



1



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2



WA & Interesting Fed. Case Law Update

3



State v. Walker, No. 40441-2-III (2026) (unpublished)

Facts:

- D was an inmate of Yakima County Jail being held on various charges. During a prison break, D fled the facility along with other inmates but was recaptured

At Trial:

- the litigants amended the charging docs and evidence to omit the D's original crimes
- The trial evidence was silent as to any underlying crimes committed by D prior to his escape.
- Defendant was found guilty of Escape-2 by a jury.

Holding:

- While the prosecution provided testimony from a jailer establishing the nature of Yakima County Jail as sufficiently being one for confinement under the statute, there was insufficient evidence in the record which established that defendant was a person, "arrested for, charged with or convicted of an offense." Conviction reversed and remanded for dismissal.

4

State v. Wasuge, No. 178516

Facts:

- Physical Control case where defendant is found passed out in traffic behind the wheel.
- Officers pull D out of the car and cuff him and speak with him before Miranda and D admits to drinking before driving
- At trial for <0.08 BAC “affected by”, tox testifies as to AMA rec for 0.05 and testifies as to “burn off”

Issues:

- Public Safety Exception and custody implications
- Biographical nexus / Relevance of tox testimony

Holding:

- Public safety/Officer safety exception undermines *Miranda* custody
- AMA 0.05 testimony is irrelevant in an “affected by” DUI
- Burn off must have a nexus to be relevant



5

Villarreal v. Texas, No. 24-557 (2026)

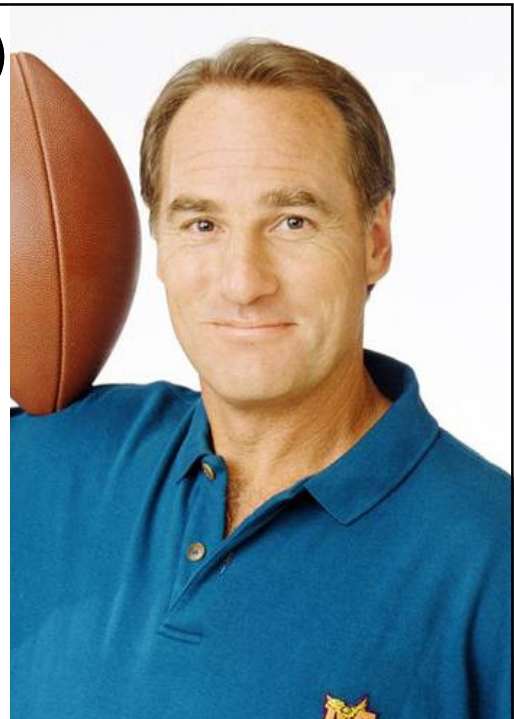
Facts:

- During trial, D was in the middle of his testimony and the court adjourned for its evening recess intending to continue D’s testimony the following day
- Judge’s order permitted the defense atty to communicate w/ D during the recess but prohibited them from “managing D’s testimony”

On Appeal:

- D challenged this order contending that it impermissibly interfered w/ D’s 6th amend. right to counsel.

Holding - SCOTUS says too bad, so sad. This order correctly balanced D’s access to their atty while protecting the integrity of the examination in keeping the testimony unaltered.



6

US v. Allen, No. 24-804 (9th Cir. 2025)

Facts:

- D was indicted and tried for consp. PWID-meth & UPOF
- At trial P introduced facebook records under ER 902 & 803 tying D to these crimes (self-authenticating declaration & business records)
- D was convicted and Appealed

Issue: Whether the self-authentication statute requires more than just a declaration under ER 902 where the content of the document provides substantive content.

Holding: Yes, ER 902 only satisfies the mechanical authentication of the medium of the evidence, not the substance. The proponent would still need to abide by ER 901 regarding the substance



7

US v. Allen, No. 24-804 (cont...)



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY	
STATE OF WASHINGTON,	Plaintiff,
vs.	
JUSTIN ANTHONY COLEMAN, JOSEPH CARL GIOIOSA,	Defendant.
CAUSE NO. 20-1-02496-3 20-1-02873-0	STATE'S NOTICE REGARDING RCW 10.96.030 (AUTHENTICITY OF RECORDS)
<p>I. <u>IDENTITY OF MOVING PARTY:</u></p> <p>Plaintiff, State of Washington, respectfully requests the relief stated in Part II.</p> <p>II. <u>STATEMENT OF RELIEF REQUESTED:</u></p> <p>The State is putting defense on notice under RCW 10.96.030 of its intent to offer "Facebook," "Snapchat," "T-Mobile" and "AT&T" records at trial without the need to call a "Facebook," "Snapchat," "T-Mobile" or "AT&T" custodians of records as witnesses. The State will authenticate these business records under the rule set out in RCW 10.96.030.</p>	

8

Example – *State v. Acord* ...



9

State v. Yellowcalf, 86685-1-I (Feb. 2, 2026)

Facts:

- LEO-1 passes a car traveling opposite direction on a 35mph road. LEO-1 notes the general description of the driver, the passenger, and the plate.
- When the car passed LEO-1, it sped off. LEO-1 turned around to pursue and called out the descriptions but lost the car
- LEO-2 heard the radio run, knew who D was, and sent over a DOL photo to LEO-1. The LEO-1 confirmed the ID as D. LEO-1 created a PC affidavit for Elude.
- At Motions, LEO-1 testified as to facts contradicting the PC affidavit. Judge suppressed the ID finding the ID procedure created substantial likelihood of mis-ID.
- At bench trial, the court suppressed the In-court ID based on the suppression of the out of court ID. Court dismissed the case. State appealed.



10

State v. Yellowcalf, 86685-1-I (cont...)

Issue: Whether the court can suppress the out-of-court ID based on a show-up of a single photo. Where the court only finds evidence of undue suggestibility.

Rule: D has the threshold burden of showing 1) undue suggestibility & 2) unnecessary. Show-ups are “highly suggestive” but often-times necessary

Holding: While most single-photo IDs are also show-ups, and show-ups are unduly suggestive, they may be necessary given time constraints, availability of witnesses, exigency, etc. Remand



11

State v. Reyna, No. 39859-5-III (Dec. 18, 2025)

Facts:

- During trial, P challenged a venireman for cause. Ct ordered P and D to chambers to discuss the *for cause* challenge.
- D objected based on violation of public trial right but Ct. overruled objection and dismissed venireman for cause
- Dismissing a venireman must be done in open court unless *Bone Club* analysis

Issue: Whether the public trial right extends to *for cause* challenges during voir dire

Holding: Right to a public trial extends to all aspects of voir dire, chambers conferences generally constitute a “closed court” therefore the court must undertake the *Bone Club* analysis in order to support a court closure during trial



12

State v. Bennett, 103469-5 (Jan. 15, 2026) (en banc)

Facts:

- Trial for A1, court permits P to introduce statement of absentee W going to motive after Def Atty first elicited statements of that absentee W.

D- "Did the Vic indicate he suspected she stole his vehicle?" Presta confirmed.

D – "Did Malea indicate to you there was a stack of money that was exchanged that night?" Presenta confirmed.

P- "Did Malea say [Roberts] and her father are friends, and the suspect assaulted her father because of his relationship with [Roberts]?" Presenta confirmed

- D objected on hearsay, 6th amend. P said "we're merely completing the statement that D elicited"



13

State v. Bennett, 103469-5 (cont...)

Rule – Rule of Completeness (ER 106) - the whole of an utterance on a single transaction must be taken together to avoid unfair truth distortion. One cannot invoke the 6th amend. As a means to only air a half-truth. The rule is narrow and must pertain to the same subject matter

On Appeal: COA1 called this invited error. On petition for cert - A argues Any ER rule for admission of absentee testimony should yield to the 6th amend. And this is always testimonial.

Holding: No, this isn't testimonial therefore it does not implicate the 6th amend. Statements not offered to prove that the anecdote actually occurred but for the purpose of showing the officers actually explored all leads and considered other suspects. (effect on the listener)



14



State v. Stearns, 103908-5 (Mar. 26, 2026) (en banc)

Facts:

- Trail for felony murder predicated on rape of a vic found in the C.D. 6-years prior (DNA match)
- Court admitted evidence of D's 2 prior rape convictions over D's obj under 404(b) as evidence of forcible compulsion.
- The facts of each prior were distinct; the only similarities were that both vics were woman at night by themselves
- Judge said that King Co. Jurors tend to dislike prosecutors and cops and would follow limiting instructions.

Procedure:

- COA reversed on pre-accusatory delay, reversed by Supreme Court. COA reversed on 404(b), Supreme Court reversed again

15



State v. Stearns, 103908-5 (cont...)

Generally...

- Common scheme or plan requires markedly similar acts of misconduct against similar victims under similar circumstances.
- Further, the acts must have “such a *concurrence of common features*” that they are naturally explained as being part of a common plan.
- The acts must be “markedly similar” while the victims
- and circumstances must only be “similar.”

16

State v. Camacho, No. 59503-6-II
(Oct. 28, 2025, unpublished)

- Jury trial for Child Molestation-1.
- At trial the State planned to introduce evidence of one prior act with similar facts and long-delayed disclosure
- During jury selection, the state asked jurors, “we all discussed issues of late disclosure and a lack of physical evidence, does anybody believe they could **not** convict under those circumstances?”
- During rebuttal close, the state circled back to this and reminded them that they already addressed this in voir dire and that if they found our witness to be credible than, that should be enough for a conviction.



17



State v. Camacho, No.
59503-6-II (cont...)

Issue: Whether the state commits misconduct where they ask the venire – “would you be able to convict on witness testimony alone?” because this might constitute improper indoctrination by eliciting a prior commitment.

Rule: “Voir dire should not be used “to educate the jury panel to the particular facts of the case, to compel the jurors to commit themselves to vote a particular way”

Holding: No, no case-specific facts were used. This question merely asks jurors whether they can follow the law. Referencing it in closing was in response to defense urging the jury to disbelieve the witness – and this would be invited.

18

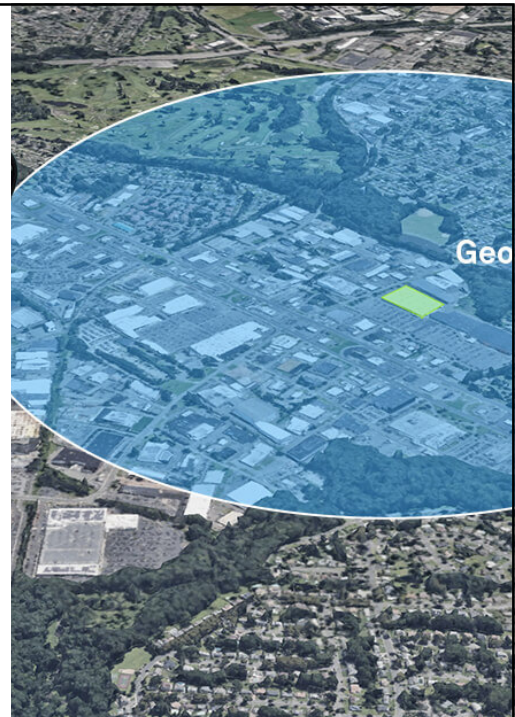


19

US v. Chatrue, 22-4489 (4th Cir 2025)(*en banc*)

Probable Issues before SCOTUS on petition:

- 1) Whether obtaining third-party location data is a “search” under the 4th amend.
 - A. Whether D had some directed privacy expectation in the way google housed the data (virtual privacy locker)
 - B. Whether D had some expectation of privacy despite the third-party doctrine.
- 2) Whether the 4th amend. Allows multi-stage warrants which vary in specificity and whether the warrant was ultimately narrowly-tailored enough



20



QUESTIONS?

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