that decision under the Land Use Petition Act, chapter 36.70C RCW. The defendants sought dismissal of the lawsuit on the grounds that it was time-barred under RCW 36.70C.040. The superior court denied the motion to dismiss. This Court accepted discretionary review of the issue.

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