

SUPREME COURT OF WASHINGTON

City of Tukwila v. Garrett

196 P.3d 681 (Wash. 2008) · No. No. 81067-2 · Decided November 26, 2008

SUMMARY

The Washington Supreme Court held that a Tukwila Municipal Court jury-selection process using jurors drawn from three ZIP codes that roughly approximated the city substantially complied with RCW 2.36.050. The court also held that an oral agreement authorized the King County Superior Court to provide jury-selection services for the municipal court. The court reversed the superior court and affirmed Garrett's conviction; a dissent would have found the jury-selection process and service agreement invalid.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Madsen, J.; Charles W. Johnson, J.; Tom Chambers, J.; Susan Owens, J.; Mary E. Fairhurst, J.; James M. Johnson, J.; Debra L. Stephens, J.; Gerry L. Alexander, C.J.
JURISDICTION	Washington
DECIDED	November 26, 2008
DOCKET	No. 81067-2
DISPOSITION	reversed
PROCEDURAL POSTURE	The City of Tukwila sought discretionary review of the King County Superior Court's reversal of Garrett's municipal-court conviction based on alleged defects in jury-pool selection and jury-services authorization. The Washington Supreme Court accepted review after transfer from the Court of Appeals.
STANDARD OF REVIEW	De novo review applied to the statutory-interpretation issues.
PRECEDENTIAL VALUE	published precedential Washington Supreme Court decision
PARTIES	City of Tukwila v. Kellas William Garrett

TOPICS

- jury selection
- criminal procedure
- statutory interpretation
- sixth amendment
- municipal law

PRACTICE AREAS

criminal procedure

constitutional law

municipal law

statutory interpretation

QUESTIONS PRESENTED

1. Whether selecting jurors from three ZIP codes that roughly approximated Tukwila's boundaries, but also included residents outside the city, substantially complied with RCW 2.36.050.
2. Whether the jury-selection process materially departed from statutory requirements so that prejudice should be presumed, or whether Garrett had to show actual prejudice.
3. Whether an oral agreement between Tukwila Municipal Court and King County Superior Court validly authorized the superior court to perform jury-management and jury-summons services after the written agreement expired.
4. Whether the jury-selection process violated Garrett's rights to an impartial jury under article I, section 22 of the Washington Constitution and the Sixth Amendment.
5. Whether Garrett could assert the rights of city residents or prospective jurors who were allegedly summoned to serve outside their municipality.

HOLDINGS

1. A municipal court jury pool selected from three ZIP codes that roughly approximated the court's electoral district substantially complied with RCW 2.36.050, even though the ZIP codes included areas outside the municipality and excluded some residents within the municipality.
2. Because the selection procedure substantially complied with RCW 2.36.050 and did not materially depart from statutory requirements, prejudice was not presumed; Garrett was required to establish actual prejudice and failed to do so.
3. An oral agreement between the Tukwila Municipal Court and King County Superior Court validly authorized the superior court to perform jury-selection and jury-summons services after the written agreement expired.
4. The jury-selection process did not violate article I, section 22 of the Washington Constitution or the Sixth Amendment because jurors were drawn from the area served by the municipal court and therefore from the county and district where the offense was charged.

KEY QUOTATIONS

“The purpose of article I, section 22 of the Washington State Constitution is to guarantee a fair and random selection of jurors from the county in which a crime is alleged to have been committed.” (682)

“The fact that the particular pool from which Mr. Garrett's particular jury was selected included a majority of jurors from outside Tukwila's boundaries does not invalidate the selection procedure provided the jurors were randomly selected.” (686)

“Nothing in the statutes requires any particular method for reaching agreement, and certainly no formal contract requirements are mandated.” (687)

“It is not violated when jurors are drawn from the area covered by three zip codes applying to the City of Tukwila.” (688)

FACTUAL BACKGROUND

Garrett was tried and convicted in Tukwila Municipal Court for violating a temporary domestic-violence protection order. His jury pool was selected from three King County ZIP codes associated with Tukwila, although the ZIP-code boundaries extended beyond the city and most prospective jurors, including all selected jurors according to Garrett, lived outside Tukwila. A written agreement under which King County Superior Court performed jury-management services for Tukwila expired before trial, but court personnel continued the services under an alleged oral agreement and the superior court invoiced Tukwila for them.

PROCEDURAL HISTORY

Garrett was convicted in Tukwila Municipal Court of violating a temporary protection order involving domestic violence. The municipal court denied his postverdict motion to reverse the conviction and dismiss the case, finding substantial compliance with the jury-selection statute and a valid oral agreement authorizing King County Superior Court to provide jury services. On appeal, the King County Superior Court reversed, concluding that the jury pool improperly included persons outside Tukwila and that no valid jury-services agreement existed. The Washington Supreme Court reversed the superior court and affirmed Garrett's conviction.

DISPOSITION

reversed

CASES CITED

- State v. Twyman, 143 Wash. 2d 115, 17 P.3d 1184 (2001)
- State v. Nemitz, 105 Wash. App. 205, 19 P.3d 480 (2001)
- State v. Tingdale, 117 Wash. 2d 595, 817 P.2d 850 (1991)
- State v. Finlayson, 69 Wash. 2d 155, 417 P.2d 624 (1966)
- W.E. Roche Fruit Co. v. N. Pac. Ry., 18 Wash. 2d 484, 139 P.2d 714 (1943)
- State v. Rhoder, 82 Wash. 618, 144 P. 914 (1914)
- State v. Gentry, 125 Wash. 2d 570, 888 P.2d 1105 (1995)
- State v. Rice, 120 Wash. 2d 549, 844 P.2d 416 (1993)
- United States v. Mendoza, 108 F.3d 1155 (9th Cir. 1997)
- United States v. Muhammad, 502 F.3d 646 (7th Cir. 2007), cert. denied, 552 U.S. 1230 (2008)
- Powers v. Ohio, 499 U.S. 400, 111 S. Ct. 1364, 113 L. Ed. 2d 411 (1991)
- Branson v. Port of Seattle, 152 Wash. 2d 862, 101 P.3d 67 (2004)
- Grant County Fire Prot. Dist. No. 5 v. City of Moses Lake, 150 Wash. 2d 791, 83 P.3d 419 (2004)
- Pavay v. Collins, 31 Wash. 2d 864, 199 P.2d 571 (1948)

- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945)
- United States v. Reed, 773 F.2d 477 (2d Cir. 1985)

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