
September Term 2018
Cases Set for Oral Argument

Administrative Law—Rules—Validity—Agency Authority—Statutory Authority

Whether the Department of Fish and Wildlife exceeded its statutory authority in promulgating the Hydraulic Project Approval regulations, [chapter 220-660 WAC](#), by extending the regulations to projects occurring above the ordinary high water line and requiring permits for projects based on their potential to affect state waters.

No. 95029-6, *Spokane County, et al.* (petitioners) v. *State Dep't of Fish & Wildlife* (respondent). (Oral argument 9/20/18).

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Appeal—Decisions Reviewable—Moot Questions— Landlord and Tenant—Unlawful Detainer—Writ of Restitution—Stay of Writ—Tenant's Bond—Waiver—Ex Parte Motion—Authority

Whether in this unlawful detainer action in which a writ of restitution was issued by default, this court should review the propriety of the trial court's ex parte order temporarily staying enforcement of the writ and waiving the requirement of a tenant's bond even though the issue is moot, and if so, whether the trial court had legal authority to issue an ex parte order staying execution of the writ and waiving the bond requirement.

No. 95575-1, *Randy Reynolds & Assoc., Inc.* (respondent) v. *Harmon* (petitioner). (See also: [Appeal—Decisions Reviewable—Standing—Aggrieved Party—Necessity—Decisions Reviewable—Moot Questions—What Constitutes—Adverseness and Advocacy](#)). (Oral argument 10/25/18).

[1 Wn. App. 2d 239 \(2017\)](#).

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Appeal—Decisions Reviewable—Standing—Aggrieved Party—Necessity—Decisions Reviewable—Moot Questions—What Constitutes—Adverseness and Advocacy

Whether in this unlawful detainer action in which the landlord prevailed in obtaining and executing on a writ of restitution after the trial court, on the tenant's ex parte motion, temporarily stayed execution of the writ without bond, the landlord is an aggrieved party entitled to appeal the order staying enforcement of the writ of restitution and waiving the bond requirement, and if so, whether the Court of Appeals properly addressed this moot issue when only the landlord appeared and presented argument.

No. 95575-1, *Randy Reynolds & Assoc., Inc. (respondent) v. Harmon (petitioner)*. (See also: [Appeal—Decisions Reviewable—Moot Questions— Landlord and Tenant— Unlawful Detainer—Writ of Restitution—Stay of Writ—Tenant's Bond— Waiver—Ex Parte Motion—Authority](#)). (Oral argument 10/25/18).

[1 Wn. App. 2d 239 \(2017\)](#).

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Attorney and Client—Attorney-Client Relationship—In-House Counsel—Employment Contract—Termination—Necessity for Cause—Validity

Whether an employment contract between in-house legal counsel and his employer that requires cause for termination is void as a matter of public policy because under the Rules of Professional Conduct a client has the right to discharge an attorney any time for any reason.

No. 95531-0, *Karstetter (petitioner) v. King County Corr. Guild, et al. (respondents)*. (Oral argument 10/23/18).

[1 Wn. App. 2d 822 \(2017\)](#).

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Contempt—Penalty—Remedial Monetary Sanction—Order—Oral Order—Sufficiency—Enforceability

Whether an oral ruling imposing a remedial monetary sanction for contempt of court is effective and enforceable upon issuance or only when it is memorialized in a written order.

No. 95479-8, *State* (respondent) v. *Sims, et al.* (petitioner). (See also: [State—Contempt—Penalty—Monetary Sanction—Interest—Postjudgment Interest—Sovereign Immunity—Waiver](#)). (Oral argument 9/20/18).

[1 Wn. App. 2d 472 \(2017\)](#).

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Coroners—Inquest—Authority—Subpoena Power—Writ of Prohibition

Whether a medical examiner charged with determining the cause of death is empowered to subpoena video evidence in the possession of a railway company depicting a train colliding with a pedestrian, such that the trial court erred in this case in issuing a writ of prohibition against the medical examiner's enforcement of a subpoena.

No. 95015-6, *BNSF Railway Co.* (respondent) v. *Thomas B. Clark, M.D., et al.* (petitioners). (Oral argument 11/8/18).

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Criminal Law—Homicide—Felony Murder—Underlying Crime—Second Degree Assault—Excusable Homicide—Accident or Misfortune—Result of Self-Defense—Availability of Defense

Whether in this prosecution for felony murder predicated on second degree assault, the defendant was entitled to a jury instruction on the defense of excusable homicide on the basis of an accidental shooting purportedly occurring as a result of actions taken in self-defense.

No. 95603-1, *State* (petitioner) v. *Henderson* (respondent). (Oral argument 10/9/18).

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Criminal Law—Mortgage Fraud—Indictment and Information—Sufficiency—Essential Elements—Statutory Time Limitation

Whether in a criminal prosecution for mortgage fraud, the information was insufficient because it failed to allege facts showing that the offenses were committed within the statute of limitations.

No. 95115-2, *State (respondent) v. Merritt (petitioner)*. (Oral argument 10/9/18).

[200 Wn. App. 398 \(2017\)](#).

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Criminal Law—Obstructing Justice—Obstructing Law Enforcement Officer—Refusal to Obey Command to Allow Warrantless Entry Into Residence—Community Caretaking Function

Whether under the Fourth Amendment to the United States Constitution and article I, section 7 of the Washington Constitution, a defendant was improperly prosecuted for obstructing a law enforcement officer on the basis of his refusal to open the door to his residence to officers who lacked a warrant but were purportedly exercising their community caretaking function.

No. 95707-0, *City of Shoreline (respondent) v. McLemore (petitioner)*. (Oral argument 10/18/18).

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Criminal Law—Punishment—Sentence—Enhanced Penalty—Special Allegation—Determination by Jury—Failure to Agree—Convening of Second Jury—Authority of Court

Whether in a criminal prosecution with a special allegation that the defendant was armed with a deadly weapon during the commission of the crime, the trial court is authorized to empanel a second jury to retry the special allegation where the first jury, while finding the defendant guilty of the charged crime, is unable to reach a verdict on the special allegation.

No. 95374-1, *State (respondent) v. Thomas (petitioner)*. **Dismissed and stricken.**

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Criminal Law—Punishment—Sentence—Financial Assessments—Ability to Pay—Social Security Anti-attachment Provision—Mandatory Assessments

Whether the Social Security anti-attachment statute, [42 U.S.C. § 407\(a\)](#), prohibits the imposition of mandatory legal financial obligations on a convicted criminal offender if the offender's only source of income is Social Security disability benefits.

No. 95794-1, *State (respondent) v. Catling (petitioner)*. (Oral argument 10/23/18).

[2 Wn. App. 2d 819 \(2018\).](#)

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Criminal Law—Punishment—Sentence—Resentencing—Following Successful Appeal—Collateral Estoppel—Applicability

Whether the trial court after declining to impose an exceptional sentence on multiple convictions was collaterally estopped from imposing an exceptional sentence at resentencing following the defendant's successful appellate challenge to some of his convictions.

No. 95734-7, *State (respondent) v. Brown (petitioner)*. (See also: [Criminal Law—Punishment—Sentence—Resentencing—Following Successful Appeal—Imposition of Exceptional Sentence Shorter Than Standard Range Sentence Originally Imposed—Vindictiveness—Presumption—Applicability](#); [Criminal Law—Punishment—Sentence—Within Standard Range—Resentencing—Following Successful Appeal—Prosecutor's Recommendation of Exceptional Sentence—Vindictiveness](#)). (Oral argument 11/13/18).

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Criminal Law—Punishment—Sentence—Resentencing—Following Successful Appeal—Imposition of Exceptional Sentence Shorter Than Standard Range Sentence Originally Imposed—Vindictiveness—Presumption—Applicability

Whether a presumption of judicial vindictiveness arose in this case when the trial court originally declined to impose an exceptional sentence on multiple convictions, but on remand after some convictions were reversed, the court imposed an exceptional sentence that was shorter than the total standard range sentence originally imposed, and if so, whether the presumption was un rebutted because the trial court relied on no new facts in imposing an exceptional sentence.

No. 95734-7, *State (respondent) v. Brown (petitioner)*. (See also: [Criminal Law—Punishment—Sentence—Within Standard Range—Resentencing—Following Successful Appeal—Prosecutor's Recommendation of Exceptional Sentence—Vindictiveness](#); [Criminal Law—Punishment—Sentence—Resentencing—Following Successful Appeal—Collateral Estoppel—Applicability](#)). (Oral argument 11/13/18).

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Criminal Law—Punishment—Sentence—Within Standard Range—Resentencing—Following Successful Appeal—Prosecutor’s Recommendation of Exceptional Sentence—Vindictiveness

Whether in this prosecution for multiple crimes for which the trial court originally imposed a standard range sentence consistent with the prosecutor’s recommendation, the prosecutor on remand from the defendant’s successful challenge to some of the convictions acted vindictively in recommending an exceptional sentence on the remaining convictions.

No. 95734-7, *State* (respondent) *v. Brown* (petitioner). (See also: [Criminal Law—Punishment—Sentence—Resentencing—Following Successful Appeal—Imposition of Exceptional Sentence Shorter Than Standard Range Sentence Originally Imposed—Vindictiveness—Presumption—Applicability](#); [Criminal Law—Punishment—Sentence—Resentencing—Following Successful Appeal—Collateral Estoppel—Applicability](#)). (Oral argument 11/13/18).

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Criminal Law—Right to Confront Witnesses—Review—Issue Not Raised in Trial Court

Whether in this criminal prosecution the defendant was entitled to argue for the first time on appeal that admission of the victim’s out-of-court statements violated his constitutional right to confront witnesses against him.

No. 95528-0, *State* (respondent) *v. Burns* (petitioner). (See also: [Criminal Law—Right to Counsel—Right to Self-Representation—Assertion of Right—Denial—Grounds—Defendant’s Competence—Belief That Defendant Not Subject to State Criminal Jurisdiction](#)). (Oral argument 11/13/18).

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Criminal Law—Right to Counsel—Right to Self-Representation—Assertion of Right—Denial—Grounds—Defendant’s Competence—Belief That Defendant Not Subject to State Criminal Jurisdiction.

Whether in this criminal prosecution the defendant’s timely and repeated request to represent himself was knowing and voluntary, and thus improperly denied, where the defendant expressed his belief he was not subject to state criminal jurisdiction because he was not part of the “corporation” of the government.

No. 95528-0, *State (respondent) v. Burns (petitioner)*. (See also: [Criminal Law—Right to Confront Witnesses—Review—Issue Not Raised in Trial Court](#)). (Oral argument 11/13/18).

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Criminal Law—Searches and Seizures—Evidence—Suppression—Fruit of Illegality—Attenuation of Taint

Whether in connection with a search of a vehicle in the course of an unlawful detention, the “taint” of the unlawful seizure was attenuated by the police officer’s procurement of consent to search the vehicle after advising the defendant of his right under *State v. Ferrier*, 136 Wn.2d 103, 960 P.2d 927 (1998), to refuse or revoke consent and limit the scope of the search, thus permitting admission of the evidence found in the vehicle.

No. 95632-4, *State (respondent) v. Mayfield (petitioner)*. (See also: [Searches and Seizures—Validity—Constitutional Provisions—State and Federal Provisions—Different Constructions—Gunwall Analysis—Necessity](#)). (Oral argument 11/8/18).

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Criminal Law—Trial—Instructions—Formula Instruction—Additional Element—Proof—Necessity—Law of the Case—Accomplice Liability

Whether under the law of the case doctrine, the State in this prosecution of a defendant as an accomplice to second degree assault had to prove that the defendant knew she was aiding in an assault of a specific person when the “to convict” instruction for second degree assault identified the alleged victim by name.

No. 95551-4, *State* (petitioner) *v.* *Dreewes* (respondent). (See also: [Open Government—Courts—Judicial Records—Closure—Motion to Seal—Appellate Briefs—Redaction—Personal Financial Information](#)). (Oral argument 9/18/18).

[2 Wn. App. 2d 297 \(2018\)](#).

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Evidence—Opinion Evidence—Expert Testimony—Qualifications—Experience or Training in Related Field or Academic Background—Biomechanical Engineer Testifying About Forces of Maternal Labor

Whether in this action against a midwife for brachial plexus injury to a newborn allegedly occurring during birth, the trial court properly allowed an expert in biomechanics to testify about the natural maternal forces of labor.

No. 95173-0, *L.M.* (petitioner) *v.* *Hamilton, et al.* (respondents). (See also: [Related Field or Academic Background—Biomechanical Engineer Testifying About Forces of Maternal Labor](#)). (Oral argument 11/15/18).

[200 Wn. App. 535 \(2017\)](#).

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Government—Torts—Action Against Governmental Entity—Community Custody Supervision—“Taking Charge” of Offender—Scope of Duty—Factors

Whether in a tort action against the Department of Corrections for negligent supervision of an offender released on community custody, brought by the estate of a person the offender killed while on community custody, the estate presented sufficient evidence to survive summary judgment when it showed that the department relied on the offender’s housing report log despite a long history of violating no-contact orders involving the murder victim and lying when asked if he was residing with the victim, unsuccessfully tried to contact the victim only once without trying to use an available alternative telephone number, and did not ask the offender’s mother whether he actually lived with her, as he had reported.

No. 95511-5, *Harper, et al. (respondents) v. Dep’t of Corr. (respondents)*. (See also: [Government—Torts—Action Against Governmental Entity—Community Custody Supervision—“Taking Charge” of Offender—Summary Judgment—Gross Negligence—Necessity](#)). (Oral argument 9/11/18).

[2 Wn. App. 2d 80 \(2018\)](#).

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Government—Torts—Action Against Governmental Entity—Community Custody Supervision—“Taking Charge” of Offender—Summary Judgment—Gross Negligence—Necessity

Whether in a tort action against the Department of Corrections for breach of its “take charge” duty to supervise an offender released on community custody, in which liability attaches only for gross negligence, the plaintiff must present substantial evidence of serious negligence to survive summary judgment.

No. 95511-5, *Harper, et al. (respondents) v. Dep’t of Corr. (petitioner)*. (See also: [Government—Torts—Action Against Governmental Entity—Community Custody Supervision—“Taking Charge” of Offender—Scope of Duty—Factors](#)). (Oral argument 9/11/18).

[2 Wn. App. 2d 80 \(2018\)](#).

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**Homicide—First Degree Murder—Aggravated First Degree Murder—
Aggravating Circumstances—Verdict—Acquittal of Aggravating
Circumstance—Effect—Retrial—Double Jeopardy**

Whether in this prosecution for aggravated first degree murder in which the jury found that the State did not prove the charged aggravating circumstances, double jeopardy principles bar retrial on the aggravating circumstances.

No. 95454-2, *State (petitioner) v. Allen (respondent)*. (Oral argument 10/18/18).

[1 Wn. App. 2d 774 \(2017\)](#).

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**Indictment and Information—Amendment—Timeliness—During Trial—As State
Rests—Prejudice**

Whether in this criminal prosecution for second degree felony murder, the trial court erred in allowing the State to add an alternative charge of first degree manslaughter contemporaneous with the State resting its case.

No. 95635-9, *State (respondent) v. Gehrke (petitioner)*. (Oral argument 9/11/18).

[Unpublished](#).

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Judgment—Foreign Judgment—Full Faith and Credit—Class Action Judgment—Due Process Challenge—Adjudication

Whether in this suit against an insurer raising the same consumer protection claims against the same insurer as those raised in a multistate class action in Illinois that included Washington class members, the Illinois court’s determination, made in approving a settlement, that the named plaintiff adequately represented the class is entitled to full faith and credit in Washington, precluding the plaintiff in the Washington suit from arguing that it was deprived of due process in the Illinois class action because the named plaintiff did not adequately represent its interests.

No. 95416-0, *Chan Healthcare Grp. (plaintiff) v. Liberty Mut. Fire Ins. Co. (defendant)*. (Oral argument 11/8/18).

[1 Wn. App. 2d 529 \(2017\)](#).

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Judgment—Summary Judgment—Burden on Moving Party—Insurance—Medical Insurance—Construction of Policy—Scope of Coverage—Medically Necessary Treatment—Proton Beam Cancer Treatment

Whether in this action against an insurance company arising out of the denial of coverage for proton beam therapy to treat the insured’s cancer, the insured raised a genuine issue of material of fact as to whether proton beam therapy was “medically necessary” within the meaning of the insurance contract, where “medically necessary” is defined as treatment conducted in accordance with generally accepted standards of medical practice and not more costly than an alternative treatment at least as likely to produce equivalent results.

No. 95449-6, *Strauss (petitioner) v. Premera Blue Cross (respondent)*. (Oral argument 10/25/18).

[1 Wn. App. 2d 661 \(2017\)](#).

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Municipal Corporations—Statutes—Initiatives—Local Initiatives—Validity—Interference With Local Government’s Statutory Authority—County’s Public Health Budgetary Authority—County Board of Health’s Regulatory Authority

Whether King County Initiative 27, which if approved would prohibit the funding and operation of supervised drug consumption sites in the county, is beyond the scope of the local initiative power in that it interferes with the county’s statutory authority to appropriate funds for public health work and the county board of health’s statutory authority to promulgate regulations promoting public health.

No. 95134-9, *Protect Pub. Health* (respondent) v. *Freed, et al.* (petitioners). (Oral argument 9/18/18).

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Open Government—Courts—Judicial Records—Closure—Motion to Seal—Appellate Briefs—Redaction—Personal Financial Information

Whether in this appeal from a criminal prosecution in which the State sought appellate costs in its responsive brief supported by financial information of the defendant taken from a marriage dissolution proceeding, the Court of Appeals should have granted the defendant’s motion to redact or seal her financial information contained in the briefs after the trial court sealed that information in the dissolution proceeding.

No. 95551-4, *State* (petitioner) v. *Dreewes* (respondent). (See also: [Criminal Law—Trial—Instructions—Formula Instruction—Additional Element—Proof—Necessity—Law of the Case—Accomplice Liability](#)). (Oral argument 9/18/18).

[2 Wn. App. 2d 297 \(2018\)](#).

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Personal Restraint—Calculation of Maximum Release Date—Consecutive Sentences—Earned Early Release Credits—Effect

Whether the maximum release date of an offender who was sentenced to three consecutive terms and earned early release credits for each sentence is calculated by totaling the combined maximum sentences for all three convictions or by subtracting from the first and second sentences the earned early release time.

No. 94971-9, *In re Pers. Restraint of Gronquist* (petitioner). (Oral argument 9/18/18).

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Personal Restraint—Petition—Timeliness—Statutory Limits—Exceptions—Significant Change in Law—Appellate Decision—Retroactivity—*Houston-Sconiers* Case

Whether the supreme court’s decision in *State v. Houston-Sconiers*, 188 Wn.2d 1, 391 P.3d 409 (2017), holding that in sentencing juveniles in the adult criminal justice system a trial court has discretion to depart from the sentencing guidelines and mandatory sentence enhancements in light of the particular circumstances surrounding a defendant’s youth, constitutes a “significant change in law” that applies retroactively, exempting a personal restraint petition from the one-year limit on collateral relief under [RCW 10.73.100\(6\)](#).

No. 95394-5, *In re Pers. Restraint of Meippen* (petitioner). (Oral argument 11/15/18).

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Prohibition—Applicability—County Clerk—Judges’ Order Requiring Supplemental Bond—Remedy

Whether the Yakima County Clerk is entitled to a writ of prohibition barring the Yakima County Superior Court judges from requiring her to post a \$200,000 supplemental bond pursuant to [RCW 36.23.020](#).

No. 95959-5, *Riddle* (petitioner) v. *Elofson, et al.* (defendants). (Oral argument 11/13/18).

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Quieting Title—Indians—Sovereignty—Immunity From Suit—Common Law Exception—Immovable Property

Whether in an action brought by neighboring landowners to quiet title to disputed property based on adverse possession or mutual recognition and acquiescence, an Indian tribe is precluded from asserting sovereign immunity because the action involves immovable property located in the State of Washington and the tribe purchased the property in the same manner as a private individual.

No. 91622-5, *Lundgren* (respondents) v. *Upper Skagit Indian Tribe* (appellant).
(Dismissed)

138 S. Ct. 1649 (2018).

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Related Field or Academic Background—Biomechanical Engineer Testifying About Forces of Maternal Labor

Whether under *Frye v. United States*, 54 App. D.C. 46, 293 F. 1013 (D.C. Cir. 1923), the trial court in this action against a midwife for injuries allegedly caused during a birth properly admitted evidence of the natural maternal forces of labor as a cause of brachial plexus injuries in newborns.

No. 95173-0, *L.M.* (petitioner) v. *Hamilton, et al.* (respondents). (See also: [Evidence—Opinion Evidence—Expert Testimony—Qualifications—Experience or Training in Related Field or Academic Background—Biomechanical Engineer Testifying About Forces of Maternal Labor](#)). (Oral argument 11/15/18).

200 Wn. App. 535 (2017).

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Searches and Seizures—Validity—Constitutional Provisions—State and Federal Provisions—Different Constructions—*Gunwall* Analysis—Necessity

Whether a criminal appellant challenging the lawfulness of a search under article I, section 7 of the Washington Constitution must present an analysis under *State v. Gunwall*, 106 Wn.2d 54, 720 P.2d 808 (1986), before the appellate court may address the issue.

No. 95632-4, *State* (respondent) *v. Mayfield* (petitioner). (See also: [Criminal Law—Searches and Seizures—Evidence—Suppression—Fruit of Illegality—Attenuation of Taint](#)). (Oral argument 11/8/18).

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Securities Regulation—Civil Remedy—Misrepresentation—Reasonable Reliance—Proof—Necessity

Whether an investor bringing a civil action for damages under the Washington State Securities Act on the basis the security offering contained an untrue or misleading statement or omitted a material fact must prove reasonable reliance on the statement or omission.

No. 95420-8, *Fed. Home Loan Bank of Seattle*, (petitioner) *v. Credit Suisse Sec. (USA), LLC* (respondent). (Oral argument 10/9/18).

Consolidated with:

No. 95436-4, *Fed. Home Loan Bank of Seattle*, (petitioner) *v. Barclays Capital, Inc., et al.* (respondent).

1 Wn. App. 2d 551 (2017).

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**State—Contempt—Penalty—Monetary
Interest—Sovereign Immunity—Waiver**

Sanction—Interest—Postjudgment

Whether by enacting the contempt statute, chapter [7.21 RCW](#), which authorizes full compensation to parties injured by contemptuous acts, the State impliedly waived its sovereign immunity from being held to postjudgment interest on monetary sanctions for contempt of court.

No. 95479-8, *State* (respondent) *v. Simms, et al.* (petitioner). (See also: [Contempt—Penalty—Remedial Monetary Sanction—Order—Oral Order—Sufficiency—Enforceability](#)). (Oral argument 9/20/18).

[1 Wn. App. 2d 472 \(2017\)](#).

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**Taxation—Property Tax—Levy Amounts—Basis for Calculations in Subsequent
Years—“Expressly” Stated in Ballot Proposition—Necessity**

Whether the 2012 ballot title for King County Proposition 1 sufficiently stated that the 2013 levy amount approved under the ballot measure would be the basis from which succeeding years’ levy increases would be calculated for purposes of [RCW 84.55.050\(3\)](#).

No. 95307-4, *End Prison Indus. Complex* (respondent) *v. King County* (petitioner). (See also: [Taxation—Property Tax—Levy Amounts—Statutory Limit—Exceeding Limit—Authority—Ballot Title—Sufficiency—Postelection Challenge—Preelection Ballot Title Challenge—Necessity](#)). (Oral argument 10/18/18).

[200 Wn. App. 616 \(2017\)](#).

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Taxation—Property Tax—Levy Amounts—Statutory Limit—Exceeding Limit—Authority—Ballot Title—Sufficiency—Postelection Challenge—Preelection Ballot Title Challenge—Necessity

Whether this lawsuit challenging property taxes collected pursuant to a levy lid lift under voter-approved King County Ordinance 17304 was a “ballot title challenge” subject to the 10-day limitation period on ballot title challenges under [RCW 29A.36.090](#).

No. 95307-4, *End Prison Indus. Complex* (respondent) *v. King County* (petitioner). (See also: [Taxation—Property Tax—Levy Amounts—Basis for Calculations in Subsequent Years—“Expressly” Stated in Ballot Proposition—Necessity](#)). (Oral argument 10/18/18).

[200 Wn. App. 616 \(2017\)](#).

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Theft—Series of Related Takings—Aggregation—Common Scheme or Plan—Single Count of Higher Degree Offense

Whether, in this prosecution on three counts of first degree theft by color or aid of deception, where the State alleged as to each count that the defendant engaged in a series of transactions in which the sum of property taken exceeded \$5,000, the State could properly aggregate the thefts to arrive at more than one count of first degree theft.

No. 95105-5, *State* (respondent) *v. Farnworth* (petitioner). (Oral argument 10/23/18).

[199 Wn. App. 185 \(2017\)](#).

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Torts—Law Enforcement Officers—Use of Deadly Force—Alleged Breach of Common Law Duty—Public Duty Doctrine—Applicability—Exceptions

Whether a municipality acting through its law enforcement officers owes members of the public a common law duty of care when deploying potentially deadly force against an individual member of the public, and if so, whether the public duty doctrine bars an action for breach of that duty, or an exception to the doctrine applies.

No. 95062-8, *Beltran-Serrano, et al. (petitioner) v. City of Tacoma (respondent)*. (Oral argument 11/15/18).

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