

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
1/8/2019 1:21 PM  
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No. 96069-1

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**SUPREME COURT OF THE STATE OF WASHINGTON**

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STATE OF WASHINGTON,

Petitioner,

v.

MICHAEL NELSON PECK,

Respondent,

and

CLARK ALLEN TELLVIK,

Respondent.

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

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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 closed containers may be opened while conducting an inventory of an impounded vehicle. In support of this motion, *amicus* offers the following information:

**I. IDENTITY AND INTEREST OF AMICUS**

The American Civil Liberties Union of Washington (“ACLU”) is a statewide, nonpartisan, nonprofit organization of over 80,000 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 as *amicus curiae* or as counsel to parties.

**II. FAMILIARITY WITH ISSUE**

*Amicus* has obtained copies of, and is familiar with, the briefing submitted by the parties to this Court, the opinions of the Court of Appeals, 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 opening a closed container without a warrant during an inventory search disturbs private affairs without authority of law, in violation of Article 1, Section 7.

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

The Court's decision on the issues in this case will significantly impact the law on searches of impounded vehicles. A fully informed decision from Washington's highest court is essential, and the additional argument provided by *amicus* 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 parties 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 8th day of January 2019.

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**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 96069-1  
**Appellate Court Case Title:** State of Washington v. Michael Nelson Peck and Clark Allen Tellvik  
**Superior Court Case Number:** 16-1-00020-6

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**Comments:**

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