

WASHINGTON STATE COURT OF APPEALS, DIVISION TWO

Jennifer Jo Dare Medlin v. Andrew Allen Miller

No. 60184-2-II · No. 60184-2-II · Decided June 16, 2026

SUMMARY

The Washington Court of Appeals, Division Two, holds that the post-2023 statutory scheme governing orders to surrender and prohibit weapons does not, by its mere issuance, violate the Fourth or Fifth Amendments. The court concludes that law enforcement’s limited role does not constitute sufficient state action for Fourth Amendment purposes and that the statutory immunity provisions address realistic threats of self-incrimination. The court reverses the superior court’s refusal to issue an order to surrender weapons and remands for application of the statute.

CASE DETAILS

COURT	Washington State Court of Appeals, Division Two
WRITING FOR THE COURT	Price, A.C.J.; Lee, J.; Cruser, J.
JURISDICTION	Washington Court of Appeals, Division Two
DECIDED	June 16, 2026
DOCKET	60184-2-II
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the superior court's refusal to issue an order to surrender and prohibit weapons after granting an order for a domestic violence protection order.
STANDARD OF REVIEW	Domestic violence protection orders are generally reviewed for abuse of discretion, but constitutional questions are reviewed de novo.
PRECEDENTIAL VALUE	precedential
PARTIES	Jennifer Jo Dare Medlin v. Andrew Allen Miller

TOPICS

- domestic violence
- family law procedure
- constitutional law
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- family law
- domestic violence
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the superior court erred by declining to issue an order to surrender and prohibit weapons after granting a domestic violence protection order.
2. Whether issuance of an order to surrender and prohibit weapons under the post-2023 statutory scheme violates the Fourth Amendment.
3. Whether issuance and enforcement of an order to surrender and prohibit weapons under the post-2023 statutory scheme violates the Fifth Amendment privilege against self-incrimination.

HOLDINGS

1. The mere issuance of an order to surrender and prohibit weapons under the current statutory scheme does not violate the Fourth Amendment because the statutory administration of the order does not involve sufficient state action to trigger Fourth Amendment scrutiny.
2. The post-2023 amendments to the weapons-surrender statutes resolve the self-incrimination concerns associated with issuance of an order to surrender and prohibit weapons.
3. After granting the domestic violence protection order and finding the statutory conditions satisfied, the superior court was required to apply RCW 9A.41.800 and consider issuance of an order to surrender and prohibit weapons; constitutional concerns based solely on the Fourth and Fifth Amendments did not justify refusing to do so.

KEY QUOTATIONS

“We agree with Montesi that, following the 2023 amendments, the mere issuance of an OSW, without more, does not violate either the Fourth or Fifth Amendments.” (12)

“Thus, we reverse and remand to the superior court to apply the statute to Medlin’s request for an OSW.” (14)

FACTUAL BACKGROUND

Medlin sought a domestic violence protection order after alleging that Miller assaulted her and their children, threatened her, and possessed approximately 35 firearms. The superior court commissioner found Medlin more credible and found that Miller had assaulted her, had a gun on his hip, and had frightened their younger child. Although the superior court amended the protection order to prohibit Miller from possessing firearms, it declined to issue an order requiring him to surrender weapons because of perceived Fourth and Fifth Amendment concerns.

PROCEDURAL HISTORY

Medlin petitioned for a domestic violence protection order alleging that Miller had assaulted her and their children and had access to numerous firearms. A superior court commissioner granted the protection order. On revision, the superior court prohibited Miller from possessing firearms but declined to issue an order to surrender weapons, reasoning that the order could implicate Miller's Fourth and Fifth Amendment rights. Medlin appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the superior court to apply RCW 9.41.800 and the related order-to-surrender-weapons statutes to Medlin's request for an order to surrender and prohibit weapons.

CASES CITED

- State v. Flannery, 24 Wn. App. 2d 466, 520 P.3d 517 (2022)
- In re Domestic Violence Protection Order of Montesi, 34 Wn. App. 2d 777, 572 P.3d 459 (2025)
- Rodriguez v. Zavala, 188 Wn.2d 586, 590-91, 398 P.3d 1071 (2017)
- State v. Brelvis Consulting LLC, 7 Wn. App. 2d 207, 218, 436 P.3d 818 (2018), review denied, 193 Wn.2d 1019 (2019)
- Alsager v. Bd. of Osteopathic Med. & Surgery, 196 Wn. App. 653, 668, 384 P.3d 641 (2016)
- Seventh Elect Church in Israel v. Rogers, 34 Wn. App. 96, 100, 660 P.2d 294, review denied, 99 Wn.2d 1019 (1983)
- Zicarelli v. New Jersey Comm'n of Investigation, 406 U.S. 472, 478, 92 S. Ct. 1670, 32 L. Ed. 2d 234 (1972)
- Pillsbury Co. v. Conboy, 459 U.S. 248, 252, 103 S. Ct. 608, 74 L. Ed. 2d 430 (1983)
- In re Dependency of Q.L.M., 105 Wn. App. 532, 544 n.27, 20 P.3d 465 (2001)
- State v. King, 130 Wn.2d 517, 524, 925 P.2d 606 (1996)
- Dalton M, LLC v. N. Cascade Tr. Servs., Inc., 2 Wn.3d 36, 50, 534 P.3d 339 (2023)
- State v. Peterson, 198 Wn.2d 643, 645, 498 P.3d 937 (2021)
- Murphy v. Waterfront Comm'n of New York Harbor, 378 U.S. 52, 79, 84 S. Ct. 1594, 12 L. Ed. 2d 678 (1964)
- United States v. Balsys, 524 U.S. 666, 118 S. Ct. 2218, 141 L. Ed. 2d 575 (1998)
- Kastigar v. United States, 406 U.S. 441, 460, 92 S. Ct. 1653, 32 L. Ed. 2d 212 (1972)
- Gelbard v. United States, 408 U.S. 41, 64 n.2, 92 S. Ct. 2357, 33 L. Ed. 2d 179 (1972)
- In re Personal Restraint of Arnold, 190 Wn.2d 136, 148-54, 410 P.3d 1133 (2018)

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