

Case No. 101375-2

SUPREME COURT
OF THE STATE OF WASHINGTON

ROBERT SNAZA, in his official capacity as Sheriff of Lewis County, Washington; JOSEPH HELM, in his official capacity as Sheriff of Columbia County, Washington; RAYMOND MAYCUMBER, in his official capacity of as Sheriff of Ferry County, Washington; DREW HYER, in his official capacity as Sheriff of Garfield County, Washington; TOM JONES, in his official capacity as Sheriff of Grant County, Washington; DAVID S. BROWN, in his official capacity as Sheriff of Skamania County, Washington; OZZIE KNEZOVICH, in his official capacity as Sheriff of Spokane County, Washington,

Respondents,

SEAN SWOPE, in his official capacity as District 1 Commissioner of Lewis County, Washington; LINDSEY POLLOCK, in her official capacity as District 2 Commissioner of Lewis County, Washington; GARY STAMPER, in his official capacity as District 3 Commissioner and Chair of the Board of County Commissioners for Lewis County, Washington; RYAN RUNDELL, in his official capacity as District 1 Commissioner and Chair of the Board of County Commissioners for Columbia County, Washington;

MARTY HALL, in his official capacity as District 2 Commissioner of Columbia County, Washington; CHARLES AMAAREIN, in his official capacity as District 3 Commissioner of Columbia County, Washington; DEREK GIANUKAKIS, in his official capacity as District 1 Commissioner of Ferry County, Washington; NATHAN DAVIS, in his official capacity as District 2 Commissioner and Chair of the Board of County Commissioners for Ferry County, Washington; MICHAEL HEATH, in his official capacity as District 3 Commissioner of Ferry County, Washington; JIM NELSON, in his official capacity of District 1 Commissioner of Garfield County, Washington; LARRY LEDGERWOOD, in his official capacity as District 2 Commissioner of Garfield County, Washington; JUSTIN DIXON, in his official capacity as District 3 Commissioner and Chair of the Board of County Commissioners for Garfield County, Washington; DANNY STONE, in his official capacity as District 1 Commissioner of Grant County, Washington; ROB JONES, in his official capacity as District 2 Commissioner of Grant County, Washington; CINDY CARTER, in her capacity as District 3 Commissioner and Chair of the Board of County Commissioners for Grant County, Washington; RICHARD MAHAR, in his official capacity as District 1 Commissioner of Skamania County, Washington; TOM LANNEN, in his official capacity as District 2 Commissioner and Chair of the Board of County Commissioners for Skamania County, Washington; BOB HAMLIN, in his official capacity as District 3 Commissioner of Skamania County, Washington; JOSH KERNS, in his official capacity as District 1 Commissioner of Spokane County, Washington; MARY KUNEY, in her official capacity as

District 2 Commissioner of Spokane County,
Washington; AL FRENCH, in his official capacity as
District 3 Commissioner of Spokane County,
Washington

Plaintiffs,

v.

STATE OF WASHINGTON

Appellant.

ANSWER TO APPELLANT'S STATEMENT OF
GROUNDS FOR DIRECT REVIEW

Mark McClain, WSBA #30909
F. Dayle Andersen, WSBA #22966
Kiefer Stenseng, WSBA #58423
1115 W. Broadway Avenue, 2nd Floor
Spokane, Washington 99260
509-477-5764
Attorneys for Spokane County

TABLE OF CONTENTS

I. NATURE OF THE CASE AND DECISION	1
II. RESTATEMENT OF ISSUES PRESENTED FOR REVIEW.....	3
III. STATEMENT OF GROUNDS FOR DIRECT REVIEW.....	4
IV. CONCLUSION	10
V. APPENDIX A.....	13
VI. APPENDIX B.....	23
VII. APPENDIX C	26

TABLE OF AUTHORITIES

Table of Cases

<i>Johnston v. Melton</i> , 192 Wash. 379, 73 P.2d 1334 (1937)	8
<i>State ex rel. Banks v. Drummond</i> , 187 Wn.2d 157, 385 P.3d 769 (2016)	7, 9, 10
<i>State v. Rice</i> , 174 Wn.2d 884, 279 P.3d 849 (2012).....	8

Constitutional Provisions

Const. art. XI, § 5	3, 5, 8, 9
---------------------------	------------

Statutes

RCW 10.116.030	passim
RCW 36.28.010	6

Regulations and Rules

RAP 4.2.....	4, 5, 10
--------------	----------

Other Authorities

ESHB 1054	1
Laws of 1854, pg. 434, § 4	7
Laws of 1863, pg. 557, § 4	7
Laws of 1881, § 2769	7
Laws of 1891, ch. 45, § 1	7
Laws of 2021, ch. 320, § 4.....	1

I. NATURE OF THE CASE AND DECISION

The Sheriffs and County Commissioners (Sheriffs and Commissioners) initiated legal action against the State asserting two provisions of the newly enacted Engrossed Substitute H.B. 1054 were unconstitutional. Laws of 2021, ch. 320, § 4; *codified* as RCW 10.116.030.

The Sheriffs of these seven non-charter counties challenged one provision of the law as unconstitutional. The provision at issue requires the Sheriff to obtain authorization from the “highest elected official” of the jurisdiction prior to deploying tear gas to quell a riot. RCW 10.116.030(3). The “highest elected official” in non-charter counties is the chair of the county legislative authority. RCW 10.116.030(4)(b).

The Sheriffs and Commissioners do not dispute that the legislature may place blanket limitations on the use of tear gas. However, they challenged that

delegating the authority to utilize tear gas to the chair of the board of county commissioners, in the case of suppressing a riot, represents an unconstitutional delegation of the core functions of the sheriff. Am. Compl., ¶ 4.8, Appendix A.

Additionally, the Sheriffs and Commissioners also argued that RCW 10.116.030 impermissibly vests singular decision-making authority in the chair of the board, rather than in the Commissioners as a legislative body. *Id.*, ¶ 4.7.

The parties filed cross motions for summary judgment. *See* Ord. Granting Plaintiffs' Motion for Summary Judgment, Appendix B. The trial court granted the Sheriffs' and Commissioners' motion regarding the delegation of the Sheriff's power to the highest elected official. *Id.* The trial court granted the State's motion regarding the power of the chair of the

board to act alone. *Id.* The trial court found that the legislature did not violate the constitution in designating one commissioner the ability to act alone. Transcript of Proc., Appendix C 43:7-43:14.

The State appealed the trial court's decision as it related to the core functions of the Sheriffs. The Commissioners have not cross-appealed. Therefore, the parties in this appellate action are the elected Sheriffs of the seven counties and the State.

II. RESTATEMENT OF ISSUES PRESENTED FOR REVIEW

Does article XI, section 5 of the Washington Constitution allow the Legislature to require the approval of the Chair of the Board of County Commissioners, in order for the Sheriff to deploy tear gas to quell a riot?

III. STATEMENT OF GROUNDS FOR DIRECT REVIEW

The Sheriffs agree review is appropriate under RAP 4.2(a)(2) because the trial court held part of RCW 10.116.030 unconstitutional as applied to non-charter counties. *See* Ord. Granting Plaintiffs' Motion for Summary Judgment, Appendix B.

Similarly, the Sheriffs agree review is appropriate under RAP 4.2(a)(4). However, Respondents disagree with the State's characterizations of why review is appropriate. This case represents "a fundamental and urgent issue of broad public import which requires prompt and ultimate determination," because it raises numerous constitutional questions, including those involving the separation of powers.

First, this issue falls within RAP 4.2(a)(2) because the trial court held RCW 10.116.030 invalid as applied

to sheriffs in non-charter counties. Transcript of Proc., Appendix C 16-17. This is an appropriate issue for direct review by this Court.

Second, direct review is appropriate under RAP 4.2(a)(4) because of the broad constitutional implications of this matter. However, the Sheriffs disagree with the State's reasoning. The trial court properly decided this case on summary judgment when it ruled RCW 10.116.030 invalid. Transcript of Proc., Appendix C 42-43. This Court's final determination is essential to answering constitutional questions of broad public import.

Article 11, Section 5 of the State Constitution establishes several offices for non-charter counties.¹ As

¹ This provision includes the offices of the board of county commissioners; sheriff; county clerks; treasurers; prosecuting attorneys; and other officers, as public convenience requires. Const. art. XI, § 5.

written, RCW 10.116.030 interferes with the separation of powers between those offices. Requiring the sheriff to receive the authorization of the chair of the board of county commissioners before acting to disperse a riot, unlawfully allocates the core functions and duties of the sheriff to the board of county commissioners.

Accordingly, this case requires this Court to resolve constitutional questions about the scope of the core functions and powers of constitutionally created offices. Additionally, this Court must resolve the scope of legislative authority to expand or contract those duties and powers. RCW 10.116.030 improperly vests peacekeeping authority in the board of county commissioners, beyond their core functions and duties, by transferring that power from the sheriff to the board. *See* RCW 36.28.010 (“The sheriff is the chief executive officer and conservator of peace in the county. . . [the

sheriff] shall keep and preserve the peace. . . and suppress *all affrays, riots, unlawful assemblies and insurrections*”) (emphasis added). These core functions have remained unchanged since Washington was a territory. *Id.*; see Laws of 1854, pg. 434, § 4; Laws of 1863, pg. 557, § 4; Laws of 1881, § 2769; Laws of 1891, ch. 45, § 1.

RCW 10.116.030 exceeds the legislature’s plenary authority and places the ultimate decision-making authority for means of riot control in the chair of the board of county commissioners, rather than the sheriff.

This Court recently discussed these limitations on plenary authority when it analyzed the duties of the prosecuting attorney in *State ex rel. Banks v. Drummond*, 187 Wn.2d 157, 385 P.3d 769 (2016). Like prosecuting attorneys, both the sheriff and board of county commissioners are constitutionally created

offices with duties not subject to legislative interference. See *State v. Rice*, 174 Wn.2d 884, 905, 279 P.3d 849 (2012); *State ex rel. Johnston v. Melton*, 192 Wash. 379, 390, 73 P.2d 1334 (1937).

“In naming the county officers in § 5, Article XI of the constitution, the people intended that those officers should exercise the powers and perform the duties then recognized as appertaining to the respective offices which they were to hold.” *Melton*, 192 Wash. at 388. “The legislature is free to establish statutory duties that do not interfere with core prosecutorial functions.” *Rice*, 174 Wn.2d at 906.

Like the office of the prosecuting attorney, the legislature may establish additional duties for both the sheriff and board of county commissioners, provided they do not interfere with the core functions of either. However, resolving the extent of legislature’s ability to

proscribe duties requires a determination of both the core functions of the sheriff *and* the board of county commissioners.

Affirming the trial court's decision protects the ability of voters to choose the elected official charged with ensuring peace and order in their county. As pointed out by the trial court, "the people have a right through Article XI, § 5 to decide who makes those decisions." Transcript of Proc., Appendix C 44:11-44:14. This ruling is consistent with rulings this Court has made in the past:

When the voters choose an elected official, they necessarily choose who will be responsible for the duties of that office. It would be fruitless to delegate the selection of county officers to the voters if the duties of those officers could be freely delegated to officers appointed by other government branches.

Drummond, 187 Wn.2d at 179-80. RCW 10.116.030 disenfranchises voters and is repugnant to the constitution and laws of the State of Washington.

Because of their constitutional posture, the answers to these questions not only affect non-charter counties, like those joined in this case, but also the entire State and the other political subdivisions of the State. Therefore, review is appropriate under RAP 4.2(a)(4).

IV. CONCLUSION

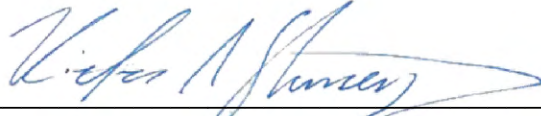
For the foregoing reasons, this Court should accept direct review of this matter.

RAP 18.17 Certification

This document contains 1232 words, excluding the parts of the document exempted from the word count by RAP 18.17.

DATED this 8th day of November 2022.

LAWRENCE H. HASKELL
Spokane County Prosecuting
Attorney

A handwritten signature in blue ink, appearing to read "Kiefer A. Stenseng", written over a horizontal line.

KIEFER A. STENSENG, WSBA
#58423
Deputy Prosecuting Attorney
Attorney for Respondent, Spokane
County

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2022, I electronically filed the foregoing with the Clerk of the Court using the Washington State Appellate Courts' Portal, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the Washington State Appellate Courts' Portal system. The NEF for the foregoing specifically identifies recipients of electronic notice.

Dated this 8th day of November 2022, in Spokane, Washington.



Ashley E. Musick

APPENDIX A

AUG 26 2021

Scott Tinney
Lewis County Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR LEWIS COUNTY**

ROBERT SNAZA, in his official capacity
as Sheriff of Lewis County, Washington;

SEAN SWOPE, in his official capacity as
District 1 Commissioner of Lewis County,
Washington;

LINDSEY POLLOCK, in her official
capacity as District 2 Commissioner of
Lewis County, Washington;

GARY STAMPER, in his official capacity
as District 3 Commissioner and Chair of
the Board of County Commissioners for
Lewis County, Washington;

JOSEPH HELM, in his official capacity as
Sheriff of Columbia County, Washington;

RYAN RUNDELL, in his official capacity
as District 1 Commissioner and Chair of
the Board of County Commissioners for
Columbia County, Washington;

MARTY HALL, in his official capacity as
District 2 Commissioner of Columbia
County, Washington;

CHARLES AMAAREIN, in his official
capacity as District 3 Commissioner of
Columbia County, Washington;

RAYMOND MAYCUMBER, in his official
capacity of as Sheriff of Ferry County,
Washington;

Case No. 21-2-00374-21

**AMENDED COMPLAINT FOR
DECLARATORY JUDGMENT**

COPY

- 1 DEREK GIANUKAKIS, in his official
2 capacity as District 1 Commissioner of
3 Ferry County, Washington;
- 4 NATHAN DAVIS, in his official capacity
5 as District 2 Commissioner and Chair of
6 the Board of County Commissioners for
7 Ferry County, Washington;
- 8 MICHAEL HEATH, in his official capacity
9 as District 3 Commissioner of Ferry
10 County, Washington;
- 11 DREW HYER, in his official capacity as
12 Sheriff of Garfield County, Washington;
- 13 JIM NELSON, in his official capacity of
14 District 1 Commissioner of Garfield
15 County, Washington;
- 16 LARRY LEDGERWOOD, in his official
17 capacity as District 2 Commissioner of
18 Garfield County, Washington;
- 19 JUSTIN DIXON, in his official capacity as
20 District 3 Commissioner and Chair of the
21 Board of County Commissioners for
22 Garfield County, Washington;
- 23 Tom Jones, in his official capacity as
24 Sheriff of Grant County, Washington;
- 25 DANNY STONE, in his official capacity
26 as District 1 Commissioner of Grant
County, Washington;
- ROB JONES, in his official capacity as
District 2 Commissioner of Grant County,
Washington;
- CINDY CARTER, in her capacity as
District 3 Commissioner and Chair of the
Board of County Commissioners for
Grant County, Washington;
- DAVID S. BROWN, in his official capacity
as Sheriff of Skamania County,
Washington;

1 RICHARD MAHAR, in his official
2 capacity as District 1 Commissioner of
3 Skamania County, Washington;
4
5 TOM LANNEN, in his official capacity as
6 District 2 Commissioner and Chair of the
7 Board of County Commissioners for
8 Skamania County, Washington;
9
10 BOB HAMLIN, in his official capacity as
11 District 3 Commissioner of Skamania
12 County, Washington;
13
14 OZZIE KNEZOVICH, in his official
15 capacity as Sheriff of Spokane County,
16 Washington;
17
18 JOSH KERNS, in his official capacity as
19 District 1 Commissioner of Spokane
20 County, Washington;
21
22 MARY KUNEY, in her official capacity as
23 District 2 Commissioner of Spokane
24 County, Washington;
25
26 AL FRENCH, in his official capacity as
District 3 Commissioner of Spokane
County, Washington;

Plaintiffs,

v.

STATE OF WASHINGTON,

Defendant.

1 **I. Introduction**

- 2 1.1. Plaintiffs seek judgment declaring that ESHB 1054, Section 3, improperly, and
3 without lawful authority, transfers emergent decision making authority in the case
4 of a riot from an independently elected Sheriff to the Chair of the Board of County
5 Commissioners.
6 1.2. Further, Plaintiffs seek judgment declaring that ESHB 1054, Section 4(b)
7 improperly designates the Chair of the Board of County Commissioners as the
8 "highest elected official" empowered with the sole authority to
9 approve/disapprove the use of tear gas in the case of a riot not occurring within
10 a jail or correctional facility when, in fact, the Chair lacks authority to act without
11 approval of the majority of the Board.

12 **II. Parties, Jurisdiction, Venue, and Standing**

- 13 2.1. Each Plaintiff Sheriff has standing as the Elected Sheriff for their respective
14 county. ESHB 1054 effects a partial forfeiture of the office by improperly depriving
15 the Sheriff of authority that has historically been, and under current law and the
16 Constitution of the State of Washington, is within the sole purview of the Sheriff.
17 2.2. The Plaintiff Commissioners are each duly elected County Commissioners of
18 their respective county, and together constitute each respective county's Board
19 of County Commissioners (BOCC). Each County has a member that serves as
20 Chair of its BOCC as identified.
21 2.3. Each Plaintiff Commissioner has standing because ESB 1054 vests authority in
22 a single Commissioner where no such authority exists, is authorized, nor is such
23 power contemplated within the Constitution of the State of Washington. As a
24 result, the entire premise of the Board of County Commissioners is undermined.
25 Such action makes the Commissioners substantively unequal, when under the
26 law and Constitution, each Commissioner has equal power, and effects a partial
forfeiture of each of their offices.
2.4. Jurisdiction lies in the Superior Court by virtue of RCW 2.08.010 and RCW
7.24.010 *et seq.* Interested persons whose "legal relations are affected by a
statute" may seek declaratory judgment. RCW 7.24.020; *see also* RCW
7.24.130 (including municipal corporations in the definition of person).
2.5. Each of the originally named Plaintiffs reside in and has a principal place of
business in Lewis County, Washington. Venue therefore is proper within Lewis
County under RCW 4.92.010(1) and (2). The remaining individually named
Plaintiffs have joined by agreement of the Defendant.

1 **III. Facts**

- 2 3.1. On May 18, 2021, Governor Jay Inslee signed ESHB 1054 into law.
- 3 3.2. ESHB 1054 took effect on July 25, 2021.
- 4 3.3. ESHB 1054, Section 4, addresses the use of tear gas by law enforcement is
- 5 addressed.
- 6 3.3.1. ESHB 1054, Section 4(3) dictates that: “[i]n the case of a riot outside of a
- 7 correctional, jail, or detention facility, the officer or employee may use tear
- 8 gas only after: (a) Receiving authorization from the highest elected official
- 9 of the jurisdiction in which the tear gas is to be used, and (b) meeting the
- 10 requirements of subsection (2) of this section.
- 11 3.3.2. ESHB 1054, Section (4)(4)(b) declares that the “[h]ighest elected official’
- 12 means the county executive in those charter counties with an elective office
- 13 county executive, however designated, and in the case of other counties,
- 14 the chair of the county legislative authority. In the case of cities and towns,
- 15 it means the mayor, regardless of whether the mayor is directly elected,
- 16 selected by the council or legislative body pursuant to RCW 35.18.190 or
- 17 35A.13.030, or selected according to a process in established city charter.
- 18 In the case of actions by the Washington state patrol [sic], it means the
- 19 governor.”
- 20 3.3.2.1. Each Plaintiff serves a county that is a non-charter county.
- 21 3.4. Each county to this suit has an elected Sheriff.
- 22 3.5. Each county to this suit has an elected three (3) member Board of County
- 23 Commissioners.
- 24 3.6. Each county to this suit has a Chair that, under ESHB 1054, would be declared
- 25 the “highest elected official.”
- 26 3.7. The only powers of the Chair of the Board of County Commissioners are
- contained within RCW 36.32.100.

27 **IV. Causes of Action for Declaratory Judgment:**

28 **Declaration of Rights, Status, and Obligations**

- 29 4.1. All Plaintiffs reiterate, and incorporates by reference, all of the assertions set out
- 30 above.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

4.2. Both the Office of the County Sheriff and the Offices of County Commissioner were created by the Constitution of the State of Washington. See Const. Art. XI, §5.

4.2.1. "...[S]uch powers as are specially conferred by the constitution...upon any...specified officer, the legislature cannot require or authorize to be performed by any other officer or authority; and from those duties which the constitution requires of him he cannot be excused by law." *Constitutional Limitations* (5th ed.), at 135-136).

4.2.2. The legislature lacks the ability to remove functions historically vested in one office those functions to another office. See Const. Art. XI, §5; *State ex rel. Johnston v. Melton*, 192 Wash. 370, 388, 73 P.2d 1334 (1937) ("In naming the county officers in § 5, Article 11 of the constitution, the people intended that those officers should exercise the powers and perform the duties then recognized as appertaining to the respective offices which they were to hold."); *State ex rel. Kennedy v. Brunst*, 26 Wis. 412 (1870).

4.2.3. Public safety, including the quelling of riotous activities, are, and have been historically, a function for law enforcement, not the legislative authority of a county.

4.2.4. While the legislature may change duties of a Constitutional office, it lacks the authority to strip a Constitutional office, even on a temporary basis, of a function inherent in an office and vest it into another office.

4.3. In the case of the Board of County Commissioners, nowhere within the historic functions of the Board of County Commissioners, nowhere in the Constitution of the State of Washington, and nowhere in the law does it contemplate the Board of County Commissioners acting in any other fashion than that of a Board.

4.4. The only authority in law for the Board to act as a single person is the authority granted within RCW 36.32.100. However, even within that statute, the power is derived only through a vote/consent of the majority of the Board of County Commissioners.

4.5. Likewise, the main function of the Board of County Commissioners is that of a legislative body, not law enforcement.

4.6. Plaintiff Commissioners are entitled to a declaration that they, either acting as a body, or through the Chair, lack the authority imposed pursuant to ESHB 1054(4)(3).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

4.7. Plaintiff Commissioners are entitled to a declaration that each Commissioner is of equal authority under the law, and can act independently only by delegated authority of the full three-member Board.

4.8. Plaintiff Sheriffs are entitled to a declaration that, in the case of a non-charter County, ESHB 1054(4)(3)(a) is an unlawful/improper removal of authority vested solely in the independently elected Sheriff.

V. Prayer for Relief

Wherefore Plaintiffs pray that this Court issue judgment:

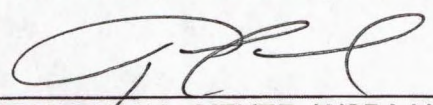
5.1. Declaring that, as applied to non-charter counties, ESHB 1054, Section 3, improperly, and without lawful authority, transfers emergent decision making authority in the case of a riot from an independently elected Sheriff to the Chair of the Board of County Commissioners;

5.2. Awarding Plaintiffs' costs of suit; and

5.3. Awarding such other and further relief as the court deems just and proper.

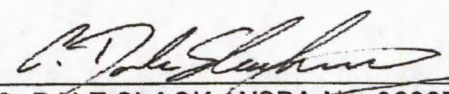
Dated: this _____ day of August, 2021.

Lewis County Prosecuting Attorney



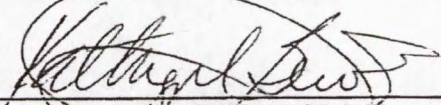
JONATHAN L. MEYER, WSBA No. 28238
Attorney on behalf of Lewis County
Sheriff and Commissioners

Douglas County Prosecuting Attorney



C. DALE SLACK, WSBA No. 38397
Attorney on behalf of Columbia County
Sheriff and Commissioners

Ferry County Prosecuting Attorney



KATHRYN I. BURKE, WSBA No. 44426
Attorney on behalf of Ferry County
Sheriff and Commissioners

Garfield County Prosecuting Attorney



MATT L. NEWBERG, WSBA No. 36674
Attorney on behalf of Garfield County
Sheriff and Commissioners

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Grant County Prosecuting Attorney

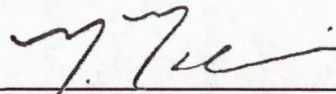
Spokane County Prosecuting Attorney

Approved via telephone 8/25/21 See attached

GARTH DANO, WSBA No. 11226
Attorney on behalf of Grant County
Sheriff and Commissioners
Commissioners

ADAM N. KICK, WSBA No. 27525
Attorney on behalf of SKAMANIA
Sheriff and

Spokane County Prosecuting Attorney

 #30909
Mark McClain for

LARRY HASKELL, WSBA No. 27826
Attorney on behalf of Spokane County
Sheriff and Commissioners

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26


Grant County Prosecuting Attorney

GARTH DANO, WSBA No. 11226
Attorney on behalf of Grant County
Sheriff and Commissioners

Spokane County Prosecuting Attorney

LARRY HASKELL, WSBA No. 27826
Attorney on behalf of Spokane County
Sheriff and Commissioners

Spokane County Prosecuting Attorney


ADAM N. KICK, WSBA No. 27525
Attorney on behalf of SKAMANIA
Sheriff and Commissioners

APPENDIX B

FILED
Lewis County Superior Court
Clerk's Office

SEP 16 2022

Scott Tinney, Clerk
By _____, Deputy

THE SUPERIOR COURT OF WASHINGTON
IN AND FOR LEWIS COUNTY

ROBERT SNAZA, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON,

Defendant.

NO. 21-2-00374-21

ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT

THIS MATTER came before this Court on Plaintiffs' Motion for Summary Judgment. The Court heard oral argument of counsel and considered the following pleadings and materials filed in the matter.

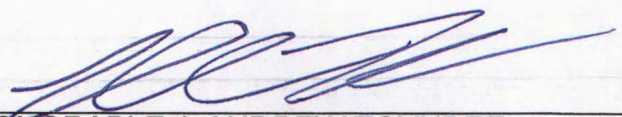
1. Plaintiffs' Motion for Summary Judgment;
2. Defendant's Response and Cross Motion for Summary Judgment;
3. Plaintiff's Reply to Response to Defendant's Response to Motion for Summary Judgment and Defendant's Cross Motion for Summary Judgment;
4. Defendant's Reply to Response to Plaintiff's Motion for Summary Judgment and Defendant's Cross Motion for Summary Judgment;

Being otherwise fully informed the Court reasons as follows.

1 IT IS HEREBY ORDERED that:

- 2 1. Plaintiffs' Motion for Summary Judgment is GRANTED with respect to RCW
- 3 10.116.030 with regard to the powers of the office of the Sheriff; and
- 4 2. Plaintiffs' Motion for Summary Judgment is DENIED with respect to RCW
- 5 10.116.030 with regard to the powers of the office of the Chair of the Board of
- 6 County Commissioners.
- 7 3. The Court's oral ruling is incorporated into this order.

8 DONE IN OPEN COURT this 16th day of September, 2022.

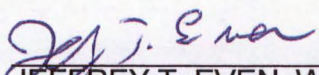


HONORABLE J. ANDREW TOYNBEE
LEWIS COUNTY SUPERIOR COURT JUDGE

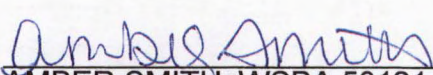
14 PRESENTED BY:

15 ROBERT W. FERGUSON
16 *Attorney General*

JONATHAN L. MEYER
Lewis County Prosecuting Attorney

17 

18 JEFFREY T. EVEN, WSBA 20367
Deputy Solicitor General
 1125 Washington Street SE
 PO Box 40100
 Olympia, WA 98504
 (360) 586-0728
 jeffrey.even@atg.wa.gov

17 

18 AMBER SMITH, WSBA 53121
Deputy Prosecuting Attorney
 345 W. Main St., 2nd Floor
 Chehalis, WA 98532
 (360) 740-2750
 amber.smith@lewiscountywa.gov

21 Counsel for State of Washington

Counsel for Lewis County

22
23
24
25
26

APPENDIX C

FILED

SUPREME COURT
STATE OF WASHINGTON
11/3/2022 12:49 PM

BY ERIN L. LENNON IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
CLERK

IN AND FOR THE COUNTY OF LEWIS

ROBERT SNAZA,)	Lewis County
)	No. 21-2-00374-21
Plaintiff,)	
)	
v.)	
)	
STATE OF WASHINGTON,)	
)	
Defendant.)	

VERBATIM TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 16, 2022

Before the
Hon. J. Andrew Toynebee

APPEARANCES

For the plaintiff: Amber Smith
Deputy Lewis County Prosecutor
Chehalis, WA

For the defendant: Jeffrey Todd Even
Assistant Attorney General
Olympia, WA

Jessica L. Turner, CCR No. 3187
Freelance Court Reporter
Chehalis, Washington 98532

1 (The following took place on September 16, 2022:)

2 THE COURT: All right. Are the parties ready
3 on Robert Snaza and others v. State of Washington?

4 MS. SMITH: Plaintiffs are ready, your Honor.

5 MR. EVEN: The state is ready, your Honor.

6 THE COURT: All right. Come on forward.

7 All right. This is Cause No. 21-2-374-21,
8 Robert Snaza and many others v. the State of
9 Washington. Ms. Amber Smith is here representing the
10 plaintiffs and you are Mr. Even?

11 MR. EVEN: I am, your Honor.

12 THE COURT: All right. Good morning, Mr. Even.
13 Nice to see you again.

14 MR. EVEN: Thank you.

15 THE COURT: And this matter comes on on both
16 party's motions for summary judgment. I have
17 reviewed all the documents and I'm ready to hear
18 argument.

19 So go ahead, Ms. Smith.

20 MS. SMITH: Thank you. Good morning, your
21 Honor. I'll keep this as brief as possible. This
22 boils down to essentially whether or not the
23 legislature exceeded its plenary authority by
24 interfering with the core functions of the office of
25 the sheriff, and also the Board of County

1 Commissioners via the chair of the Board of County
2 Commissioners in the enactment of RCW 10.116.030,
3 which I'll refer to just generally as the tear gas
4 law to make it easier for all of us.

5 Our position is that the legislature through
6 the enactment of that bill did. And it did interfere
7 because essentially what the tear gas bill is
8 requesting or requiring of the sheriff's office, who
9 does have a core function and duty of defending
10 against and disbursing riots, to get the
11 discretionary authority to use a tactical
12 implementation, which is tear gas. But nevertheless,
13 a discretionary use on how to go about defending or
14 disbursing a riot from the chair of the Board of
15 County Commissioners, and that that in and of itself
16 is an interference based on Rice and Melton in
17 decisions, and that the plenary authority of the
18 legislature is to draft or create job duties and
19 descriptions for elected offices in the counties and
20 the sheriff. They can do so, so long as it doesn't
21 interfere with those core functions.

22 To go definitionally on what an interference
23 is, when looking at Black's legal dictionary, an
24 interference is the act or process of obstructing
25 normal operations or intervening and meddling in the

1 affairs of others. And that's under Black's legal
2 dictionary, 11th edition. That is precisely what
3 this law does. It requires that in the course of a
4 riot, outside of a jail setting, that the sheriff has
5 to stop, ask the chair of the board of the county
6 commissioners whether or not tear gas is appropriate
7 in the middle of that. And then that chair has to
8 make a fact-based, substantive determination as to
9 whether or not tear gas is appropriate.

10 That stop, that check that the state would say
11 is a mere check and is needed for public policy and
12 public interest is, nevertheless, a stopping of that
13 core function and duty of defending and suppressing
14 riots and requiring another independent elected
15 office to give that elected officer that authority.
16 That is an interference. It does obstruct and it
17 does meddle in that core function. And that is a
18 core function that has existed in the office of the
19 sheriff since territorial times and has been enacted
20 as part of their core duties or part of their
21 duties -- pardon me, statutorily.

22 Further, the core function of the Board of
23 County Commissioners to act as a collected body when
24 making substantive decisions is also interfered upon
25 by placing such a substantive authorization or power

1 within the chair of the Board of County
2 Commissioners. Since territorial times and through
3 today in the enactment of statutes, the Board of
4 County Commissioners is a collective body. They make
5 substantive fact-based decisions as a body, as a
6 whole. And it is the majority that makes those
7 decisions.

8 The only discretionary authority that's been
9 given to the chair of the Board of County
10 Commissioners is a nominal discretionary authority.
11 It's in marshalling meetings. They are the chair of
12 the board. They determine the schedule and they
13 marshal those meetings. They also are a signatory
14 only after the entirety of the board makes a decision
15 to agree or disagree in signing on any contracts.
16 There is no real power authority that exists in that
17 chair other than an administrative type position that
18 exists.

19 By placing such a high discretionary
20 decision-making authority in the chair, it does
21 interfere with the intent and the core function of
22 the Board of County Commissioners. It's a
23 legislative body.

24 We would ask this court to grant our motion for
25 summary judgment and determine that this statute,

1 10.116.030, did exceed the legislature's plenary
2 authority and their ability to establish duties on
3 these elected offices, because this is an unintended
4 result in particular with noncharter counties. It
5 would be no different than asking the court to have
6 permission from the assessor to do an exceptional --
7 an exceptional sentence upward in a juvenile case
8 because there may be public policy in the future.
9 That's the unintended result if the court were to
10 establish this today or grant this today.

11 THE COURT: Melton seems like the -- sort of
12 the seminal case that everybody comes back to. And
13 Melton seemed to be focused on the danger of having
14 another elected attorney -- elected office be able to
15 appoint -- the word "appointment" and "appoint" is
16 throughout the Melton case. At what point did the
17 court's interpretation of Article 11, Section 5 shift
18 from appointment being the danger to the interference
19 with duties? Any -- I mean, I'm not sure the -- I'm
20 not sure the "when" is -- I mean, really pinning down
21 the when is important, but it seems like there was
22 a -- that was what Melton was all about, was the
23 prosecutor's would be able to appoint rather than
24 elect. And Article 11 -- Article 11, Section 5 seems
25 to protect the right of the citizenry to elect people

1 doing these local functions. Any insight as to when
2 that shift occurred or why that shift would occur?

3 MS. SMITH: I can't say with any particularity
4 when or why the shift would occur. Our position is,
5 is that based on the reading of Melton and the idea
6 that the citizenry have the authority to choose who
7 their elected officials are and that those core
8 duties and functions that are prescribed to those
9 elected officials are the ones that those folks are
10 making the determination for. Our position is that
11 based on Melton, the idea that -- in that
12 circumstance, is that the ability for the prosecutor
13 to exercise their core functions and duties was what
14 was being infringed upon or was being taken away
15 from. And that by not -- or by taking away those
16 core functions and duties and prescribing them to
17 another that was outside of that elected official,
18 whether or not it -- pardon me here -- that that was
19 the issue at hand in Melton. And that the citizens
20 have a right to know those elected officials. And in
21 this circumstance, the citizens have a right to know
22 that in the core functions and powers of the sheriff
23 that that is where the defense and disbursal of
24 rights comes from, not from the chair of the Board of
25 County Commissioners.

1 THE COURT: All right. Thank you.

2 Mr. Even.

3 MR. EVEN: Thank you, your Honor. For the
4 record, Jeffrey Even, deputy solicitor general here
5 on behalf of the state. I will begin, if I may, with
6 the question that the court just posed. And my
7 answer would be that there has not been a shift from
8 that. And in fact, for that I would point the court
9 in particular to State ex rel. Banks v. Drummond in
10 addition to the two cases the counsel already
11 mentioned.

12 I think Banks rounds out the trifecta of the
13 important Washington cases here. That case had to do
14 with an attorney who was engaged by the county
15 commissioners to do work that otherwise the county
16 prosecutor would do. And the county prosecutor did
17 not consent to that appointment, as would have been
18 his prerogative to do.

19 So, again, there the issue was not simply that
20 somebody other than the prosecutor was providing
21 legal advice to the commissioners, although that is a
22 problem in the case. The problem is it wasn't the
23 person who had been elected to do that function. So
24 it was that appointment power that I think is
25 critical to this distinction. Because this, I think

1 helps us get a little bit of insight on what I think
2 could at least at first blush be a bit of a conundrum
3 here in the constitutional text and in other case
4 law. We have a constitutional provision that simply
5 lists out the county offices and says that they are
6 to be elected and then says and the legislature can
7 define their duties or shall define their duties.

8 So how do we square the fact we do have a
9 number of cases, as counsel points out, that say,
10 well, you can't take away the core function of one of
11 those constitutionally created offices, but we have
12 language in the constitution that says the
13 legislature can define their duties.

14 I think the answer to that stems from a couple
15 points. One is the concern that somebody other than
16 the elected official is going to appoint. In Melton,
17 the issue was that the legislature had passed a
18 statute that created district attorney investigators
19 and allowed them to do everything the deputy sheriff
20 could do. That was -- that was, I think, an issue of
21 who is going to appoint those people. They weren't
22 performing a function that you would normally think
23 as being core to the prosecutor's office.

24 And what does it mean to say that we have a
25 core function at issue? A core function is something

1 that's really inherent, you know, in the nature of
2 the office. Why do we have a county prosecutor in
3 Melton? Well, it's to prosecute criminal cases and
4 to provide civil representation to the county.

5 Why do we have a sheriff? Well, to keep the
6 peace, to suppress riots, but that doesn't
7 necessarily mean that the legislature is powerless to
8 provide checks on what we might think of more as a
9 tactic involved in performing a function of the
10 office. So the tear gas statute does not deprive the
11 sheriff of any core function of office. He remains
12 the chief law enforcement officer of the county. And
13 he remains the one who would make the initial
14 decision to deploy tear gas and to, in fact, deploy
15 it when that comes to pass --

16 THE COURT: Well, what if the county -- what if
17 the chair of the Board of the County Commissioners
18 says, "no"?

19 MR. EVEN: I think, obviously, we have to
20 entertain that possibility because if that wasn't at
21 least a possibility, there would be no purpose in the
22 statute. And the answer to that is that I think
23 legislature is concerned that we are dealing with a
24 tactic that has significant public health and safety
25 risks. And so the legislature, rather, wants to

1 provide an additional check on the use of this
2 particular tactic while still permitting it. Riot
3 suppression is still one of the reasons why law
4 enforcement can use tear gas. There are others in
5 the statute, by the way, that are not subject to this
6 additional check of getting approval from the chief
7 elected -- highest elected official of the county.

8 And that would bring me to what I would suggest
9 here is the easy part of this case. And that's the
10 effect on the Board of County Commissioners. There
11 is nothing in RCW 10.116.030 that takes away from or
12 interferes with the functions of the county
13 commissioners.

14 Now, what the plaintiffs have pointed out here
15 is that assigning a role like this to the chair of
16 the Board of Commissioners who is, for most purposes,
17 one of a multimember body that acts collectively, not
18 individually, added a new function for that person.
19 But doing that in no way takes anything away from the
20 authority and responsibilities of the other two
21 commissioners with regard to the powers and duties
22 that are assigned to the board as a body. So I think
23 that's actually a fairly easy question, is that
24 nothing in the constitution precludes giving an
25 individual commissioner, one who has been selected by

1 the other two to be the chair, an additional function
2 that does not take away from any other function. And
3 to say that the legislature can't do that would do
4 tremendous violence to the constitutional language
5 that says the legislature can define the duties of
6 county offices. So I think that part of the case is
7 relatively straight forward.

8 And as to the sheriff, as I've indicated, I
9 think the distinction here becomes, what's a core
10 function? What's something that if you take this
11 away, the office isn't really that office anymore?
12 You know, that's guided, I think, by a concern that
13 the constitution specifies, here's the county
14 officers we're going to have in a general law county.
15 And then wants to -- what the court has done I think
16 in a case like Melton is say, well, we can infer from
17 that that that's to be a meaningful position. It's
18 to be the kind of thing that we would normally think
19 of pre-statehood as a sheriff, a commissioner, a
20 prosecutor, et cetera. And so by providing a limit
21 on the use of a particular tactic, the legislature
22 has not interfered with the core function. And for
23 that reason, the court should grant summary judgment
24 in favor of the State.

25 THE COURT: All right. Thank you.

1 Ms. Smith, your response?

2 MS. SMITH: Yes.

3 THE COURT: And I guess I will ask the question
4 right up front. Is there any -- what's your response
5 to what Mr. Even has, I guess, termed "the easy
6 part"? Is there anything in the case law or
7 explicitly in the constitution that prohibits the
8 legislature from allowing one commissioner to act in
9 certain specific instances?

10 MS. SMITH: There is nothing explicit in the
11 constitution and case law that states that other
12 than, again, on the basic function on plenary
13 authority in the prescribing of those duties that so
14 long as it doesn't interfere with the core functions
15 of those offices. And it is our position that by
16 placing a substantive discretionary decision in the
17 chair, that does interfere with the core function of
18 who otherwise is a collective body. That the duties
19 that have been prescribed previously to the chair of
20 the board being administrative or nominal or as a
21 signatory on behalf of the board after they make a
22 collective decision, by putting such a concentration
23 of power in a discretionary decision-making authority
24 that that is the interference on the officers of the
25 Board of County Commissioners. That the Board of

1 County Commissioners, since territorial times and
2 through the enactment of our constitution, has been
3 considered a collective body, a whole. It is a
4 group. That there are members of that body that get
5 separately elected, but that the Board of County
6 Commissioners itself is a collective body.

7 Generally, a legislative-making, collective
8 body that works. And by putting such concentration
9 in a discretionary act in one particular member, it
10 disrupts that otherwise equal discretionary authority
11 that they have as the collective body where no
12 commissioner, whether they are chair or they are a
13 junior commissioner on the Board of County
14 Commissioners, has no weighted difference in their
15 discretionary decision-making. They are equals. And
16 by putting this kind of substantive check on the
17 sheriff, they are creating an interference on what
18 would otherwise be equal standing amongst the
19 collective body as a whole.

20 THE COURT: Well, what if the legislature
21 decided that the open public meeting act was just
22 really unwieldy and really unworkable and really
23 didn't allow for the government to function well so
24 that basically two commissioners can't have a
25 conversation about anything without violating the

1 open public meetings act? What if the legislature
2 just said, enough's enough. We're going to allow
3 them to decide amongst themselves who can decide
4 these decisions and one commissioner can be in charge
5 of public health and the other commissioner can be in
6 charge of these and they can make decisions. What if
7 the legislature did that? Would that violate the
8 constitution?

9 MS. SMITH: We would submit, yes, it does
10 interfere with that core function. Or I should say,
11 on caveat, if they were to repeal the open public
12 meetings act, which is a legislatively enacted
13 chapter in the RCWs or title in the RCWs, that they
14 could do that. The concern comes with whether or not
15 they have in their plenary authority the ability to
16 go prescribing what would be discretionary authority
17 in each of those individual collected bodies.

18 There is one way that they could do this, and I
19 want to circle back on something that Mr. Even
20 mentioned about the legislature being powerless to
21 create checks. The legislature is not powerless to
22 create checks. If it wanted to, in the interest of
23 public policy, they have the opportunity to do so.
24 But it's through a constitutional amendment. Our
25 concern and our discussion today is about whether or

1 not they exceeded the plenary authority and just
2 common legislative lawmaking. And that is our
3 concern is that they are enacting laws, not through a
4 constitutional amendment, that interferes with the
5 core functions of the duties of these offices. And
6 that that is the problem. That is the concern and
7 why we bring our case today, is because the
8 legislature does have the power to create checks and
9 balances. But not like this. There is a right way
10 to do things and they did not choose the right path
11 to enact this type of discretionary decision-making
12 that interferes with the core function of the office
13 of the sheriff and also the Board of County
14 Commissioners.

15 THE COURT: All right. Well, I want to -- I'm
16 grateful for the opportunity to have such a complex
17 issue to delve into. This has been very educational
18 for me. And very intellectually stimulating. To go
19 deep into a state constitutional issue is not
20 something that, as a superior court judge, I get an
21 opportunity to do very often.

22 But I am granting summary judgment in favor of
23 the plaintiffs. I do find beyond a reasonable doubt
24 that the challenged portion of the statute,
25 specifically, that requires the chair of the county

1 commissioners to approve the deployment of tear gas,
2 violates the constitution, specifically Article 11,
3 Section 5. I'm adopting the plaintiff's analysis as
4 I really think that that hits the nail on the head,
5 both in the identified legal problem and the legal
6 analysis.

7 I will state that I do not find that the
8 legislature's designating the ability for one
9 commissioner to act alone violates the constitution.
10 So I am denying on that issue. But I don't find that
11 it interferes with the core function or a central
12 function. It -- it may interfere with the method of
13 doing business but it doesn't take away something
14 that defines the county commissioners.

15 I'm -- even though the state constitution
16 explicitly allows the legislature to specify the
17 powers and duties of local officials, there have been
18 limits on that through case law. And even though
19 Melton focuses on the dangers of having another
20 governmental elected office have the power to appoint
21 somebody that may usurp or interfere with the elected
22 official's core duties, the case law since then has
23 evolved. And our State's Supreme Court's made it
24 clear that the legislature may not transfer to other
25 elected officers those powers and functions that have

1 belonged to another since before the ratification of
2 the constitution. And I find that the suppression of
3 riots is a core function of the sheriff.

4 Just to use Lewis County as an example, the
5 problem here is that the people of Lewis County did
6 not elect Commissioner Pollock to weigh in and
7 determine what tactics or equipment should be
8 deployed to suppress a riot. They elected Sheriff
9 Rob Snaza to do this. The people have a right to
10 determine through their elections -- and this is what
11 the case law focuses on. The people have a right
12 through Article 11, Section 5 to decide who makes
13 those decisions. And so that's -- that's how this
14 violates the rights of the citizens.

15 And this legislation is not merely a check on
16 an important decision that affects people's safety.
17 The danger is that if the legislature can strip from
18 the elected sheriff an inherent function of that
19 office, such as the right to determine whether tear
20 gas may be deployed to suppress a riot, then they can
21 strip all such functions. And the legislature -- and
22 what the Banks v. Drummond case and the Rice case
23 tell us is that the legislature can't take away those
24 functions that make an elected office that elected
25 office. So the sheriff's office has the right and

1 the duty, traditionally, to suppress riots. And that
2 cannot be taken away, even one small bite at a time.
3 Riot suppression is a core function of the sheriff.
4 It's not a core function of the county commissioner.

5 And as I mentioned, the citizens elected the
6 sheriff to make such discussions regarding the
7 tactics to deploy in suppressing riots. They did not
8 elect the county commissioners to do so. So for
9 those reasons, I'm granting the State's motion for
10 summary judgment.

11 MR. EVEN: Rather the plaintiffs.

12 THE COURT: Yes. I'm sorry. I meant to say
13 that right at the beginning.

14 MR. EVEN: I think you did.

15 THE COURT: I use -- when I see prosecutors, I
16 think state. So I am granting the plaintiffs. I
17 told myself before I started that I would make that
18 distinction, but I fall into old habits. So I am
19 granting the plaintiff's. I jump to calling the
20 prosecutor's office the state just by default. So I
21 apologize for that misstatement.

22 MS. SMITH: And for clarification, your Honor,
23 would you like the parties to draft other orders?
24 There were the proposed orders that were presented by
25 the plaintiff. Would you like us to do that? And if

1 amenable to both parties, enter those ex parte?

2 THE COURT: Yes.

3 MS. SMITH: Thank you.

4 THE COURT: Yes. I think you could probably
5 step back and just doctor those up, potentially. And
6 if you can't, then they can be done ex parte.

7 MS. SMITH: Great. Thank you.

8 THE COURT: Again, I thank you for excellent
9 briefing. This was a treat to be able to get a break
10 from kind of my normal routine and delve into a --
11 what I considered very interesting issue. Thank you.

12 MS. SMITH: Thank you.

13 MR. EVEN: Thank you, your Honor.

14 (Court was adjourned.)

15

16

17

18

19

20

21

22

23

24

25

November 03, 2022 - 12:49 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 101,375-2
Appellate Court Case Title: Robert Snaza et al. v. State of Washington
Superior Court Case Number: 21-2-00374-0

The following documents have been uploaded:

- 1013752_Report_of_Proceedings - Volume 1_20221103124743SC796423_1009.pdf

This File Contains:

Report of Proceedings - Verbatim - Volume 1, Pages 1 to 21, Hearing Date(s): 09/16/2022 *Report of Proceedings Total Number of Pages:*

The Original File Name was 21-2-00374-21 Snaza v. State.pdf

A copy of the uploaded files will be sent to:

- MMCCLAIN@SpokaneCounty.org
- SGOOlyEF@atg.wa.gov
- alexia.diorio@atg.wa.gov
- amber.smith@lewiscountywa.gov
- appeals@lewiscountywa.gov
- cdslack@gmail.com
- dale_slack@co.columbia.wa.us
- derek@co.skamania.wa.us
- fandersen@spokanecounty.org
- garthdano@gmail.com
- jeffrey.even@atg.wa.gov
- jmillard@grantcountywa.gov
- jonathan.meyer@lewiscountywa.gov
- kate.worthington@atg.wa.gov
- kiburke@co.ferry.wa.us
- kick@co.skamania.wa.us
- kjmccrae@grantcountywa.gov
- lpdarbitration@atg.wa.gov
- mnewberg@co.garfield.wa.us
- prosecutor@co.garfield.wa.us
- scpaappeals@spokanecounty.org
- teri.bryant@lewiscountywa.gov

Comments:

The verbatim report of proceeding is for Lewis County Cause No. 21-2- 00374-21

Sender Name: Jessica Turner - Email: yentair@gmail.com

Address:

112 Mackelwich Drive
CHEHALIS, WA, 98532
Phone: (406) 939-5628

Note: The Filing Id is 20221103124743SC796423

SPOKANE COUNTY PROSECUTOR

November 08, 2022 - 3:25 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 101,375-2
Appellate Court Case Title: Robert Snaza et al. v. State of Washington
Superior Court Case Number: 21-2-00374-0

The following documents have been uploaded:

- 1013752_Answer_SOG_for_Direct_Review_20221108152359SC905241_7452.pdf
This File Contains:
Answer to Statement of Grounds for Direct Review
The Original File Name was 2022.11.08 Snaza Answer to Appellants Statement of Grounds for Direct Review.pdf

A copy of the uploaded files will be sent to:

- MMCCLAIN@SpokaneCounty.org
- SGOOlyEF@atg.wa.gov
- alexia.diorio@atg.wa.gov
- appeals@lewiscountywa.gov
- cdslack@gmail.com
- dale_slack@co.columbia.wa.us
- derek@co.skamania.wa.us
- fandersen@spokanecounty.org
- garthdano@gmail.com
- jeffrey.even@atg.wa.gov
- jmillard@grantcountywa.gov
- jonathan.meyer@lewiscountywa.gov
- kate.worthington@atg.wa.gov
- kiburke@co.ferry.wa.us
- kick@co.skamania.wa.us
- kjmccrae@grantcountywa.gov
- lpdarbitration@atg.wa.gov
- mnewberg@co.garfield.wa.us
- prosecutor@co.garfield.wa.us
- sara.beigh@lewiscountywa.gov
- teri.bryant@lewiscountywa.gov

Comments:

Sender Name: Ashley Musick - Email: amusick@spokanecounty.org

Filing on Behalf of: Kiefer A Stenseng - Email: kstenseng@spokanecounty.org (Alternate Email: sapaappeals@spokanecounty.org)

Address:
1100 W Mallon Ave
Spokane, WA, 99260-0270

Phone: (509) 477-3662

Note: The Filing Id is 20221108152359SC905241