

# WASHINGTON STATE COURT OF APPEALS DIVISION THREE

## CASE SUMMARIES FOR ORAL ARGUMENT

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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.

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**Date of Hearing: Tuesday, October 27, 2020**

**Location: Spokane, 500 North Cedar**

**Video Oral Argument**

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**9:00 a.m.**

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1) **No.: 36412-7-III**

**Case Name: State of Washington v. Modesto B. Gonzalez**

**County: Chelan**

**Case Summary:** A jury convicted Modesto Gonzalez of unlawful possession of a firearm and multiple counts of unlawful delivery of a controlled substance. On appeal, Mr. Gonzalez raises issues of: sufficiency of the evidence of the underlying crimes, of alternative means, and a school bus stop enhancement; whether his counsel should have been disqualified for making himself a witness; whether the court should have given a unanimity instruction; and errors in the judgment and sentence.

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9:30 a.m.

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2) **No.: 36580-8-III**

**Case Name: Richard and Shannon Eggleston v. Asotin County**

**County: Walla Walla**

**Case Summary:** A jury awarded the Egglestons substantial damages against Asotin County for breach of contract, inverse condemnation, and water trespass. Finding that the verdict reflected improper passions or prejudice and exceeded the amount proven at trial, the trial court granted a new trial on the issue of damages. The Egglestons appeal.

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10:00 a.m.

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3) **No.: 36694-4-III**

**Case Name: State of Washington v. Gustavo Tapia Rodriguez**

**County: Grant**

**Case Summary:** A jury found Gustavo Tapia Rodriguez guilty of aggravated murder in the first degree and unlawful possession of a firearm. Mr. Tapia Rodriguez appeals, raising issues concerning sufficiency of the evidence, ineffective assistance of counsel, erroneous admission of evidence, and denial of a motion to change venue.

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10:30 a.m.

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4) **No.: 35868-2-III**

**Case Name: State of Washington v. Meegan M. Vanderburgh**

**County: Spokane**

**Case Summary:** A jury convicted Meegan Vanderburgh of vehicular homicide. Ms. Vanderburgh appeals, raising issues of the court's exclusion of evidence concerning

the victim's toxicology report, the court's refusal to give certain instructions to the jury, the court's limitation on the length of closing argument, denial of a downward exceptional sentence, and whether the vehicular homicide statute violates equal protection principles.

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**11:00 a.m.**

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**5) No.: 36281-7-III**

**Case Name: State of Washington v. Richard Vasquez, Jr.**

**County: Yakima**

**Case Summary:** A jury convicted Richard Vazquez of several counts of burglary, kidnapping, robbery, and assault. Mr. Vazquez appeals, raising issues concerning sufficiency of the evidence to support his kidnapping convictions, denial of his motion to suppress evidence, whether the court erred in imposing a sentence under the Persistent Offender Accountability Act, and imposition of the DNA collection fee.

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**11:30 a.m.**

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**6) No.: 36851-3-III**

**Case Name: State of Washington v. Joyce Aspen Hoffman**

**County: Stevens**

**Case Summary:** A jury convicted Joyce Hoffman of bail jumping, unlawful possession of a controlled substance, and unlawful use of drug paraphernalia. Ms. Hoffman appeals, raising issues concerning denial of her defense of unwitting possession, the court's decision to instruct the jury on the affirmative defense to bail jumping, and whether the court should have given a unanimity instruction on the paraphernalia count.

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