
SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

JESUS DAVID BUELNA VALDEZ, et al.,

Respondents.

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

DOUGLAS B. KLUNDER, WSBA #32987
ACLU of Washington Foundation
705 2nd Avenue, Suite 300
Seattle, WA 98104
(206) 624-2184

Attorney for Amicus Curiae
American Civil Liberties Union of Washington

The American Civil Liberties Union of Washington (“ACLU”) respectfully moves, pursuant to RAP 10.1(e) and 10.6, to file a brief as *Amicus Curiae* regarding whether it is constitutional to search a vehicle both manually and with a dog incident to the arrest of the driver on an outstanding warrant. In support of this motion, the ACLU offers the following information:

I. IDENTITY AND INTEREST OF AMICUS

The ACLU is a statewide, nonpartisan, nonprofit organization with over 20,000 members, dedicated to the preservation and defense of constitutional and 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 people’s private affairs and invasion of the home without authority of law. It has participated in numerous constitutional and privacy-related cases as *amicus curiae*, as counsel to parties, and as a party itself.

II. FAMILIARITY WITH ISSUES

Amicus has obtained copies of, and is familiar with, the briefing submitted by the parties to this Court, the opinion of the lower court and the proceedings below. *Amicus* is 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 AMICUS

Whether a suspicionless search of a vehicle, both manually and with a dog, violates Article 1, Section 7 when conducted incident to the

arrest of the driver on an outstanding warrant.

IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT

The Court's decision on the issue in this case will significantly impact an important and evolving area of constitutional law in this state: the scope of the vehicle search incident to arrest exception to the warrant requirement. A fully informed decision is essential, and the additional argument provided by the ACLU *amicus* brief 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. *Amicus* can provide a wider perspective, helping in the establishment of a rule that goes beyond the needs of the specific clients in this case.

V. CONCLUSION

For the foregoing reasons, the ACLU respectfully requests that the Court grant leave to file the attached *amicus* brief.

Respectfully submitted this 12th day of May 2008.

By



Douglas B. Klunder, WSBA #32987
ACLU of Washington Foundation

Attorney for *Amicus Curiae*
American Civil Liberties Union of
Washington