

FILED

NOV 07 2013

PIERCE COUNTY DISTRICT COURT

IN THE DISTRICT COURT OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. [REDACTED]

vs.

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

[REDACTED]  
Defendant.

This matter having come before the Honorable Judge Karla Buttorf,  
Judge of the above entitled court, for Pierce County, upon a complaint charging the  
defendant with Driving Under the Influence on the  
18 day of Sept, 2012. The evidence consisted of:

Testimony from Trooper Chatterton

Audio from Dispatch

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3  
4 The defendant was present, and represented by Michael Shuey.

5 The State was represented by Deputy Prosecuting Attorney Brod Hashimoto.

6 The Court observed the demeanor and heard the testimony of the witness(es), reviewed all  
7 submitted documents and briefing, and considered the arguments of counsel before making the  
8 following Findings of Fact and Conclusions of Law.

9  
10 THE UNDISPUTED FACTS

11 Trooper Chatterton was dispatched to a possible DUI on I-5.

12 Dispatch relayed information from a citizen informant about a possible  
13 Dispatch gave the Trooper the defendant's location and  
14 indicated there was "lane travel" as reported by the  
15 citizen informant. The Trooper did not have any other  
16 information and stopped the defendant's vehicle without  
17 observing any traffic violations  
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21 THE DISPUTED FACTS

22 Whether this occurred in King or Pierce County  
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8 FINDINGS AS TO DISPUTED FACTS

9 (Resumed)  
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20 CONCLUSIONS OF LAW

21 The citizen informant was reliable as he was a witness. Reasonable suspicion is the applicable standard for a traffic stop.  
22 to a possible DUI. But he did not provide enough information  
23 to the Trooper before [REDACTED] was stopped. The  
24 informant's report of criminal behavior lacked sufficient facts  
25

1 to support a seizure and the Trooper did not make  
2 any independent corroborations of criminal activity.  
3 The Trooper did not have sufficient information.  
4 Before the seizure, ~~the~~ stop and detain the defendant.  
5 The case is dismissed with prejudice because the  
6 Trooper did not have justification to make a Terry stop.  
7 There was not sufficient indicia of reliability.  
8 In the analysis of indicia of reliability, the absence  
9 of corroboration is dispositive.  
10  
11  
12  
13

14 DONE IN OPEN COURT this 7<sup>th</sup> day of November 2013.

15 Karee Burtch  
16 JUDGE

17 Presented by:

18 B. J. [Signature]  
19 Deputy Prosecuting Attorney  
20 WSBA # 41324

21 Approved as to Form:

22 [Signature]  
23 Attorney for Defendant  
24 WSB # 20117  
25

FINDINGS OF FACT AND CONCLUSIONS OF LAW - 4

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