

No. 86148-4

Case #: 1037171

IN THE COURT OF APPEALS
DIVISION I
OF THE STATE OF WASHINGTON

MEI XIA HUANG,

Petitioner/Appellant,

vs.

KANNIN LAW FIRM, P.S., a Washington Professional
Services Corporation, and; JOHN JOSEPH KANNIN IV,
Individually and on behalf of the Marital Community
Comprised of JOHN JOSEPH KANNIN IV and JANE/JOHN
DOE KANNIN,

Respondents.

RESPONDENTS' ANSWER TO PETITION FOR REVIEW

Jeffrey T. Kestle, WSBA #29648
FORSBERG & UMLAUF, P.S.
401 Union Street, Suite 1400
Seattle, WA 98101
(206) 689-8500
jkestle@foum.law

I. IDENTITY OF RESPONDENTS

Respondents are Kannin Law Firm, P.S., and John J. Kannin IV.

II. COUNTERSTATEMENT OF THE ISSUE

The superior court that issued the search warrant for Petitioner Mei Xia Huang's house, and the superior court and Court of Appeals in this case all correctly concluded that the search warrant was supported by probable cause. Huang fails to establish any RAP 13.4(b) grounds for review.

III. COUNTERSTATEMENT OF THE CASE

A. Huang's's Purchase and Rental of the Federal Way Property

In January 2017, Huang purchased the house located at 713 SW 353rd Place in Federal Way ("the Federal Way Property" or "the Property"). CP 3. Huang alleges that she rented the house to De Qiang Yang ("Yang"), who is the father of her child. CP 39, 41, 43-49, 152-163.

B. The Surveillance and Search of the Federal Way Property

On August 6, 2018, police and firefighters responded to a house fire in Tacoma. CP 39, 56. In the process of extinguishing the fire, firefighters discovered that the house was being used as a sophisticated indoor cannabis grow operation. Id. Tacoma Police obtained a warrant and executed a search of the house, which revealed 423 cannabis plants. Id. Their search also uncovered a Western Union receipt from Yang, which listed Huang's Federal Way Property as his address. Id.

Following the recovery of the receipt from the Tacoma grow house, the Special Investigations Unit of the Pierce County Sheriff's Department ("PCS") began surveilling Huang's Federal Way Property. Id. While conducting surveillance, Deputy Kristian Nordstrom observed that the house's outward appearance was "consistent with other homes which have been converted into marijuana grows." Id. For example, the home's windows were covered so as not to emit

any light. CP 56-57. Deputy Nordstrom also noted that the home's garage door was never fully opened. CP 57.

The Sheriff's Department observed a white Toyota Sienna registered to Yang during their surveillance. *Id.*

On May 2, 2019, Deputy Nordstrom smelled the odor of growing cannabis emanating from the Property. *Id.* As he approached the home, the odor grew stronger. *Id.* Deputy Nordstrom confirmed with the Washington State Liquor and Cannabis Board that no person or entity had been granted a license to produce or process cannabis at the Property, and that no medicinal cooperative was registered there. *Id.* Based on that information, he applied for and was granted a search warrant for the Property on May 3, 2019. *Id.* Due to unforeseen circumstances, however, Deputy Nordstrom was unavailable to serve that warrant before it expired. *Id.*

Following the expiration of the search warrant, Deputy Nordstrom resumed surveillance of the Property. *Id.* He continued to observe Yang's Toyota Sienna at the residence. *Id.*

On May 15, 2019, Detective Chad Dickerson positioned himself directly downwind of the Property and smelled the odor of growing cannabis emanating from the residence. *Id.* That same day, the Sheriff's Department applied for and obtained a second warrant authorizing a search of the Property. *Id.*

“[Deputy] Nordstrom had been employed by PCS for 25 years and, at the time of the affidavit, was assigned to the Special Investigations Unit as a narcotics investigator. Nordstrom also included his various education and training that exceeded his ‘in-house training’ with PCS, including in the areas of street drugs enforcement and indoor cannabis cultivation. He stated that he has experience with drug-related investigations and has assisted in hundreds of narcotics and evidence search warrants for illegal substances.” Opinion at 2.

On May 20, 2019, officers from the Sheriff's Department executed the second search warrant. CP 39, 62-70, 76. Once inside the house, officers found that it had been converted into a sophisticated indoor grow operation. CP 76. Several walls had

been erected to divide the house into smaller rooms, all but one of which was being used to cultivate cannabis using grow lights and an irrigation system. *Id.* Officers located six “mother” plants, 686 “starter” plants, and 210 “vegetative” plants. CP 76-77. They also found 54 pounds of harvested cannabis, which had been vacuum-sealed. CP 78.

IV. ARGUMENT

Huang again argues that the search warrant was not supported by probable cause. The three courts that have already examined the issue correctly determined that the warrant was supported by probable cause because officers advised the issuing court that they detected the odor of growing cannabis coming from the house and presented additional evidence, including (1) that the house had a connection to a sophisticated illegal grow operation in Tacoma, and (2) that “the house’s outer appearance was ‘consistent with other homes’ containing cannabis grow operations.” Opinion at 11.

The Court of Appeals, relying on applicable law, correctly determined that “[w]hen taken together, the facts set forth in [Deputy] Nordstrom’s affidavit are sufficient to support a commonsense determination that probable cause supported the granting of the search warrant.” Opinion at 13. *State v. Klinger*, 96 Wn. App 619, 624, 980 P.2d 283 (1999); *State v. Moses*, 22 Wn. App. 2d 550, 556, 512 P.3d 600 (2000); *State v. Patterson*, 83 Wn.2d 49, 61, 515 P.2d 496 (1973); *State v. Chamberlin*, 161 Wn.2d 30, 40-41, 162 P.3d 389 (2007).

V. CONCLUSION

This is not an appropriate case for review. Huang’s Petition should be denied.

I certify that this *Brief* contains 866 words (excluding words contained in appendices, title sheet, table of contents, table of authorities, certificate of compliance, certificate of service, signature blocks, and pictorial images) in compliance with RAP 18.17.

DATED this 21st day of January, 2025.

FORSBERG & UMLAUF, P.S.



By: _____
Jeffrey T. Kestle, WSBA #29648
Attorneys for Respondent

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing **RESPONDENTS' ANSWER TO PETITION FOR REVIEW** on the following individuals in the manner indicated:

Ms. Billie R. Morelli
Billie R. Morelli, PLLC
9805 Sauk Connection Road
Concrete, WA 98237-8922
Attorneys for Plaintiff
(X) Via ECF

Mr. Brian J. Waid
Waid Law Office
P.O. Box 16737
Seattle, WA 98116
Attorneys for Plaintiff
(X) Via ECF

SIGNED this 21st day of January, 2025, at Seattle,
Washington.

s/ Lynda Ha

Lynda T. Ha

FORSBERG & UMLAUF, P.S.

January 21, 2025 - 2:09 PM

Transmittal Information

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Filing on Behalf of: Jeffrey T Kestle - Email: jkestle@foum.law (Alternate Email: lyndaha@foum.law)

Address:
901 Fifth Avenue
Suite 1400
Seattle, WA, 98164
Phone: (206) 689-8500

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