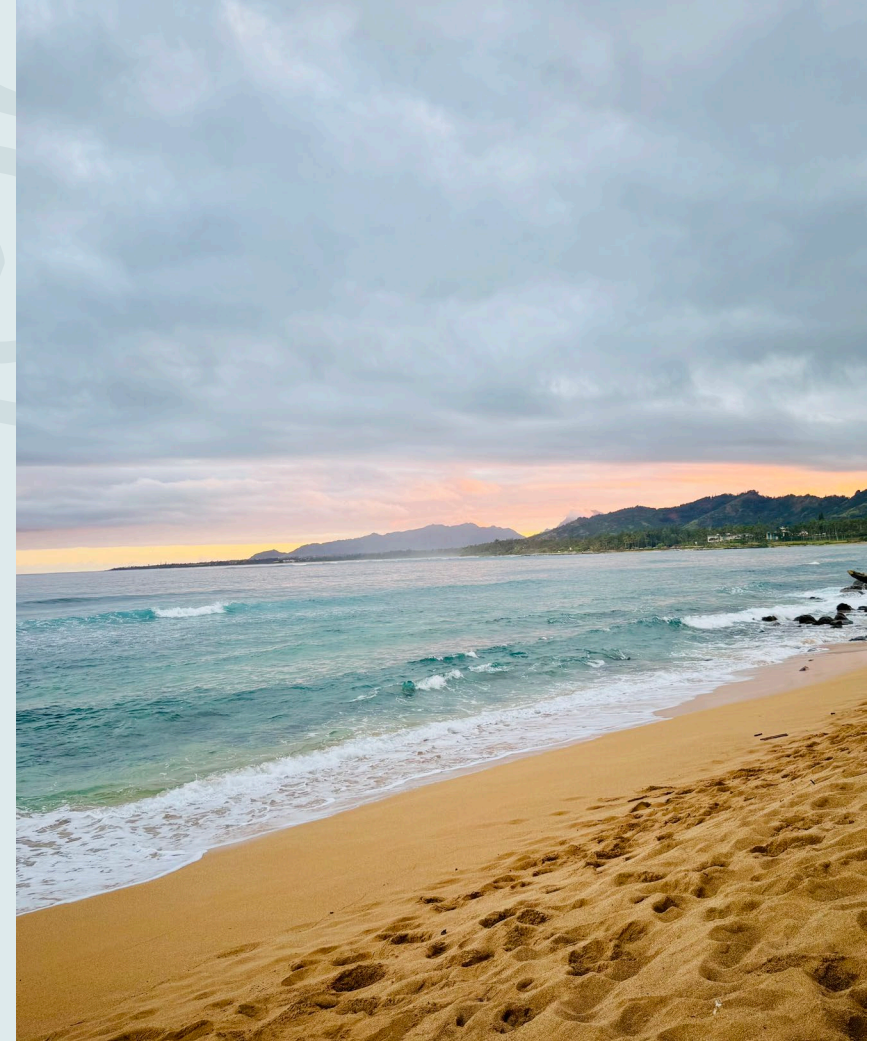


CRIMINAL UPDATE OCTOBER 2024- PRESENT

Lacey Offutt
Everett



Agenda

- Washington Supreme Court
- Washington Court of Appeals
- 9th Circuit
- U.S. Supreme Court



Washington Supreme Court Cases

- *State v. McGee*, 3 Wn.3d 855 (Oct. 2024)
 - Attenuation Doctrine
- *State v. Richards*, 4 Wn.3d 83 (Nov. 2024)
 - Criminal forfeiture as condition of sentence
- *State v. Morgan*, 562 P.3d 360 (Jan. 2025)
 - Crime Victim's Compensation Fund
RCW 9.94A.753
- *State v. Mercedes*, 564 P.3d 971 (March 2025)
 - Search and Seizure, consent to search
- *State v. Nelson*, No. 102942-0, 2025 WL 922608 (March 2025)
 - Conditions of sentence unrelated to underlying charge

Court of Appeals Cases - Published

- *City of Bremerton v. Bright*, 32 Wn. App.2d 465 (Div. 2 Oct. 2024)
 - Vacating DUI conviction
- *State v. Hanley*, 33 Wn. App.2d 99 (Div. 3, Nov. 2024)
 - Accomplice Liability
- *State v. Leer*, 561 P.3d 761 (Div. 1, Dec. 2024)
 - DUI- blood vials
- *State v. Bravo*, 563 P.3d 1068 (Div. 1, Feb. 2025)
 - Victim U-Visa application relevance re bias
- *State v. Tyson*, 564 P.3d 248 (Div. 2, Feb. 2025)
 - Citizen informants; cell phone warrants
- *State v. W.H.*, 564 P.3d 992 (Div. 2, March 2025)
 - Dismissal with/without prejudice

Court of Appeals Cases - Published

- *State v. Sochirca*, 565 P.3d 155, (Div. 3, March 2025)
 - Right of self-representation, waiver of right to counsel
- *State v. Bellerouche*, No. 84887-9-1, 2025 WL 684282 (Div. 1, March 2025)
 - Race-based prosecutorial misconduct
- *State v. Friday*, 565 P.3d 139 (Div. 2, March 2025)
 - Joinder of DUI and IID; factually comparable out of state convictions
- *State v. Johal*, 33 Wn. App. 2d 408 (Div. 2, Jan 2025)
 - Threats post-Countermand
- *State v. McManis*, No. 39680-1-III, 2025 WL 758548 (Div. 3, March 2025)
 - Specific Performance of Plea Agreements

Court of Appeals Cases – Unpublished/Published In Part

- *State v. Hogan*, 33 Wn.App.2d 209 (Div. 1, Dec. 2024) (Published in part)
 - GR37 and gender identity of a prospective juror
- *State v Peterson*, 32 Wn.App.2d 1059 (Div. 1, Oct. 2024) (Unpublished)
 - Custodial interrogation when restrained by paramedics
- *State v. Shakir*, No. 84717-1-I, 2025 WL 670956 (Div. 1, March, 2025) (Unpublished)
 - Burden shifting

- *State v. McCray*, 32 Wn. App.2d 1067 (Div. 1, Nov. 2024) (Unpublished)
 - Jury unanimity w/ multiple victims
- *State v. Golyshevsky*, No. 58335-6-II, 2025 WL 263406 (Div. 2, 2025) (Unpublished)
 - Theft – fair market valuation
- *State v. Miller*, 562 P.3d 1281 (Div. 1, February 2025) (Published in part)
 - Joinder

Ninth Circuit Court of Appeals

- *United States v. Dorsey*, 122 F.4th 850 (9th Cir., Dec. 2024)
 - Lay opinion testimony
 - See also *State v. Pearson*, 33 Wn. App.2d 1037 (Div. 2, Dec. 2024) (unreported)
- *United States v. In*, 124 F.4d 790 (9th Cir. Dec. 2024)
 - Terry stops, officer safety
- *United States v. Shuemake*, 124 F.4th 1174 (9th Cir. 2024)
 - Prior inconsistent statement; feigned memory loss
- *U.S. v. Holcomb*, No. 23-469, 2025 WL 923757 (9th Cir. March 2025)
 - Cell phone warrants
- *Grimm v. Portland*, 125 F.4th 920 (9th Cir., Jan. 2025)
 - Pre-tow notification procedures



U.S. Supreme Court

- *Glossip v. Oklahoma*, 145 S. Ct. 612 (2025)
 - Prosecutor's duty to correct testimony it knows to be false – 14th Amendment Due Process



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THANK YOU

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