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No. 100135-5

IN THE SUPREME COURT OF THE  
STATE OF WASHINGTON

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STATE OF WASHINGTON,

Respondent,

v.

ZACHERY KYLE MEREDITH,

Appellant.

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SUPPLEMENTAL BRIEF OF RESPONDENT

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## **I. INTRODUCTION**

Barrier-free transit systems increase the efficiency of public transit and enable a higher quantity and higher quality of service. Conspicuously posted signage informs riders that the fare must be paid before boarding but no fare check is conducted prior to or at the time of boarding. This significantly improves boarding times and reduces costs.

Reasonable riders who board a barrier-free transit system are aware that they may be asked for proof of fare. When riders choose to use public transit knowing that they may be subject to fare inspection, they have consented to being asked to present proof of payment and have agreed to furnish such proof.

## **II. ISSUES**

The court granted the review of those issues set out in the petition for review at page 1. Those issues can be summarized as follows:

1. Snohomish County Sheriff's deputies asked each rider on the Community Transit Swift bus to present proof of having paid their fare while the bus was traveling between stops. Is such a request by a law enforcement officer a show of authority sufficient to constitute a seizure?

2. Under statutory authority, a public transportation rider is required to produce proof of payment when requested and persons designated to monitor fares are authorized to ask for such proof. Under Article I, section 7 of the Washington Constitution, may an officer request proof of payment absent a suspicion that the rider has failed to pay the fare?

3. Does a person's decision to utilize barrier-free transit services constitute consent to being asked to present proof of payment of the fare and is consent a valid exception to a seizure?

### III. STATEMENT OF THE CASE

A detailed set of facts is set out in the Brief of Respondent at pages 1–3. The essential facts for purposes of this court’s review are as follows:

Community Transit is a public transit benefit area under ch. 36.57A RCW. It operates two bus rapid transit lines known as the Swift lines. These lines operate as a barrier-free transit system.

In a barrier-free transit system, off-board fare collection allows convenient, quick, all-door passenger boarding.<sup>1</sup> Riders are required to purchase their fare at a designated terminal or via a payment card in advance of boarding the bus. Id. Passengers must carry their valid ticket or pass while riding. Id. This substantially reduces the amount of time required to board a bus and enables

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<sup>1</sup> Transit Cooperative Research Program Synthesis 96 – Off-Board Fare Payment Using Proof-of-Payment Verification, 2012 (available at: <https://ssti.us/wp-content/uploads/sites/1303/2012/03/Proof-of-payment-TRB.pdf>) at 1



buses to spend less time at stops. Id. at 11. This in turn allows shorter travel times which allows an increased volume of service with fewer coaches.

An essential part of barrier-free transit systems includes proof of payment fare inspection which occurs after boarding and is enforced with potential penalties ranging from a warning to a misdemeanor offense. Id. at 5.

Community Transit contracts with the Snohomish County Sheriff's Office to provide fare enforcement services.<sup>2</sup> Fare inspection may be conducted by Community Transit's own service ambassadors in conjunction with the Snohomish County Sheriff's Office's Transit Police Unit or by the Transit Police Unit alone. CP 91. A rider may demonstrate that they have paid the fare

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<sup>2</sup> 2021 Board of Directors Budget Notebook at 69 (available at: <https://www.communitytransit.org/docs/default->

by either producing a ticket or an ORCA<sup>3</sup> card. Persons monitoring fare enforcement have a device that will read the ORCA card to determine if the fare has been paid. CP 79. Tickets may be purchased at the Swift platform while waiting for the bus. CP 99.

Community Transit and the Transit Police Unit do not single out riders for proof of fare but speak with each rider on the bus. CP 106–07. Typically, one officer will work the back of the bus, one will work the front, and they will meet in the center. CP 106–07. Fares are checked as the bus travels between stops. CP 107. At the next stop, officers will disembark to board a different bus. CP 107.

If a rider is unable to present proof of fare, transit police will attempt to use the least invasive penalty

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source/about-documents/budget-financials/adopted-2021-budget-final-12-10-20.pdf?sfvrsn=7a8bf8d\_2)

<sup>3</sup> The ORCA card (One Regional Card for All) is a contactless, stored-value smart card system for public transit in the Puget Sound region of Washington. State v.

necessary to get the passenger to pay the fare. CP 93. To determine whether a rider will be given a warning, issued an infraction, or arrested for a crime, officers will identify the rider to review the rider's transit violation history. CP 69, 93.

In the present case, officers followed this procedure. On March 28, 2018, Deputy Dalton and Deputy Einer boarded one of Community Transit's Swift bus coaches in Everett, Washington. CP 78–79, 91–95. Deputy Dalton, while checking fares on the back half of the bus, approached the defendant, and asked him for “proof of payment or ORCA card”. The request was in a conversational tone. CP 95–96; slip op. at 1. The defendant stated he thought he had proof of payment and began searching. CP 107. After a thorough search, the defendant was unable to produce proof of fare. CP 107–

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Conyers, 13 Wn. App. 2d 1078 (2020) (unpublished and cited pursuant to GR 14.1).

08. Deputy Dalton asked the defendant to exit the bus at the next stop. CP 92–93.

Consistent with procedure, Deputy Dalton asked the defendant for identification when they got off the bus. The defendant said that he did not have any identification. CP 94. He verbally identified himself as Jason McGumery, date of birth: May 24, 1984. CP 101. Deputy Dalton spent 10–12 minutes trying to confirm the identity through a radio check. CP 96–97. When he was unable to confirm the defendant's identity, Sergeant Zelaya contacted the defendant and obtained his fingerprints through a biometric reader. CP 95. Based on that information officers were able to identify the defendant as Zachary Meredith. Police learned that he had outstanding warrants. CP 81–82, 89.

Because the defendant had used a false name to avoid arrest on an escape warrant, the defendant was charged with making a false statement to a public

servant. CP 35, 280. Before trial he moved to suppress evidence on the basis that he had been unlawfully seized. The trial court denied the motion finding that he had not been seized until he had been ordered to disembark the train. CP 328–333. A jury convicted the defendant at trial. CP 35.

The defendant appealed his conviction to the Superior Court arguing that his suppression motion should have been granted. CP 50–64. The Superior Court affirmed the conviction concluding that the defendant had not been seized by Deputy Dalton until after he failed to produce proof that he had paid his fare. CP 3–5.

The Court of Appeals assumed without deciding that the defendant had been seized at the point Deputy Dalton requested proof of payment. Slip op. at 6–7. The Court of Appeals further held that, assuming there had been a seizure, the defendant had consented to being seized for the limited purpose of fare enforcement and

Deputy Dalton did not exceed the scope of the defendant's consent. Slip op. at 13.

#### IV. ARGUMENT

##### A. THE BENEFITS OF BARRIER-FREE TRANSIT SYSTEMS.

To begin, a discussion of the benefits of barrier-free transit systems is warranted. The government interest in a barrier-free transit system is to get passengers to their destinations more quickly and with less cost.<sup>4</sup> “Barrier-free transit systems can cost 20-30 times less than systems that contain barriers to entry.” Carter, 472 Md. 36. Each Swift bus arrives at a stop every 10 to 20 minutes and stops for about 10 seconds to allow passengers to get on the bus.<sup>5</sup> The goal of the rapid transit system is enhanced when passengers pre-pay the

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<sup>4</sup> Transit Cooperative Research Program Synthesis 96 – Off-Board Fare Payment Using Proof-of-Payment Verification, 2012 (available at: <https://ssti.us/wp-content/uploads/sites/1303/2012/03/Proof-of-payment-TRB.pdf>)

<sup>5</sup> <https://www.communitytransit.org/aboutswift>

fare at a kiosk at the platform rather than stopping at a fare box or ORCA reader by the driver as each passenger embarks. Where resources are limited, the efficient use of available resources allows a transit authority to provide service to communities that otherwise would not be reached by transit services.

At the same time, the transit authority has an interest in ensuring that fares are paid. Fares are a significant percentage of revenues of all large urban transit services in Washington State.<sup>6</sup> Community Transit's fares have covered 9.9% of operating expenses on fixed route rides and 38.8% on its commuter routes.<sup>6</sup> Experience has shown that decreased revenue results in reduced services. And reduced service impacts economically disadvantaged persons in the community

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<sup>6</sup> 2019 Washington State Summary of Public Transportation (available at: <https://www.wsdot.wa.gov/publications/manuals/fulltext/M3079/spt.pdf>)

who most rely on transit.<sup>7</sup> Even where transit authorities have decided to simply go fare-free, the potential impacts of not collecting fares can temporarily boost ridership but can also lead to other negative consequences such as increased vandalism, costs related to additional security and police, driver complaints, and a loss of long-term riders.<sup>8</sup> Recently, those transit authorities which have expressed interest in a fare-free model generally “have concluded that the amount of revenue that would be required to not only replace fares, but to also pay for the extra service, equipment, and facilities to meet increased demand” is not feasible. Id. Transit authorities have an interest in providing high quality service and in collecting

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<sup>7</sup> <https://www.theurbanist.org/2020/10/08/2021-budget-takes-another-bite-out-of-rapidride-program/>

<sup>8</sup> Transit Cooperative Research Program Synthesis 101-Implementation and Outcomes of Fare-Free Transit Systems, 2012 at 47 (available at: <http://www.masontransit.org/wp-content/uploads/2015/10/Implementation-and-Outcomes-of-Fare-Free-Transit-Systems-FTA-2012.pdf>)



fares to support such service. Barrier-free transit systems are an effective tool to achieve this interest.

**B. THE DEFENDANT WAS NOT SEIZED BY THE CONDUCT OF DEPUTY DALTON.**

When analyzing police-citizen interactions, the court must first determine whether a warrantless search or seizure has taken place. State v. O'Neill, 148 Wn.2d 564, 574, 62 P.3d 489 (2003). The person who claims that a seizure has occurred bears the burden of proving it. State v. Thorn, 129 Wn.2d 347, 354, 917 P.2d 108 (1996). None of the lower courts concluded the defendant had carried his burden to show he had been seized by Deputy Dalton's request for proof of fare. CP 328–33, 4–5; slip op. at 5. The defendant was not seized by the fare request.

The determination of whether a seizure has occurred is a mixed question of law and fact. Thorn, 129 Wn.2d at 351. Thus, the reviewing court accords great deference to the trial court's finding of facts but reviews

the question of whether those facts constitute a seizure de novo. Id.

Under article I, section 7, a person is seized “only when, by means of physical force or show of authority his or her freedom of movement is restrained and a reasonable person would not have believed he or she is free to leave given all the circumstances or free to otherwise decline an officer’s request and terminate the encounter.” O’Neill, 148 Wn.2d at 574 (internal citations omitted). The standard is “a purely objective one, looking to the actions of the law enforcement officer.” State v. Young, 135 Wn.2d 498, 501, 957 P.2d 681 (1998).

In his Petition for Review, the defendant argued a law enforcement encounter may be transformed into a seizure by a potential penalty imposed by a statute rather than through a focus on the actions of the law enforcement officers. The defendant has identified no case which supports this argument. The test for a seizure

focuses on a reasonable person's understanding of law enforcement conduct, not on the existence of a statute.

Focusing on the actions of law enforcement officers in the present case, no seizure occurred. There are three doors on a Swift bus. CP 106. In the present case, two deputies entered through the bus's doors and one followed in a supporting vehicle. CP 91. One deputy entered through the middle door and Deputy Dalton entered through the rear door. CP 106. No law enforcement officer entered the front door. While the first deputy worked the front of the bus, Deputy Dalton worked from the back towards the center. CP 106. Deputy Dalton approached Mr. Meredith and stated, "Proof of payment or ORCA card." CP 106. He did so in a conversational tone. CP 95–96. The defendant stated he thought he had proof of payment and began searching. CP 107. There was no immediate need so the deputy allowed the defendant time to search. CP 107. After a thorough

search, the defendant was unable to produce proof of fare. CP 107–08.

The whole time the interaction was ongoing, the bus was traveling between stops. CP 107. No facts in the record indicate that passengers were prohibited from exiting at a stop or were otherwise detained when not speaking with an officer. Of course, passengers could not leave the bus while it was traveling between stops but this “says nothing about whether or not the police conduct at issue was coercive” and does not alone create a seizure. Florida v. Bostick, 501 U.S. 426, 435–36, 111 S. Ct. 2382, 115 L. Ed. 2d 389 (1991).

An individual contacted on a Community Transit bus continues to move to their preferred destination despite the officer’s conduct. This is analogous to an officer contacting the occupant of a parked vehicle whose status remains unchanged by any conduct of the law enforcement officer. Washington courts have regularly

held that a seizure does not occur when a police officer approaches an individual who is sitting in a parked vehicle and asks, but does not demand, the individual's identification. See, e.g., O'Neill, 148 Wn.2d 564 (officer did not seize occupant of parked car by approaching vehicle, shining a flashlight into the car, and asking the occupant to roll down the window); State v. Mote, 129 Wn. App. 276, 120 P.3d 596 (2005) (a person seated in a parked car is comparable to a pedestrian and Const. art. I, § 7, does not prohibit an officer from asking for identification from such a person); State v. Cerrillo, 122 Wn. App. 341, 93 P.3d 960 (2004) (men sleeping in parked truck were not seized when police officers woke the men up, asked to see the driver's identification, and then advised the driver not to move the vehicle until he sobered up); State v. Knox, 86 Wn. App. 831, 833, 939 P.2d 710 (1997), overruled on other grounds by O'Neill, 148 Wn.2d 564 (no seizure took place when an officer

approached a vehicle parked on a ferry and asked the sleeping driver repeatedly to roll down the window).

An occupant of a parked vehicle's status does not change as a result of the law enforcement conduct. He is parked and remains parked. Similarly, a bus passenger subject to a Community Transit fare inspection continues to move toward his final destination despite the interaction with the officer. Where an officer issues no command but requests to view an ORCA card or proof of fare in a conversational tone, nothing in the deputy's conduct would suggest to a reasonable (fare-paying) person that they were seized at the time of the request.

**C. EVEN IF THE DEFENDANT WAS SEIZED, HE CONSENTED TO THE LIMITED AND NARROW SCOPE OF THE SEIZURE.**

The defendant was free to not contract for transit services and not subject himself to the allegedly coercive request for proof he paid his fare. However, once the defendant opted to contract for such services, he agreed

to a limited interaction for the narrow purpose of checking fares by a person authorized to do so.

“The relationship of carrier and passenger arises from contract, express or implied. Such a contract is in existence when a person, intending to become a passenger and pay his fare when demanded, having the means to do so, is permitted to board the coach.” Fleming v. City of Seattle, 45 Wn.2d 477, 481, 275 P.2d 904, 907 (1954).

To determine if the defendant validly consented to being seized, the court must determine whether consent was voluntary, whether the seizure was limited to the scope of the consent granted, and whether consent was granted by a party with authority to do so. State v. Blockman, 190 Wn.2d 651, 658, 416 P.3d 1194 (2018). To determine whether consent was voluntary, the court examines the totality of the circumstances from the perspective of a reasonable person. State v.

Reichenbach, 153 Wn.2d 126, 132, 101 P.3d 80 (2004).

“[T]he ‘reasonable person’ test presupposes an innocent person.” Bostick, 501 U.S. at 438.

In assessing whether the consent was voluntary, this court recognized as far back as 1912 that a transit rider bears a duty to produce a fare when asked and could be ejected from a train for failure to do so.

The better rule is that, as between the conductor of a railway train and a passenger, it is incumbent upon the latter to produce a ticket showing his right to transportation, when called upon by the former, or pay the fare in money, or peaceably leave the train; and upon his failure to do one of these things after being accorded a reasonable time and opportunity, he may be ejected by the conductor.

Loy. v. N. Pac. Ry. Co., 68 Wash. 33, 39, 122 P. 372, 374 (1912).

This duty is now captured in statute. At all prior levels of review the parties relied on RCW 81.112.210 and RCW 81.112.220 as the operative statutes. However, ch. 81.112 RCW is applicable only to Regional Transit



Authorities. Community Transit, which operates the Swift Line, is not a regional transit authority. “Sound Transit is the only regional transit authority in our state.” Garfield County Transp. Auth. v. State, 196 Wn.2d 378, ¶¶26, 473 P.3d 1205 (2020). Community Transit (which operates the Swift system) is a Public Transit Benefit Area (PTBA) governed by ch. 36.57A RCW.<sup>9</sup>

Community Transit’s fare enforcement authority exists under RCW 36.57A.230–.235. The statutes are identical to RCW 81.112.210–.220 in all ways material to this court’s review. Because the language at issue is identical and the nature of the issues before his court, the court’s analysis on the issues under review is unlikely to differ when reviewing ch. 36.57A RCW. A reviewing court may affirm the lower court on any basis supported by the

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<sup>9</sup> See <https://mrsc.org/Home/Explore-Topics/Transportation/Integrating-Transportation-Modes/Public-Transportation-Systems.aspx>.

record and the law. State v. Mitchell, 190 Wn. App. 919, ¶10, n.2, 361 P.3d 205 (2015) (addressing similar error related to municipal transit authorities under RCW 35.58.580–.585).

Beyond the historical duty discussed in Loy and the statutory duty under RCW 36.57A.230 to present proof of fare, a rider is also notified of fare requirements by signs conspicuously posted at all bus entries explaining that fare is required prior to boarding and are directed to where fare may be purchased. RCW 36.57A.230(3). A reasonable passenger expects that by boarding the bus they will subject to some form of fare inspection aboard barrier-free transit systems. Common sense dictates that a request to inspect fare may occur. Yet, the defendant chose to board the Community Transit Swift bus and by doing so voluntarily consented to a limited interaction for the purpose of ensuring that he had paid his fare.

The Court of Appeals of Maryland (Maryland's highest court) recently considered a related question. State v. Carter, 244 A.3d 1041 (Md. 2021). In Carter, the court considered whether a "fare sweep" on the Baltimore Light Rail system was a warrantless seizure unsupported by reasonable suspicion. Id. at 45. Like the Swift line at issue here, the Light Rail system was barrier-free and permitted passengers to board without going through a turnstile or otherwise presenting proof of payment before boarding. Id. at 44. A fare sweep conducted by Maryland Transit Authority officers consisted of a team of officers boarding the train at a station and announcing that passengers must produce proof of payment. The train was held at the station and all passengers were delayed while the fare sweep was conducted. Id. at 57, 62. If a passenger failed to produce proof of payment, the passenger was directed to another officer stationed on

the platform who obtained identification and issued a citation. Id. at 48–49.

The State conceded that the fare sweep which involving a team of officers delaying an entire train of passengers constituted a seizure. Id. at 57. The State argued that the defendant consented to that seizure when he boarded the train. Id. at 58.

In analyzing whether consent had occurred, the court distinguished a limited fare inspection from the more significant fare sweep; “there is a significant difference between a team of armed officers seizing an entire train of passengers while the train is stopped at a station, and an individual MTA officer or civilian fare inspector asking passengers to show proof of fare payment while a train is traveling between stations.” Id. at 62. While the State and defense agreed that a reasonable passenger could expect to have a fare inspector ask passengers to show proof of payment when travelling between stations, the

court found the same reasonable passenger would not reasonable expect that upon boarding he could be held on a stationary train for as long as it took to check all passengers for proof of payment. Id. at 62.

Because the current practice of the Maryland Transit Authority officers was inconsistent with the expectations of a reasonable passenger, the court found that a reasonable person could not have consented to the fare sweep. The court declined to decide whether a more limited fare inspection aboard a moving train was a seizure and whether a reasonable passenger impliedly consents to such a seizure. Id. at 62–63. While a reasonable person may not consent to a more extensive fare sweep, a reasonably person does expect and voluntary consents to minimally intrusive fare inspection when boarding public transit. The defendant voluntarily consented to fare inspection and Deputy Dalton's actions

remained within the limited and narrow scope of such consent.

Such consent is a valid exception to the warrant requirement. Farkas v. Williams, 823 F.3d 1212 (9th Cir. 2016). In Farkas, a civil-service employee at a naval base was placed on administrative leave and directed to participate in an on-base interview with a naval investigator during investigation of a workplace theft. Id. at 1213. After the investigation, the defendant alleged that he had suffered an unconstitutional seizure when he was asked to place his belongings in a lockbox per protocol during his on-base interview with the naval investigator. Id.

The 9th Circuit held that Farkas had “impliedly consented” to the seizure “by voluntarily passing through an internal checkpoint in a passage-restricted military installation.” Id. The court found that the circumstances of the military base, “barbed-wire fence, the security guards

at the gate, the sign warning of the possibility of a search,” the presence of “military working dogs” all suggest that Farkas had in fact impliedly consented to a seizure. Id. at 1216.

But there is nothing legally significant about the trappings of a military base. Each of these items serves only to provide additional suggestion to what “a civilian’s common-sense awareness of the nature of a military base” also tells them, that they can reasonably expect to be searched or seized upon entering. Morgan v. U.S., 323 F.3d 776, 781 (9th Cir. 2003). Here, a transit rider’s common sense combined with signs advising them that fare is required to enter the bus, the implied awareness of the duty to present the fare, and the historical understanding of fare requests on common-carrier transit all combine to demonstrate that a reasonable transit rider expects to be asked to present proof that they had paid

their fare when they had not previously presented it or passed through a turnstile.

The request for proof of payment in this case is not the “random request for identification papers—the sort of request uncomfortably associated with authoritarian societies.” State v. Rankin, 151 Wn.2d 689, 698, 92 P.3d 202 (2004). It is a limited and narrow request in an area of reduced expectation of privacy where a reasonable transit rider is aware of the conditions required pursuant to statute, pursuant to conspicuously posted signage, and based upon a transit rider’s own common sense.

**D. ANY SEIZURE IS ALSO JUSTIFIED UNDER THE SPECIAL NEEDS EXCEPTION TO THE WARRANT REQUIREMENT.**

A limited seizure of a person consisting of only a request for proof of fare in the context of a barrier-free transit system is authorized under the special needs doctrine. Under that doctrine a warrant is not required where the government has a special need beyond the



normal need for law enforcement and where the warrant and probable cause requirement are impracticable. State v. Griffith, 11 Wn. App. 2d 661, 672, 455 P.3d 152 (2019). “In limited circumstances, where the privacy interests implicated by the search are minimal, and where an important governmental interest furthered by the intrusion would be placed in jeopardy by a requirement of individualized suspicion, a search may be reasonable despite the absence of such suspicion.” Skinner v. Ry. Lab. Executives’ Ass’n, 489 U.S. 602, 624, 109 S. Ct. 1402, 1417, 103 L. Ed. 2d 639 (1989).

The government interest in dispensing with the warrant requirement is strongest where the burden of obtaining the warrant would frustrate the purpose behind the search. Id at 623. Thus, a school administrator’s warrantless search of a student’s person while investigating a violation of school rules when there is reasonable grounds to suspect the search will turn up

evidence of that violation is permissible. New Jersey v. T.L.O., 469 U.S. 325, 341-42, 105 S. Ct. 733, 83 L. Ed. 2d 720 (1985). The government's interest in promoting railway safety likewise permitted warrantless searches of bodily fluids and breath tests after a railway accident to determine if any employee may have been impaired. Skinner, 489 U.S. at 629-31. And the protection of the public and employees who enter the courthouse justify the relatively minor intrusion occasioned by an area-entry security screening into the courthouse. Griffith, 11 Wn. App. 2d at 685.

As discussed, in section A, transit authorities have a significant interest in providing effective and cost-efficient transit services. Barrier-free transit systems enable transit authorities to effectively provide high-quality efficient transit services.

The accompanying fare inspection is a minimal intrusion into a passengers' privacy. The only information

an officer is initially permitted to ask is proof of fare payment. RCW 36.57A.235(2)(b)(i). Only if the passenger fails to prove he has paid the fare may the officer request identification or ask the passenger to disembark from the bus. RCW 36.57A.235(2)(b)(ii), (iv).

Finally, it would frustrate the transit authorities' interests to require probable cause or reasonable suspicion before an officer can contact a passenger to confirm the fare was paid. There is no way by just looking at a passenger on a bus whether that passenger has paid his fare prior to boarding or not. In that case, an officer would never have reasonable suspicion justifying an investigatory detention. Passengers would have no incentive to pay the fare because the transit authority would have no means of confirming payment. In turn the transit authority could face reduced revenues resulting in reduced service to the very communities that rely on it.

There is a significant government interest in providing fast reliable public transportation to citizens, particularly those who rely on that system to get to work or other important places. Requesting proof of payment from each passenger constitutes a minimal intrusion. A fare enforcement officer would not likely ever have reasonable suspicion that a passenger has not paid. In these circumstances the special needs doctrine justifies dispensing with the requirement for reasonable suspicion.

#### **V. CONCLUSION**

The defendant has failed to carry his burden of establishing that he was seized when Deputy Dalton asked for proof of his fare. A reasonable transit rider would expect that such fare inspection could be forthcoming and consents to that inspection by choosing to take the bus. RCW 36.57A.235 permits a limited interaction for the sole purpose of checking fares and is justified under the special needs exception to the warrant

requirement. The defendant has failed to establish the statute is unconstitutional beyond a reasonable doubt.

This brief contains 4,727 words (exclusive of appendices, title sheet, table of contents, table of authorities, certificate of service, signature blocks, and pictorial images).

Respectfully submitted on January 3, 2022.

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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON

Respondent,

ZACHERY KYLE MEREDITH,

Petitioner.

No. 100135-5

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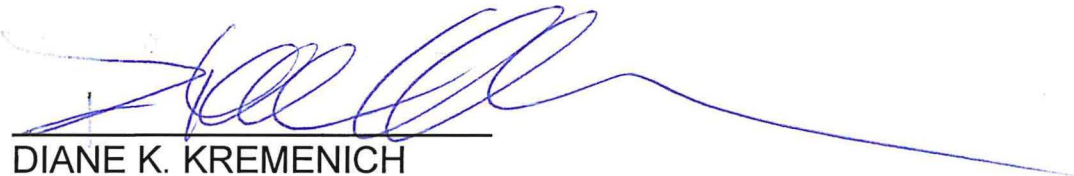
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APPELLATE LEGAL ASSISTANT  
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