

SUPREME COURT OF WASHINGTON

State v. Puapuaga

164 Wash. 2d 515 (2008) · Decided September 18, 2008

SUMMARY

The Washington Supreme Court considered whether the State could seize a pretrial detainee’s personal property by ex parte orders after hospital staff discovered apparent discovery materials and a threatening note during an inventory at Western State Hospital. The court held that the seizure did not establish a privacy violation or warrant dismissal under CrR 8.3(b), and that the trial court acted within its authority by appointing a special master to review potentially privileged materials. The court affirmed and remanded for further proceedings concerning the property.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	C. Johnson, J.; Alexander, C.J.; Madsen, J.; Chambers, J.; Owens, J.; Fairhurst, J.; J.M. Johnson, J.; Stephens, J.
JURISDICTION	Washington
DECIDED	September 18, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Puapuaga sought direct discretionary review of a superior court order appointing a special master to review property seized from him during a competency evaluation and denying his motions for immediate return of the property and dismissal under CrR 8.3(b).
STANDARD OF REVIEW	A trial court's decision to dismiss charges under CrR 8.3(b) is reviewed for manifest abuse of discretion.
PRECEDENTIAL VALUE	Published Washington Supreme Court opinion; precedential.
PARTIES	State of Washington v. Jesie Pele Puapuaga

TOPICS

- criminal procedure
- search and seizure
- fourth amendment
- suppression of evidence
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- evidence
- remedies
- appellate procedure

QUESTIONS PRESENTED

1. Whether the State's seizure and continued possession of Puapuaga's personal property through ex parte orders violated his privacy rights under article I, section 7 of the Washington Constitution or the Fourth Amendment.
2. Whether the State's use of ex parte orders and alleged violations of discovery and motion procedures constituted governmental misconduct and prejudice warranting dismissal under CrR 8.3(b).
3. Whether the trial court acted within its authority by appointing a special master to review the seized materials and by denying immediate return of the property.

HOLDINGS

1. A pretrial detainee has no protected privacy interest under article I, section 7 in personal effects that were lawfully inventoried and taken into state custody under the circumstances presented.
2. The State's ex parte procedure, even if not condoned, did not warrant dismissal of the underlying murder charge because Puapuaga did not establish the required misconduct and prejudice affecting his right to a fair trial.
3. The trial court acted within its authority by appointing a special master to review the seized materials for privileged communications and defense preparation, and the Supreme Court would not order immediate return of the property when the box was not part of the appellate record.

KEY QUOTATIONS

"We hold that dismissal of Puapuaga's murder charge is an extraordinary remedy not fitting for these circumstances and that in the absence of the box as part of the record on review, we will not order return of the items to Puapuaga." (526)

"Thus, Puapuaga fails the private affairs prong of the article I, section 7 analysis and consequently fails to establish any privacy right under these facts." (524)

FACTUAL BACKGROUND

Puapuaga, charged with second degree murder, was transferred to Western State Hospital for a competency evaluation. During the hospital's inventory of his property, staff found apparent unredacted state discovery materials, including autopsy photographs, and a threatening message directed to a codefendant. The State obtained ex parte orders impounding and transferring the property, and the trial court appointed a special master to review the materials for attorney-client privilege and defense work product.

PROCEDURAL HISTORY

Puapuaga was charged with second degree murder in Pierce County and transferred to Western State Hospital for a competency evaluation. Hospital staff inventoried his property and discovered apparent state discovery materials and a threatening note. The State obtained two ex parte orders impounding and transferring the property. The trial court upheld the orders, appointed a special master to review the materials for privileged communications, and denied dismissal and return-of-property motions. The Washington Supreme Court granted discretionary review, affirmed the trial court, and remanded.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The case was remanded to the trial court to continue determining whether the seized items contained privileged communications or defense preparation and whether the items should be given to the State or returned to Puapuaga or his counsel. Requests for return of the box were left to the trial court.

CASES CITED

- State v. Michielli, 132 Wn.2d 229, 240, 937 P.2d 587 (1997)
- State v. Surge, 160 Wn.2d 65, 71-72, 156 P.3d 208 (2007)
- State v. Campbell, 103 Wn.2d 1, 23, 691 P.2d 929 (1984)
- State v. Cheatam, 150 Wn.2d 626, 81 P.3d 830 (2003)
- United States v. Jacobsen, 466 U.S. 109, 113, 104 S. Ct. 1652, 80 L. Ed. 2d 85 (1984)
- State v. Garza, 99 Wn. App. 291, 994 P.2d 868 (2000)
- Block v. Rutherford, 468 U.S. 576, 104 S. Ct. 3227, 82 L. Ed. 2d 438 (1984)
- Bell v. Wolfish, 441 U.S. 520, 557, 99 S. Ct. 1861, 60 L. Ed. 2d 447 (1979)
- Hudson v. Palmer, 468 U.S. 517, 530, 104 S. Ct. 3194, 82 L. Ed. 2d 393 (1984)