

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
8/28/2018 1:29 PM  
BY SUSAN L. CARLSON  
CLERK

No. 95707-0

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IN THE SUPREME COURT FOR THE STATE OF WASHINGTON

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**CITY OF SHORELINE,**

**Respondent**

**v.**

**SOLOMON MCLEMORE**

**Petitioners.**

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF OF  
THE AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON**

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ACLU OF WASHINGTON  
FOUNDATION

Nancy L. Talner, WSBA #11196  
901 5th Avenue, Suite 630  
Seattle, Washington 98164  
(tel) (206) 624-2184  
talner@aclu-wa.org

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

## **I. RELIEF REQUESTED**

Pursuant to RAP 10.6(b), amicus respectfully moves for leave to file a brief in this case. Counsel is filing a separate motion for extension of the due date for the brief.

## **II. IDENTITY AND INTEREST OF *AMICUS CURIAE***

The American Civil Liberties Union of Washington (“ACLU”) is a statewide, nonprofit, nonpartisan organization with over 80,000 members and supporters that is dedicated to the principles of liberty and equality embodied in the state and federal Constitutions. As part of its mission, the ACLU works to preserve privacy rights and the assertion of other rights. The ACLU also works to promote police accountability, and frequently provides information to individuals regarding their constitutional rights. The ACLU has submitted amicus briefs in other cases involving obstruction and constitutional principles similar to those at issue here. *See, State v. EJJ*, Washington Supreme Ct. Case No. 88694-6; *State v. Steen*, Washington Supreme Ct. Case No. 86743-7 (supporting review).

## **III. FAMILIARITY WITH ISSUES AND RECORD**

Undersigned counsel has read the parties’ briefs and the lower court rulings, and has requested an extension of the due date for the amicus brief in order to allow review of the parties’ supplemental briefs.

#### **IV. ISSUE TO BE ADDRESSED BY AMICUS**

The issues to be addressed in the amicus brief include the various ways the defendant's conviction for obstruction of a law enforcement officer is constitutionally invalid when he was asserting his right to refuse consent to a warrantless search.

#### **V. WHY AMICUS BRIEFING WILL ASSIST THE COURT**

The court's issue statement and the parties' briefing in the lower courts indicates that this case involves significant constitutional law issues. The issues presented impact the public interest. Amicus is as a longstanding advocate and supporter of reform efforts aimed at ensuring that RCW 9A.76.020 is applied in a constitutional manner. Particularly given amicus's prior participation in cases involving obstruction convictions, amicus can provide a wider perspective than the parties on the issues before the Court. A fully informed decision is essential, and the additional authority provided by the ACLU amicus brief will be helpful to the Court. RAP 10.6(a).

#### **VI. CONCLUSION**

Amicus respectfully request that the Court grant leave to file an amicus brief.

RESPECTFULLY SUBMITTED this 28th day of August, 2018.

*By: /s/Nancy L. Talner*

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Nancy L. Talner, WSBA #11196

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FOUNDATION

901 5th Avenue, Suite 630

Seattle, Washington 98164

(tel) (206) 624-2184

[talner@aclu-wa.org](mailto:talner@aclu-wa.org)

**AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON FOUNDATION**

**August 28, 2018 - 1:29 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 95707-0  
**Appellate Court Case Title:** City of Shoreline v. Solomon McLemore  
**Superior Court Case Number:** 16-1-07811-3

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901 5th Avenue, Suite 630  
Seattle, WA, 98164  
Phone: (206) 624-2184

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