
SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

HOLLIS BLOCKMAN,

Petitioner.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF

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The American Civil Liberties Union of Washington (“ACLU”), Washington Association of Criminal Defense Lawyers (“WACDL”), and Washington Defender Association (“WDA”) respectfully move, pursuant to RAP 10.1(e) and 10.6, to file a brief as *Amici Curiae* regarding whether warrantless “protective sweeps” violate Article 1, Section 7 when conducted outside the context of an arrest. In support of this motion, *amici* offer the following information:

I. IDENTITY AND INTEREST OF AMICI

The ACLU is a statewide, nonpartisan, nonprofit organization of over 75,000 members and supporters, dedicated to the preservation of civil liberties, including privacy. The ACLU strongly supports adherence to the provisions of Article 1, Section 7 of the Washington State Constitution, prohibiting unreasonable interference in private affairs. It has participated in numerous privacy-related cases both as *amicus curiae* and as counsel to parties.

WACDL is a nonprofit association of over 1100 attorneys practicing criminal defense law in Washington State. As stated in its bylaws, WACDL’s objectives include “to protect and insure by rule of law those individual rights guaranteed by the Washington and Federal Constitutions, and to resist all efforts made to curtail such rights.” WACDL has filed numerous *amicus* briefs in the Washington appellate courts.

WDA is a statewide non-profit organization whose membership is comprised of public defender agencies, indigent defenders, and those who are committed to seeking improvements in indigent defense. WDA is a

not-for-profit corporation with 501(c)(3) status. The WDA's objectives and purposes are defined in its bylaws and include: protecting and insuring by rule of law those individual rights guaranteed by the Washington and Federal Constitutions and to resist all efforts made to curtail such rights; promoting, assisting, and encouraging public defense systems to ensure that all accused persons receive effective assistance of counsel. WDA representatives frequently testify before the Washington House and Senate on proposed legislation affecting indigent defense issues. WDA has been granted leave on prior occasions to file *amicus* briefs in this Court. WDA represents 30 public defender agencies and has over 1,200 members comprising criminal defense attorneys, investigators, social workers and paralegals throughout Washington.

II. FAMILIARITY WITH ISSUES

Amici have obtained copies of, and are familiar with, the briefing submitted by the parties to this Court, the opinion of the Court of Appeals, and the proceedings below. *Amici* are familiar with the scope of the argument presented by the parties and will not unduly repeat arguments raised by any of the parties.

III. ISSUE TO BE ADDRESSED BY AMICI

Whether a warrantless “protective sweep” of a person’s home by a law enforcement officer violates Article 1, Section 7 when conducted outside the context of an arrest.

IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT

The Court’s decision on whether or not to accept discretionary

review of the Court of Appeals opinion below will significantly impact an important area of constitutional law in this state affecting a large segment of the public. That area is the scope of privacy protection afforded by Article 1, Section 7 of the Washington Constitution to a person's home. A fully informed decision from Washington's highest court is essential, and the additional argument provided by *amici* will be helpful to the Court. RAP 10.6(a).

The parties are naturally most interested in establishment of a rule that addresses the particular facts of this case and provides a favorable result to their clients. *Amici* can provide a wider perspective, helping in the establishment of a rule that goes beyond the needs of the specific parties in this case.

V. CONCLUSION

For the foregoing reasons, the ACLU, WACDL, and WDA respectfully request that the Court grant leave to file the attached brief.

Respectfully submitted this 29th day of September 2017.

By s/ Douglas B. Klunder

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