

SUPREME COURT OF WASHINGTON

State of Washington v. George Richard Cromwell and Jennifer Shirley Reynolds-Cromwell, 157 Wash. 2d 529

140 P.3d 593 (2006) · No. No. 77356-4 · Decided August 10, 2006

SUMMARY

The Supreme Court of Washington held that the term "methamphetamine" in former RCW 69.50.401(a)(1)(ii) encompasses methamphetamine in both base and salt forms. The court affirmed the convictions of George Cromwell and Jennifer Reynolds-Cromwell for methamphetamine-related offenses. Justice Sanders dissented, reasoning that the statute distinguished methamphetamine from its salts and that the rule of lenity required reversal.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Bridge, J.; Alexander, C.J.; C. Johnson, J.; Madsen, J.; Chambers, J.; Owens, J.; Fairhurst, J.; J.M. Johnson, J.; Sanders, J.
JURISDICTION	Washington
DECIDED	August 10, 2006
DOCKET	No. 77356-4
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendants sought review of the Washington Court of Appeals' affirmance of their convictions for methamphetamine offenses under former RCW 69.50.401(a)(1)(ii).
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo.
PRECEDENTIAL VALUE	Published Washington Supreme Court en banc opinion; precedential.
PARTIES	George Richard Cromwell, Jennifer Shirley Reynolds-Cromwell v. State of Washington

TOPICS

- statutory interpretation
- plain meaning rule
- criminal procedure
- sentencing
- rule of lenity

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the term "methamphetamine" in former RCW 69.50.401(a)(1)(ii) includes methamphetamine salts, isomers, and salts of isomers.
2. Whether the defendants' charging documents and convictions were improper because the State proved possession and delivery of methamphetamine in salt form rather than base methamphetamine.

HOLDINGS

1. The plain language of former RCW 69.50.401(a)(1)(ii) encompasses all forms of methamphetamine, including methamphetamine in salt form.

KEY QUOTATIONS

"We disagree and hold that the plain language of former RCW 69.50.401(a)(1)(ii) encompasses all forms of methamphetamine. We affirm the Court of Appeals." (at 593)

"Thus, we hold that when the legislature used the word "methamphetamine" in former RCW 69.50.501(a)(1)(ii), that word included all forms of the substance." (at 596)

"On its face, methamphetamine as referenced in former RCW 69.50.401(a)(1)(ii) plainly means all forms of the substance." (at 596)

FACTUAL BACKGROUND

The Cromwells were arrested after a series of drug transactions with a Kent Police Department informant. Forensic testing showed that the substances delivered to the informant and recovered from the Cromwell residence contained methamphetamine in salt form, most likely methamphetamine hydrochloride. The defendants argued that former RCW 69.50.401(a)(1)(ii) covered only base methamphetamine and not methamphetamine salts.

PROCEDURAL HISTORY

Following drug transactions with a police informant, the Cromwells were charged with delivery and possession offenses involving methamphetamine. The trial court denied their motions to dismiss after forensic testimony established that the substances were methamphetamine in salt form. Reynolds-Cromwell was convicted as charged, and Cromwell was convicted of two delivery counts and lesser-included simple possession. Division One of the Court of Appeals affirmed, and the Washington Supreme Court granted review solely to resolve a conflict with Division Two precedent.

DISPOSITION

affirmed

CASES CITED

- State v. J.P., 149 Wash. 2d 444, 450, 69 P.3d 318 (2003)
- State v. Keller, 143 Wash. 2d 267, 276, 19 P.3d 1030 (2001)
- State v. McDougal, 120 Wash. 2d 334, 350, 841 P.2d 1232 (1992)
- State v. Delgado, 148 Wash. 2d 723, 727, 63 P.3d 792 (2003)
- State v. Morris, 123 Wash. App. 467, 98 P.3d 513 (2004)
- State v. Halsten, 108 Wash. App. 759, 33 P.3d 751 (2001)
- State v. Jackson, 137 Wash. 2d 712, 725, 976 P.2d 1229 (1999)
- State v. Taylor, 97 Wash. 2d 724, 728, 649 P.2d 633 (1982)
- New Castle Invs. v. City of LaCenter, 98 Wash. App. 224, 228, 989 P.2d 569 (1999)
- State v. Van Woerden, 93 Wash. App. 110, 116, 967 P.2d 14 (1998)
- State v. Wilson, 125 Wash. 2d 212, 217, 883 P.2d 320 (1994)
- State v. Groom, 133 Wash. 2d 679, 689, 947 P.2d 240 (1997)
- City of Seattle v. Parker, 2 Wash. App. 331, 335, 467 P.2d 858 (1970)
- State v. Jacobs, 154 Wash. 2d 596, 603, 115 P.3d 281 (2005)
- United States v. Enmons, 410 U.S. 396, 411, 93 S. Ct. 1007, 35 L. Ed. 2d 379 (1973)
- United States v. Stevens, 19 F.3d 93, 96 (2d Cir. 1994)
- United States v. Haynes, 985 F.2d 65, 70 (2d Cir. 1993)
- United States v. Valensia, 299 F.3d 1068, 1072 (9th Cir. 2002)
- United States v. Cook, 891 F. Supp. 572, 573-74 (D. Kan. 1995)
- United States v. Sieruc, 1996 WL 383305, at *1, 1996 U.S. Dist. LEXIS 9495, at *3-4 (E.D. Pa. 1996)
- United States v. Bogusz, 43 F.3d 82, 88-89 (3d Cir. 1994)