NO. 103865-8

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

ELLE BARKSDALE LOE,

Petitioner.

STATE'S ANSWER TO PETITION FOR REVIEW

LEESA MANION (she/her)
King County Prosecuting Attorney

IAN ITH
Senior Deputy Prosecuting Attorney
Attorneys for Respondent

King County Prosecuting Attorney
W554 King County Courthouse
516 3rd Avenue
Seattle, Washington 98104
(206) 477-9497

TABLE OF CONTENTS

Page

A. SUMMARY OF ARGUMENT AGAINST REVIEW.... 1

B. STANDARD FOR ACCEPTANCE OF REVIEW..... 3

C. ISSUES PRESENTED..... 4

D. STATEMENT OF THE CASE..... 5

E. THIS COURT SHOULD DENY THE PETITION FOR REVIEW 5

1. THE COURT OF APPEALS CORRECTLY DETERMINED THAT THE "KITCHEN-TABLE" CONVERSATION WAS NOT PRIVATE 5

a. The Court of Appeals Applied the Proper Standard of Review 6

b. The Admitted Recording Did Not Capture a Private Conversation So the Privacy Act Does Not Apply..... 7

2. THIS CASE DOES NOT CONFLICT WITH DECISIONS OF THIS COURT OR THE COURT OF APPEALS AND DOES NOT PRESENT AN ISSUE OF SUBSTANTIAL PUBLIC INTEREST 13

3. BECAUSE THE "KITCHEN-TABLE" CONVERSATION WAS NOT PRIVATE, CONSENT TO RECORD IS IRRELEVANT AND REVIEW IS UNWARRANTED..... 16

4. ANY ERROR WAS UNDOUBTEDLY HARMLESS 20

F. CONCLUSION 25

TABLE OF AUTHORITIES

Page

Table of Cases

Washington State:

Kadoranian v. Bellingham Police Dep't,
119 Wn.2d 178, 829 P.2d 1061 (1992)..... 7

State v. Christensen, 153 Wn.2d 186,
102 P.3d 789 (2004)..... 20

State v. Clark, 129 Wn.2d 211,
916 P.2d 384 (1996)..... 6, 7, 8, 9, 10

State v. Courtney, 137 Wn. App. 376,
153 P.3d 238 (2007)..... 20

State v. Fields, 31 Wn. App. 2d 687,
553 P.3d 71 (2024)..... 4, 7, 11, 13, 15, 16, 19, 20

State v. Kipp, 179 Wn.2d 718, 722
317 P.3d 1029 (2014)..... 4, 6, 7, 9, 10, 13, 14, 15, 16, 20

State v. Koloske, 100 Wn.2d 889,
676 P.2d 456 (1984)..... 18

State v. Loe, No. 84745-1-I, Slip op.
at 1-8, 14-17 (January 13, 2025)..... 5, 6, 8, 14, 17

State v. Powell, 126 Wn.2d 244,
893 P.2d 615 (1995)..... 18, 19

State v. Riker, 123 Wn.2d 351,
869 P.2d 43 (1994)..... 17

State v. Roosma, 19 Wn. App. 2d 941,
498 P.3d 59 (2021)..... 18

State v. Stein, 144 Wn.2d 236,
27 P.3d 184 (2001) 21

Statutes

Washington State:

Chapter 9.73 RCW 1

RCW 9.73.030 ..... 7, 17, 19

Rules and Regulations

Washington State:

RAP 13.4 ..... 4, 13, 15

Other Authorities

Public, https://www.merriam-webster.com/
dictionary/public 12

A. SUMMARY OF ARGUMENT AGAINST REVIEW

The Court of Appeals correctly held that the recording of the so-called "kitchen-table" conversation, a somewhat confrontational meeting between the victim in this case, Morris Gorelick, and two of his adult children (and in the presence of an adversarial third party, Loe's mother Bonnie Anderson) was not "private," in the context of triggering Washington's privacy act, RCW 9.73. The Court of Appeals thus correctly held, after de novo review, that the recording was properly admitted at trial for its specific, narrow purpose — to help prove Gorelick's state of mind, mental condition or intent. The jury was properly instructed to consider this conversation only for that limited purpose.

Despite the Court of Appeals' careful and detailed conclusion that the conversation did not implicate the privacy act, Loe seeks this Court's review, arguing that the conversation must have been private because it was conducted in Gorelick's home, it included "mundane topics," the adult children

(unsuccessfully) asked Anderson to butt out, and Gorelick must have intended the conversation to be private because he was reluctant to discuss certain topics and the recording did not contain his affirmative consent to be recorded.

Review should be denied. The unpublished opinion does not rise to an issue of substantial public interest because the Court of Appeals applied the proper standard of review and was correct that the *totality of the circumstances* under the unique facts showed that this was not a conversation that a reasonable person would expect to be private. The opinion does not conflict with any decisions of this Court or of the Court of Appeals because the opinion followed the proper standard of review and every privacy-act case presents its own unique facts.

Because the "kitchen-table" conversation was not private, the issue of Gorelick's consent to be recorded is irrelevant and need not be further examined. Regardless, the Court of Appeals properly concluded that Loe waived a claim that the recording was not consensual by failing to object when the

evidence at trial fell short of meeting the evidentiary requirements regarding consent that the trial court had conditionally placed on the recording's admissibility.[1]

Finally, any error in admitting the recording for its limited purpose was undoubtedly harmless given the other overwhelming evidence of Gorelick's mental state. This Court should deny review.

B. STANDARD FOR ACCEPTANCE OF REVIEW

"A petition for review will be accepted by the Supreme Court only: (1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or (2) If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or (3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or (4) If the petition involves an

[1] The State does *not* seek this Court's review of the Court of Appeals' determination that the evidence failed to meet the trial court's conditional ruling of admissibility based on consent.

issue of substantial public interest that should be determined by the Supreme Court." RAP 13.4(b).

C. ISSUES PRESENTED

1. Is review unwarranted because Loe fails to show that the case represents an issue of substantial public interest when the Court of Appeals properly considered the totality of the circumstances, under the proper standard of review, and correctly held that the "kitchen-table" conversation was not private for the purposes of Washington's Privacy Act?

2. Is review unwarranted when the facts surrounding the conversation in this case are strikingly different from those in *State v. Kipp*[2] and from those in *State v. Fields*[3], the two cases that Loe claims conflict with the opinion in this case?

3. Is review unwarranted because the issue of consent to record is irrelevant when the Court of Appeals correctly held that the "kitchen-table" conversation was not private?

---

[2] 179 Wn.2d 718, 722-23, 317 P.3d 1029 (2014).

[3] 31 Wn. App. 2d 687, 715, 553 P.3d 71 (2024).

4. Is review unwarranted because any error in admitting the "kitchen-table" recording was undoubtedly harmless?

D. STATEMENT OF THE CASE

The State prepared a comprehensive recitation of the facts of the case in the Brief of Respondent below. Brf. of Resp. at 2-37. The Court of Appeals likewise described the facts in detail in its unpublished decision. *State v. Loe*, No. 84745-1-I, Slip op. at 1-8, 14-17 (January 13, 2025).

E. THIS COURT SHOULD DENY THE PETITION FOR REVIEW

1. THE COURT OF APPEALS CORRECTLY DETERMINED THAT THE "KITCHEN-TABLE" CONVERSATION WAS NOT PRIVATE.

Loe seeks review of the Court of Appeals' holding that the "kitchen-table" conversation was not such that Morris Gorelick had a reasonable expectation of privacy. But the Court of Appeals very carefully engaged with the unique, detailed facts and correctly determined that the conversation

could not have been considered private as it is defined for the privacy act.

a. The Court of Appeals Applied the Proper Standard of Review.

In *Kipp*, this Court reaffirmed that de novo review is the proper standard to apply in a case involving the privacy act when the facts are not in dispute. 179 Wn.2d at 728-29 (reaffirming *State v. Clark*, 129 Wn.2d 211, 225, 916 P.2d 384 (1996) ("where the facts are undisputed and reasonable minds could not differ, the issue may be determined as a matter of law")). This Court reviewed *Kipp* because the Court of Appeals had rejected this Court's analysis in *Clark* and opinions that preceded it — a true legal conflict. *Kipp*, 179 Wn.2d at 727-29. But here, the Court of Appeals adhered to *Kipp* and *Clark* and properly conducted de novo review. *Loe*, Slip op. at 12 (citing *Kipp*). Thus, this opinion does not conflict with this Court's cases regarding the proper standard of review.

b. The Admitted Recording Did Not Capture a Private Conversation So the Privacy Act Does Not Apply.

The privacy act protects only "private" communications and conversation. RCW 9.73.030; *Fields*, 31 Wn. App. 2d at 709. This Court has held that "private" as used in the act means "belonging to one's self," "intended only for the persons involved," and "a private communication ... not open or in public." *Clark*, 129 Wn.2d at 225 (1996) (quoting *Kadoranian v. Bellingham Police Dep't*, 119 Wn.2d 178, 190, 829 P.2d 1061 (1992)). "A communication is private (1) when parties manifest a subjective intention that it be private and (2) where that expectation is reasonable." *Kipp*, 179 Wn.2d at 729.

Factors bearing on the reasonableness of the privacy expectation include the duration, subject matter, and location of the communication a*s well as the presence or potential presence of third parties*, and the role of the nonconsenting party and his or her relationship to the consenting party. *Kipp*, 179 Wn.2d at 729. The reasonable-expectation standard calls

for a case-by-case determination. *Id.* Ultimately, the intent or reasonable expectations of the participants as manifested by the facts and circumstances of each case controls as to whether the conversation is private. *Id.* "[T]he presence or absence of any single factor is not conclusive for the analysis." *Clark*, 129 Wn.2d at 227.

The Court of Appeals in this case very carefully set forth multiple factual reasons for concluding that, under the totality of the circumstances, there was no reasonable expectation of privacy in the "kitchen-table" conversation. *Loe*, Slip op. at 14-17. The opinion took a holistic approach, and the court was especially persuaded by Loe's concession at trial that everyone in the room was aware of the open, non-private circumstances surrounding the conversation — and by the presence of Anderson, an obviously adversarial third party.

The meeting was not "private" as this Court has defined it because there was no subjective intention on anyone's part that it was private, and any such expectation would not have

been reasonable under the circumstances. It would not have been reasonable to think that with everything swirling around the subject matter of the conversation — including the parties' knowledge of the pending investigation and pending civil lawsuit — as well as the presence of an adversary, that the meeting was "intended only for the persons involved." *See Clark*, 129 Wn.2d at 225. Anderson's attempt to insert herself into the conversation reasonably could be viewed as an attempt to sway the course of the pending investigation and civil lawsuit — not to prevent an investigation or civil claim in the first instance — and does not weigh in favor of a subjective expectation of privacy on her or anyone else's part.

Loe points to certain individual factors that might by themselves weigh in favor of a private meeting, but she does not consider the *totality of the circumstances* as the Court of Appeals did, and she largely ignores Anderson's presence. For example, Loe emphasizes the fact that, like the one-on-one conversation in *Kipp*, the meeting was held in Gorelick's

kitchen. But as the Court of Appeals pointed out, Anderson also lived in the house and was an adversarial third party, and the kitchen was in this situation a true shared, common space, not a private office or bedroom. No such adversarial third party was present in *Kipp*. 179 Wn.2d at 731-32 ("Whether other persons were present is more relevant" in a case-by-case analysis of the location of a conversation, and "based on the location of the conversation *and the absence of a third party*, it was reasonable for Kipp to believe the conversation was private").

And as this Court has pointed out, the reasonable-expectation standard calls for a case-by-case determination based on the totality of *all* factors. *Kipp*, 179 Wn.2d at 729. The presence or absence of any single factor is not conclusive for the analysis. *Clark*, 129 Wn.2d at 227. Thus, while the conversation took place in Gorelick's home, that is not dispositive, especially when, unlike in *Kipp*, the conversation

included a third party whose interests aligned with the defendant but not the other parties to the conversation.

Loe also points to factors such as Gorelick's reticence to speak on certain topics, and the lack of his "affirmative consent" to be *recorded* as evidence that he had an *expectation of privacy*. Loe cites to *Fields* to argue these factors reflect Gorelick's subjective intent that the conversation be private. Pet. for Rev. at 23. But *Fields* does not contradict the Court of Appeals' conclusion that the "kitchen-table" conversation was private. Fields explicitly told his wife multiple times that he did *not* consent to be recorded and affirmatively refused to speak about certain topics *unless* she turned her phone off. 31 Wn. App. 2d at 711. Gorelick never gave any affirmative indication that he did not wish to be recorded, and under the totality of the circumstances, his reluctance to discuss details that might harm Loe tends to show his subjective acknowledgment that the setting and circumstances were *not*

private, rather than the opposite, as Loe argues. Pet. for Rev. at 23.

Loe also seems to suggest that if a conversation or meeting is not *public* then it is necessarily *private*. But the issue is not binary under the privacy act, as this Court has concluded, and the Court of Appeals' opinion does not conflict with that. A conversation that is not *public* can still be *not private*.[4] All the facts must be considered together, and the Court of Appeals carefully and properly did so to conclude that the "kitchen-table" conversation was not "private" for the purposes of the privacy act. That consideration included the presence of Loe's mother (an adversarial third party) and the parties' knowledge of various legal actions and proceedings

[4] "Public": exposed to general view: open; well-known, prominent; perceptible, material; of, relating to, or affecting all the people or the whole area of a nation or state public law; of or relating to a government; of, relating to, or being in the service of the community or nation; of or relating to people in general: universal. https://www.merriam-webster.com/dictionary/public.

involving the subject matter of the conversation, which Loe conceded at trial. Just because the meeting was not open to the public did not mean it was private for the purposes of the privacy act. The Court of Appeals properly evaluated this issue using the proper standard of review. As such, review is unwarranted.

2. THIS CASE DOES NOT CONFLICT WITH DECISIONS OF THIS COURT OR THE COURT OF APPEALS AND DOES NOT PRESENT AN ISSUE OF SUBSTANTIAL PUBLIC INTEREST.

Loe asserts under RAP 13.4(b)(1) that the unpublished decision in this case conflicts with the holdings in *Kipp* and *Fields*, *supra*. Loe is incorrect. Those cases involved markedly different facts than this case and are thus inapt to the Court of Appeals' conclusion that the conversation here was not private. The unique facts in this case are plainly distinguishable from those in *Kipp* and *Fields*, so Loe's case is not in conflict with the ultimate conclusions in those cases, made after case-specific analysis.

In *Kipp*, Kipp "manifested a subjective intention" to have a private, one-on-one conversation with his brother-in-law in his kitchen. 179 Wn.2d at 729-30. Here, Gorelick was called to a sit-down with his two adult children in the presence of an openly adversarial third party, Anderson, who repeatedly ignored the adult children's urgings to butt out of the conversation, and there was no evidence of a "subjective intention" to have a private conversation. Slip op. at 6, 15-16. In addition, Loe conceded at trial that everyone in the room was fully "aware of the allegations, aware of the police investigation, and [the Adult Protective Services] investigation going on in the background," all of which were very open circumstances that the Court of Appeals carefully considered and detailed. Slip op. at 15-16. With significantly different facts than *Kipp*, this case cannot conflict with *Kipp*'s holding on the reasonable expectation of privacy based on its own unique facts. A "determination as to whether a conversation is private

requires a case-by-case analysis." *Kipp*, 179 Wn.2d at 732. There is no conflict that this Court needs to resolve.

Similarly, Loe argues that under RAP 13.4(b)(2), review is warranted because Loe's case conflicts with *Fields*. But again, the conversation determined to be private in *Fields* was nothing like the "kitchen-table" conversation here. Fields and his wife were alone together in their home having a conversation about their sexual relationship, and Fields repeatedly told his wife he did not want to be recorded and that he would not talk about what she wanted to unless she turned her phone off. 31 Wn. App. at 707, 711-13. Here, Loe's mother, Anderson, was present during a conversation between Gorelick and his adult children about the subject matter of a pending police investigation into Loe — a conversation into which Anderson repeatedly inserted herself against the wishes of Gorelick's children. The Court of Appeals' factual determination that the recorded conversation here was not

private does not conflict with *Fields* when the two cases are nothing alike.

This case does not present any conflict with *Kipp*, *Fields*, or any other decision. Review is not warranted.

3. BECAUSE THE "KITCHEN-TABLE" CONVERSATION WAS NOT PRIVATE, CONSENT TO RECORD IS IRRELEVANT AND REVIEW IS UNWARRANTED.

Loe's complaints about Gorelick's lack of affirmative consent to be recorded (either explicit or inferred) are irrelevant because the meeting was not private. *See Fields*, 31 Wn. App. 2d at 709 (privacy act protects only "private" communications and conversation). In fact, because the Court of Appeals ultimately held that the meeting was not private, it was unnecessary for it to have first addressed the issue of consent to record. There is no reason for this Court to now wade into that issue — especially when Loe failed to preserve the issue and when the Court of Appeals concluded that the State failed to meet the trial court's conditional evidentiary ruling with

sufficient evidence of explicit consent, and the State is not seeking further review of that determination.

In this case, the State's offer of proof was that Kenneth would testify that both Gorelick and Paula affirmatively consented to recording of the conversation—prior to the start of the recording—making it unnecessary to infer consent from an announcement on the recording itself as set forth in RCW 9.73.030(3). But Loe failed to object when the trial testimony did not meet the State's offer of proof, upon which the trial court's tentative pretrial ruling was based.

Thus, the Court of Appeals correctly concluded that Loe failed to preserve a claim that Gorelick and his daughter Paula (Kenneth's sister) did not consent to recording because Loe failed to object after the testimony of Kenneth and Paula at trial did not meet the State's pretrial offer of proof, upon which the trial court's pretrial finding of admissibility rested. *Loe*, Slip op. at 14 (citing *State v. Riker*, 123 Wn.2d 351, 369, 869 P.2d 43 (1994) (defendant who does not seek final ruling on motion

in limine after court issues tentative ruling waives any objection to the evidence).

Loe's suggestion to the contrary implies that a trial court must do the job of the attorneys and police all testimony for legal error *sua sponte*. But that is not the way error preservation works. If the trial court makes only a tentative pretrial ruling, conditioned on the later introduction of evidence or testimony to support the State's offer of proof, the defendant must object at trial if he feels the required evidence is missing. *State v. Roosma*, 19 Wn. App. 2d 941, 949, 498 P.3d 59 (2021). "When a trial court makes a ruling 'subject to [the] evidence [to be] developed at trial, the parties are under a duty to raise the issue at the appropriate time with proper objections at trial.'" *Id.* (quoting *State v. Koloske*, 100 Wn.2d 889, 896, 676 P.2d 456 (1984)). If a pretrial ruling is tentative, any error in admitting the evidence is waived unless the trial court is given the opportunity to reconsider its ruling when the evidence is submitted at trial. *State v. Powell*, 126 Wn.2d 244, 257, 893

P.2d 615 (1995). Here, any *final* ruling on the admissibility of the "kitchen-table" recording based on consent was to be made when the evidence was actually presented at trial. Loe failed to object at trial on the grounds that the State did not present sufficient evidence of explicit consent. The Court of Appeals carefully considered the record and properly concluded that the issue was waived.

Regardless, the privacy act protects only "private" communications and conversation. RCW 9.73.030; *Fields*, 31 Wn. App. 2d at 709 (2024). Where the Court of Appeals correctly held here that the "kitchen-table" conversation was *not private*, the issue of consent to record is irrelevant. Whether a meeting or conversation is private is a different question than whether a party gives consent to record a private conversation; the first question is prerequisite to the second. Review as to the issue of consent would be unnecessary and improper.

4. ANY ERROR WAS UNDOUBTEDLY HARMLESS.

The admission of evidence in violation of the privacy act is generally subject to a harmless-error analysis. *Kipp*, 179 Wn.2d at 733 n.8 (citing *State v. Christensen*, 153 Wn.2d 186, 200, 102 P.3d 789 (2004) (declining to conduct harmless-error analysis because the State did not argue it). In both *Kipp* and *Fields*, the State did not argue harmless error. *Id.*; *Fields*, 31 Wn. App. at 715. Here, the State did. Had the Court of Appeals found that the "kitchen-table" recording was admitted in error, any such error would have been undoubtedly harmless. Review of this case is not warranted because this Court would conclude the same.

Admission of evidence in violation of the privacy act is a statutory violation, not a constitutional one. *State v. Courtney*, 137 Wn. App. 376, 383, 153 P.3d 238 (2007). "This error is not prejudicial unless the erroneous admission of the evidence materially affected the outcome of the trial." *Id.* Thus, if this

recording was erroneously admitted, Loe is entitled to reversal only if there is a reasonable probability that the outcome of the trial would have been different had the recorded conversation been excluded.

The State set forth its detailed harmless-error argument in its briefing below. Brf. of Respondent at 47-51. To summarize, the kitchen-table recording was admitted to the jury for the narrow purpose of proving Gorelick's "state of mind, mental condition, or intent," of which the jury was strictly instructed.[5] 1RP 1182-83; 2RP 77-78. This Court presumes that juries follow all instructions the trial court gives them. *State v. Stein*, 144 Wn.2d 236, 247, 27 P.3d 184 (2001).

[5] The court instructed the jury that it "may only consider statements of Morris Gorelick as evidence of his state of mind, mental condition, or intent. You may not consider those statements for any other purpose." 1RP 1182. The court also informed the jury that it "may consider the statements of third parties made outside of the courtroom to Morris Gorelick . . . only for purposes of their impact on Morris Gorelick and not for any other purpose. They may not be considered for the truth of the matter asserted." 1RP 1183; 2RP 77-78.

Based on the trial court's limiting instruction, the kitchen-table conversation was probative only of Gorelick's "state of mind, mental condition and intent" at the time of that meeting in July 2019, weeks after he had written the last check to Loe. 1RP 1182. The recording demonstrated that Gorelick (1) did not believe that Loe had stolen from him, (2) that he could not recall how much money he had given Loe, and (3) that he could not articulate what Loe's business was about or explain how her profligate spending could be for legitimate business purposes.

But all of those facts were separately before the jury, and repetitively so. Because the recording was cumulative of unchallenged admitted evidence showing the same state of mind and mental condition, it is exceedingly unlikely the jury would have acquitted Loe had the recording not come in.

For example, Detective Lofink's video-recorded interview with Gorelick on June 11, 2019, admitted without objection, was closer in time to when Loe obtained money from

Gorelick than the kitchen-table conversation. 1RP 1240-43; Ex. 11. As in the later kitchen-table conversation, Gorelick was adamant to Lofink that Loe was "not a thief," could not remember how much money he had given Loe, could not recall how many checks he had signed, and expressed surprise when confronted with a check and other records. *See* Brf. of Respondent at 49-50.

The detective also testified about returning to speak with Gorelick about a week later, on June 19, 2019, by which point Gorelick had forgotten who Lofink was. The detective's testimony of this meeting established many of the same facts as the kitchen-table meeting, such as that Gorelick could not remember how many checks he had written to Loe and did not know the name of Loe's company. That June 19 conversation also was closer in time to when Gorelick signed checks to Loe than the kitchen conversation. Thus, Lofink's testimony and recorded interview with Gorelick established essentially the same facts as the kitchen-table recording: that Gorelick was

easily confused, could not remember how much he had given Loe, believed Loe was running a legitimate business, and did not believe that Loe had stolen from him.

Still more, the State also presented testimony from Adult Protective Services investigators who interviewed Gorelick and testified to his obvious cognitive impairment. The kitchen-table recording was also revealing about how strained Gorelick's relationship with his son Kenneth became. But Kenneth, Kenneth's sister Paula, and Gorelick's lawyer, James Parsons, all testified about that. And it was plainly evident in a notarized statement that Loe had Gorelick sign in May 2019, which was also presented to the jury. Ex. 9; s*ee* Brf. of Respondent at 50-51; *see also* Brf. of Respondent at 82-84 (timeline of events in the case with citations to the record).

Given the volume of evidence the State presented to prove Gorelick's state of mind, mental condition, or intent, the admission of the kitchen-table recording, if erroneous, was

undoubtedly harmless. Its admission could not possibly have materially affected the outcome of Loe's trial.

F. CONCLUSION

The Court of Appeals very carefully considered the issue of whether the "kitchen-table" conversation was private, under the proper standard of review, and properly concluded that it was not. As such, the issue of Gorelick's consent to record the conversation is irrelevant to resolving this case. The Court of Appeals' opinion does not conflict with this Court's opinions or those of the Court of Appeals, and it does not rise to an issue of substantial public interest. Review is unwarranted. And because any error would be undoubtedly harmless, review is even more unnecessary. The petition for review should be denied.

This document contains 4,118 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this 13th day of MAY, 2025.

Respectfully submitted,

LEESA MANION (she/her)
King County Prosecuting Attorney

By: 

IAN ITH, WSBA #45250
Senior Deputy Prosecuting Attorney
Attorneys for Respondent
Office WSBA #91002

KING COUNTY PROSECUTOR'S OFFICE - APPELLATE UNIT

May 13, 2025 - 10:59 AM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	103,865-8
Appellate Court Case Title:	State of Washington v. Elle Barksdale Loe

The following documents have been uploaded:

- 1038658_Answer_Reply_20250513105813SC315668_1433.pdf
  This File Contains:
  Answer/Reply - Answer to Petition for Review
  The Original File Name was 103865-8 STATES ANSWER TO PETITION FOR REVIEW.pdf

A copy of the uploaded files will be sent to:

- Sloanej@nwattorney.net
- nielsene@nwattorney.net
- steedj@nwattorney.net

Comments:

Sender Name: Bora Ly - Email: bora.ly@kingcounty.gov
Filing on Behalf of: Ian Ith - Email: ian.ith@kingcounty.gov (Alternate Email:)

Address:
King County Prosecutor's Office - Appellate Unit
W554 King County Courthouse, 516 Third Avenue
Seattle, WA, 98104
Phone: (206) 477-9499

Note: The Filing Id is 20250513105813SC315668