

SUPREME COURT OF WASHINGTON

State of Washington v. C.G., 150 Wash. 2d 604

80 P.3d 594 (2003) · No. No. 73310-4 · Decided December 11, 2003

SUMMARY

The Washington Supreme Court held that a conviction for felony harassment based on a threat to kill requires proof that the threatened person was placed in reasonable fear that the threat to kill would be carried out. The court reversed C.G.'s conviction because the evidence showed fear of possible harm but did not establish reasonable fear that C.G. would kill the victim.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Madsen, J.; Alexander, C.J.; Johnson, J.; Ireland, J.; Sanders, J.; Bridge, J.; Chambers, J.; Owens, J.; Fairhurst, J.
JURISDICTION	Washington
DECIDED	December 11, 2003
DOCKET	No. 73310-4
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	C.G. petitioned for review of a Washington Court of Appeals decision affirming her juvenile conviction for felony harassment based on a threat to kill.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. The sufficiency of the evidence was assessed under the applicable criminal standard, with the court considering whether the evidence established the required element of the offense.
PRECEDENTIAL VALUE	binding
PARTIES	C.G. v. State of Washington

TOPICS

- statutory interpretation
- plain meaning rule
- absurdity doctrine
- criminal procedure

PRACTICE AREAS

- criminal law
- juvenile law
- statutory interpretation

QUESTIONS PRESENTED

1. Whether RCW 9A.46.020 requires the State to prove, for felony harassment based on a threat to kill, that the person threatened was placed in reasonable fear that the threat to kill would be carried out.
2. Whether the evidence was sufficient to support C.G.'s felony-harassment conviction involving the threat to kill Tim Haney.

HOLDINGS

1. Under the plain language of RCW 9A.46.020, the State must prove that the person threatened was placed in reasonable fear that the threat made would be carried out. For a felony harassment charge based on a threat to kill, this requires reasonable fear that the threat to kill would be carried out, not merely fear of bodily injury.
2. The evidence was insufficient to support C.G.'s felony-harassment conviction based on the threat to kill Mr. Haney because it did not show that Haney was placed in reasonable fear that C.G. would kill him.

KEY QUOTATIONS

“We agree that a conviction of felony harassment based upon a threat to kill requires proof that the person threatened was placed in reasonable fear that the threat to kill would be carried out.” (at 595)

“We thus conclude that under the plain language of RCW 9A.46.020, supported by the related statute, RCW 9A.46.010, the State must prove that the victim is placed in reasonable fear that the threat made is the one that will be carried out.” (at 597)

“In order to convict an individual of felony harassment based upon a threat to kill, RCW 9A.46.020 requires that the State prove that the person threatened was placed in reasonable fear that the threat to kill would be carried out as an element of the offense.” (at 598)

FACTUAL BACKGROUND

C.G., a student at Blaine High School, became disruptive after being questioned about a missing pencil and was escorted from a classroom by vice-principal Tim Haney. During the incident, she repeatedly told Haney, “I’ll kill you Mr. Haney, I’ll kill you.” Haney testified that the threat caused him concern and that, based on his knowledge of C.G., she might harm him or someone else in the future, but there was no evidence that he feared C.G. would kill him.

PROCEDURAL HISTORY

The trial court found C.G. guilty of two counts of felony harassment, one based on a threat to kill a school vice-principal and one based on a threat to kill a responding police officer. C.G. challenged only the conviction involving the vice-principal, arguing that the State failed to prove the vice-principal reasonably feared that the threat to kill would be carried out. The Court of Appeals affirmed in a per curiam opinion, the Washington Supreme Court granted review, and the Supreme Court reversed the Court of Appeals and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the Court of Appeals, reverse C.G.'s felony-harassment conviction based on her threat to kill Mr. Haney, and remand for further proceedings consistent with the decision.

CASES CITED

- State v. J.M., 144 Wash. 2d 472, 480, 28 P.3d 720 (2001)
- State v. J.P., 149 Wash. 2d 444, 450, 69 P.3d 318 (2003)
- Thurston County v. Cooper Point Ass'n, 148 Wash. 2d 1, 12, 57 P.3d 1156 (2002)
- Dep't of Ecology v. Campbell & Gwinn, L.L.C., 146 Wash. 2d 1, 11, 43 P.3d 4 (2002)
- State v. Votava, 149 Wash. 2d 178, 187, 66 P.3d 1050 (2003)
- State v. Williams, 144 Wash. 2d 197, 212, 26 P.3d 890 (2001)
- State v. Savaria, 82 Wash. App. 832, 919 P.2d 1263 (1996)
- State v. Binkin, 79 Wash. App. 284, 902 P.2d 673 (1995)
- State v. Kilgore, 147 Wash. 2d 288, 53 P.3d 974 (2002)
- State v. Ragin, 94 Wash. App. 407, 972 P.2d 519 (1999)
- State v. C.G., 114 Wash. App. 101, 55 P.3d 1204 (2002)