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NO. 104171-3

IN THE SUPREME COURT OF THE  
STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

CALEB BELL,

Petitioner.

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**STATE'S ANSWER TO PETITION FOR REVIEW**

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A. IDENTITY OF RESPONDENT

The State of Washington is the Respondent in this case.

B. COURT OF APPEALS DECISION

The Court of Appeals decision at issue is *State v. Bell*, No. 86018-6-I (unpublished April 21, 2025), 2025 WL 1158976.

C. ISSUE PRESENTED FOR REVIEW

Petitioner Bell seeks review of the Court of Appeals' holding that his arrest was supported by probable cause because the arresting officer relied on information in a police database showing the vehicle Bell was in had been reported stolen. The State asks this Court to deny review of this issue because the criteria for review are not met.

D. 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 issue of substantial public interest that should be determined by the Supreme Court.” RAP 13.4(b). Additionally, with limited exceptions, this Court will not consider issues not raised or briefed in the Court of Appeals. *State v. Halstien*, 122 Wn.2d 109, 130, 857 P.2d 270 (1993).

E. STATEMENT OF THE CASE

1. PROCEDURAL FACTS.

A King County Superior Court jury convicted Caleb Bell, as charged, of residential burglary and motor-vehicle theft. CP 1-2, 82-83; RP 638. The trial court imposed a standard-range sentence totaling 15 months in prison. CP 103, 105. Bell filed a timely appeal. CP 110.

In an unpublished opinion, the Court of Appeals held that Bell’s arrest was supported by probable cause and affirmed his judgment and sentence. *Bell*, 2025 WL 1158976 at \*3.

## 2. SUBSTANTIVE FACTS.

On November 27, 2021, Helen Matheson reported a burglary at her home in Lake Forest Park, which she shared with her mother and stepfather, James Hammer. RP 440-41, 464, 507, 509. The burglary occurred while the family was out of town for Thanksgiving, between the afternoon of November 24, 2021, and November 26, 2021, when Matheson returned home. RP 445-46, 466-67.

Hammer and his brothers own a business called Edgewater Crossing, LLC. RP 465. Hammer regularly receives checks from that business. RP 465. One such check had arrived in the mail on November 23, 2021. RP 468. Matheson collected the mail that day and brought it inside the house. RP 446. Before leaving for her trip on November 24, 2021, Matheson locked her car, a black Mazda CX5, in the driveway and put the key on its hook in the house. RP 447-48.

Surveillance video from the home showed a man, later identified as Bell, going in and out of the residence on

November 25, 2021. Ex. 2; CP 127; RP 467, 471-72. The video also showed Bell entering and driving away in Matheson's Mazda. Ex. 2; CP 127. When Matheson returned from her trip, her car, its key, and the check from Edgewater Crossing were all missing from the home. RP 455, 468. Matheson called the police when she discovered her car was missing. RP 456-57, 507, 509.

Less than a week after the Lake Forest Park burglary, on November 30, 2021, a contractor, Kwashi Sun, reported to Seattle police that his tools had been stolen from inside a house in Northeast Seattle where he was working. RP 114, 116, 118-19. Also stolen from the house were keys to a black 2015 Audi A6 with California license plates, belonging to Junyung Dai; the vehicle, too, had been stolen from the driveway. RP 114, 116, 118-19. The contractor, Sun, told police that Dai was in California, but they had spoken on the phone, confirming the car was stolen. RP 119. Seattle Police Officer Yang Xu took the report and conveyed the information about the Audi to



police dispatch to be entered into a stolen-vehicle data system.

RP 109-11, 121.

Only a few days later, on December 4, 2021, two King County Sheriff's deputies, Jeffrey Durrant and Daniel Koontz, were on patrol in Kenmore, which borders Lake Forest Park. RP 64, 122, 124. The two deputies pulled into a parking lot shared by several businesses to get lunch at a Subway restaurant in the complex. RP 125-26. Durrant saw Bell in the driver's seat of a black Audi with California license plates in the parking lot that Subway shared with a pawn shop. RP 126-27, 130-31. Bell was moving things in and out of the vehicle. RP 141. There was a gas can on top of the car. RP 126-27. There was no one else with the vehicle while the police observed it. RP 140-41.

Durrant, who had been a sheriff's deputy for nearly 24 years and served as a senior training officer, found it odd that the car had a gas can on the roof but was not pulled up to gas pumps only about 10 yards away at a neighboring Safeway

station. RP 122, 125, 127. Durrant also found it unusual that the Audi's back seat was loaded with "a whole bunch of stuff – it looked like tools, boxes and everything." RP 141. Durrant was also aware that pawn shops are often used to sell stolen property. RP 142.

After Bell went into a pawn shop next to the Subway restaurant, Durrant ran the Audi's license-plate number through his mobile data terminal and learned the car was reported stolen. RP 123, 145-47.

The deputies then entered the pawn shop and saw Bell toward the back of the store, kneeling at a counter and facing away from them. RP 132. Deputy Durrant approached Bell, placed his hand on Bell's shoulder to get his attention, and asked Bell if he and Koontz could speak with him about the vehicle. CP 86; RP 178. Bell said that they had not seen him in any vehicle. CP 86; RP 178. Durrant and Koontz then placed Bell in handcuffs. CP 86; RP 178. While they were doing so,

Bell bit Deputy Koontz, leaving a bite mark on his arm. RP 137.

After arresting Bell, Deputy Durrant recalled a police bulletin about a burglary with photographs of the burglar from surveillance footage. RP 139-40. Bell very closely resembled the suspect in the images. RP 139. The clothing Bell was wearing when he was arrested matched the clothing the burglar wore. Ex. 2, 9; CP 127; RP 139. While booking Bell into jail within an hour after the deputies first contacted him, Deputy Durrant found the Edgewater Crossing check stolen from Matheson's home in Bell's wallet. Ex. 9; CP 127; RP 134, 140, 576-77.

F. THIS COURT SHOULD DENY BELL'S PETITION FOR REVIEW

Bell argues that this Court should accept review under RAP 13.4(b)(3), asserting a significant question of law under the Washington constitution. The Court of Appeals' opinion presents no such issue. Bell fails to establish that the Court of Appeals' holding that the fellow-officer rule allows a trial court

to consider the cumulative knowledge of police officers to evaluate probable cause presents a significant question of state-constitutional law. Importantly, Bell presents a new argument, not presented below or raised at trial, that the fellow-officer rule is impermissible under the Washington constitution.

In the Court of Appeals, Bell simply argued there was insufficient information for Durrant to arrest Bell because he did not have corroboration beyond the report that the vehicle had been stolen. Brief of Appellant (BOA) at 16-20. Bell relied on *State v. Gonzalez*, 46 Wn. App. 388, 731 P.2d 1101 (1986), and *State v. Sandholm*, 96 Wn. App. 846, 980 P.2d 1292 (1999), to support his argument. BOA at 16-20. The Court of Appeals reasoned that *Gonzalez* was distinguishable because in that case the stolen property had not been reported stolen until after Gonzalez was arrested. *Bell*, 2025 WL 1158976 at \*3. The Court of Appeals reasoned that *Sandholm* was likewise distinguishable because whereas in *Sandholm* there was no evidence presented during the CrR 3.6 suppression

hearing regarding the reliability of the stolen vehicle report, here the State had presented testimony from Xu regarding his investigation of the stolen vehicle report and how the stolen vehicle report that Durrant relied on are created. *Bell*, 2025 WL 1158976 at \*3.

The Court of Appeals noted that an arrest based on a police bulletin is permissible under the “fellow officer rule.” *Bell*, 2025 WL 1158976 at \*2, citing *State v. Ortega*, 177 Wn.2d 116, 126, 297 P.3d 57 (2013); *State v. Maesse*, 29 Wn. App. 642, 646, 629 P.2d 1349 (1981); *State v. Mance*, 82 Wn. App. 539, 542, 918 P.2d 527 (1996). Bell did not argue below that the fellow officer rule is unconstitutional under Washington law, rather he argued — in reply briefing — that Durrant’s reliance on the stolen vehicle report did not fall under the rule because he was not “acting in concert” with the officer who took the stolen vehicle report and that the report as viewed by Durrant did not contain enough information. Reply Brief of Appellant at 6-7. Because whether the fellow officer rule is

permissible under article I, section 7 of the Washington State Constitution was not briefed or argued below — and was not raised at trial, this Court should decline to review Bell’s new claim now. This Court does not generally consider issues raised for the first time in a petition for review. *Fisher v. Allstate Ins. Co.*, 136 Wn.2d 240, 252, 961 P.2d 350 (1998) (citing *Halstien*, 122 Wn.2d at 130). The general rule is that appellate courts will not consider issues raised for the first time on appeal absent a showing of a manifest constitutional error. *State v. Kirkman*, 159 Wn.2d 918, 926, 155 P.3d 125 (2007); RAP 2.5(a).

Yet Bell’s petition for review does not present a significant question of law under the Washington Constitution, let alone a manifest constitutional error. This Court has twice issued opinions which analyzed the fellow-officer rule. *Ortega*, 177 Wn.2d at 126-27, *State v. Gaddy*, 152 Wn.2d 64, 70-71, 93 P.3d 872 (2004). Those decisions did not involve police disseminated information for a felony arrest. *Id.* However, as

this Court acknowledged in *Ortega*, 177 Wn.2d at 126, the Court of Appeals has consistently adopted fellow-officer rule where the information relied upon is provided by police officers and the arrest is for a felony offense. *See, e.g., State v. Maesse*, 29 Wn. App. 642, 626 P.2d 1349 (1981) (Div. 1), *review denied*, 96 Wn.2d 1009 (1981); *State v. White*, 76 Wn. App. 801, 888 P.2d 169 (1995) (Div. 1), *aff'd on other grounds*, 129 Wn.2d 105 (1996); *State v. Alvarado*, 56 Wn. App. 454 (1989) (Div. 1), *review denied*, 114 Wn.2d 1015 (1990); *State v. Wagner-Bennett*, 148 Wn. App. 538, 542-43, 200 P.3d 739 (2009) (Div. 1); *State v. Mance*, 82 Wn. App. 539, 918 P.2d 527 (1996) (Div. 2); *State v. Briden*, No. 30978-9-III (Unpublished February 27, 2014), 2014 WL 812469 at \*4 (Div. 3). This Court should deny Bell's petition for review because Bell does not present a significant question of law under the Washington Constitution and his newly added claim was not raised in either court below.

G. CONCLUSION


For the foregoing reasons, Bell's petition for review should be denied.

This document contains 1892 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this 9<sup>th</sup> day of June, 2025.

Respectfully submitted,

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