No. 87663-1

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

SHAWN DANIEL HINTON,

Petitioner.

BRIEF OF AMICI CURIAE AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON, WASHINGTON ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, AND WASHINGTON DEFENDER ASSOCIATION

Sarah A. Dunne, WSBA #34869
dunne@aclu-wa.org

Nancy L. Talner, WSBA #11196
talner@aclu-wa.org

Douglas B. Klunder,
WSBA #32987
klunder@aclu-wa.org

ACLU of Washington Foundation
901 Fifth Avenue, Suite 630
Seattle, Washington 98164
(206) 624-2184

Rabi Lahiri, WSBA #44214
rabi@washapp.org

Lila J. Silverstein, WSBA #38394
WACDL Amicus Committee
Co-Chair
lila@washapp.org

Washington Appellate Project
1511 Third Avenue, Suite 701
Seattle, Washington 98101
(206) 587-2711

Travis Stearns, WSBA #29335
stearns@defensenet.org
Washington Defender Association
110 Prefontaine Place S., Suite 610
Seattle, WA 98104
(206) 623-4321

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A. INTEREST OF AMICI CURIAE

The American Civil Liberties Union of Washington (ACLU) is a statewide, nonpartisan nonprofit organization of over 20,000 members, dedicated to the preservation of civil liberties, including privacy. The ACLU strongly supports adherence to the provisions of article I, section 7 of the Washington State Constitution, prohibiting interference in private affairs without authority of law. It has participated in numerous privacy-related cases as amicus curiae, as counsel to parties, and as a party itself.

The Washington Association of Criminal Defense Lawyers (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.

The Washington Defender Association (WDA) is a statewide non-profit organization with 501(c)(3) status. WDA has more than a thousand members and is comprised of public defender agencies, indigent defenders, and those who are committed to seeing improvements in indigent defense.

One of WDA's primary purposes is to improve the administration of justice and remedy inadequacies and injustices in substantive and procedural law. WDA advocates on issues of constitutional effective assistance of counsel and professional norms and standards under the laws of the State of Washington and the United States. WDA and its members have previously been granted leave to file amicus briefs on issues relating to these and other criminal defense issues.

B. ISSUES TO BE ADDRESSED BY AMICI

1. Are conversations conducted via text messages "private affairs" that are protected under article I, section 7 of the Washington Constitution?

2. Did police unconstitutionally disturb Hinton's private affairs by inserting themselves into a text-message conversation between Hinton and his friend, posing as the friend while using his cell phone without consent?

C. STATEMENT OF THE CASE

On November 3, 2009, Daniel Lee was arrested on drug charges and his cell phone, a smartphone, was seized by the police. Later that day, Detective Kevin Sawyer noticed that the phone had received a new text message. The phone initially displayed the message without Sawyer's intervention. It read, "Hey whats up dogg can you call me i need to talk to you." Sawyer saw that the message was from "Z-Shawn Hinton." Using

Lee's phone and posing as Lee, Sawyer replied to the message with another text message that read, "Can't now. What's up?" After exchanging a number of additional text messages, Sawyer agreed to sell drugs to Hinton. When Hinton arrived at the meeting location, Sawyer arrested him based on the text messages. Hinton moved to suppress the text messages, claiming that Sawyer's actions had violated his rights under article I, section 7 of the Washington Constitution. The trial court denied his motion, and the Court of Appeals affirmed. *See State v. Hinton*, 169 Wn. App. 28, 280 P.3d 476 (2012).

This case asks whether article I, section 7 protects private conversations conducted via text messages against such surreptitious intrusions by the police.

D. ARGUMENT

1. Text-message conversations are private affairs that article I, section 7 protects from warrantless governmental intrusions.

Article I, section 7 of the Washington Constitution provides that "[n]o person shall be disturbed in his private affairs, or his home invaded, without authority of law." Const. art. I, § 7. "Private affairs" under article I, section 7 are "those privacy interests which citizens of this state have held, and should be entitled to hold, safe from governmental trespass absent a warrant." *State v. Myrick*, 102 Wn.2d 506, 511, 688 P.2d 151 (1984). The protections of article I, section 7 are both broader and

qualitatively different than those under the Fourth Amendment, because article I, section 7 explicitly protects personal privacy, while the Fourth Amendment prohibits only unreasonable government conduct. *State v. Gunwall*, 106 Wn.2d 54, 65, 720 P.2d 808 (1986). Thus, article I, section 7 proscribes any search conducted without authority of law, regardless of whether the search itself was reasonable. *State v. Williams*, 171 Wn.2d 474, 484-85, 251 P.3d 877 (2011). Moreover, whereas the Fourth Amendment generally does not protect a person who has not manifested a subjective expectation of privacy, *Myrick*, 102 Wn.2d at 510 (quoting *Katz v. United States*, 389 U.S. 347, 357, 88 S. Ct. 507, 19 L. Ed. 2d 576 (1967)), article I, section 7 "is not confined to the subjective privacy expectations of modern citizens who, due to well publicized advances in surveillance technology, are learning to expect diminished privacy in many aspects of their lives." *Id.* at 511; *see also State v. Miles*, 160 Wn.2d 236, 244, 156 P.3d 864 (2007).

a. Article I, section 7 protects the privacy of conversations.

In *Gunwall*, this Court held that, in order to safeguard "one's ability to effectively communicate in today's complex society," personal conversations that take place through modern communication systems must receive constitutional privacy protections. 106 Wn.2d at 67 (quoting *People v. Sporleder*, 666 P.2d 135, 141 (Colo. 1983)). In deciding to

depart from analogous federal precedent, the Court noted that Washington had a special interest in addressing the issue at the state level that was demonstrated in part by its "long history and tradition of strict legislative protection of telephonic and other electronic communications," dating even to before statehood. *Id.* at 66. As the Court has reiterated since then, evidence that an interest has historically been treated as private or is protected by statute supports the conclusion that the interest is a private affair under article I, section 7, regardless of whether it is protected under the Fourth Amendment. *See, e.g.*, *State v. McKinney*, 148 Wn.2d 20, 27, 60 P.3d 46 (2002); *State v. Athan*, 160 Wn.2d 354, 366, 158 P.3d 27 (2007).

This long history of constitutional and legislative protection for personal communication in Washington reflects the unsurprising fact that people often discuss private information with each other, both in person and by using modern technology. This Court has often recognized the importance of interpreting article I, section 7 to protect information that could reveal a person's activities, associations, beliefs, finances, movements, sexual behavior, or "personal ails and foibles." *State v. Jackson*, 150 Wn.2d 251, 262, 76 P.3d 217 (2003); *see also McKinney*, 148 Wn.2d at 29; *Miles*, 160 Wn.2d at 244-47; *State v. Jorden*, 160 Wn.2d 121, 129, 156 P.3d 893 (2007). Interpersonal conversations, be they

between family members, friends, business associates, or even casual acquaintances, commonly reveal this kind of information—personal details that have always been protected from arbitrary government intrusion in this state. Thus, this Court generally presumes that conversations between people are private, unless they were voluntarily exposed to others. *Gunwall*, 106 Wn.2d at 67; *State v. Modica*, 164 Wn.2d 83, 88-89, 186 P.3d 1062 (2008); *State v. Faford*, 128 Wn.2d 476, 484-86, 910 P.2d 447 (1996). This privacy interest belongs to both parties. *See State v. Townsend*, 147 Wn.2d 666, 674, 57 P.3d 255 (2002) (holding that Internet chat messages sent from the defendant to an undercover officer were private communications under Washington's Privacy Act).[1]

b. Modern conversations often take place via text messages and are private.

Text messaging has become extremely common in modern life. The vast majority of American adults own cell phones, and most of them use their phones to send and receive text messages.[2] Among those aged 18-29, text messaging is "nearly universal."[3] Wireless industry statistics

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[1] While the privacy inquiry is not identical between the Privacy Act and article I, section 7, legislative privacy protection for a given interest is strong evidence that the interest is also a private affair under article I, section 7. *See Gunwall*, 106 Wn.2d at 66; *State v. Boland*, 115 Wn.2d 571, 576, 800 P.2d 1112 (1990).

[2] Maeve Duggan & Lee Rainie, Pew Internet & American Life Project, *Cell Phone Activities 2012*, Nov. 25, 2012, at 2, *available at* http://pewinternet.org/~/media//Files/Reports/2012/PIP_CellActivities_11.25.pdf (last visited April 3, 2013).

[3] *Id.* at 5.

show a dramatic increase in national text communications during the last several years, nearly quadrupling from 610 billion text and MMS[4] messages in 2008 to over 2.3 trillion in 2012—more than 6.3 billion per day.[5] Meanwhile, voice-minute usage has not increased appreciably.[6] Thus, not only is the quantity of text messages rapidly increasing, so is the percentage of overall communication that happens by text rather than by voice call.

These communications often include private information. People commonly text each other to share their current locations and to make plans to meet later, thereby revealing their movements, activities, and the identities of their friends and associates. Spouses and others in close relationships use text messages to discuss sensitive health, parenting, and even sexual matters. And banks offer text-message services such as balance inquiries and retrieving transaction histories,[7] reflecting a common understanding that text messages are an appropriate medium for transmitting confidential information.

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[4] MMS, or Multimedia Messaging Service, is similar to ordinary text-messaging service, except that it can also be used to send and receive content including pictures and videos between cell phones. CTIA, *Messaging Interoperability*, at http://ctia.org/business_resources/wic/index.cfm/AID/12056 (last visited April 3, 2013).

[5] CTIA, *Semi-Annual Mid-Year 2012 Top-Line Survey Results*, at 7, *available at* http://files.ctia.org/pdf/CTIA_Survey_MY_2012_Graphics-_final.pdf (last visited April 3, 2013).

[6] *Id.*

[7] *See, e.g.*, Bank of America, *Mobile App, Web and Text Banking Options: Text Banking*, at https://www.bankofamerica.com/online-banking/sms-text-banking.go (last visited April 3, 2013).

As with voice communication over landline telephones, which has long enjoyed constitutional protection, *see Katz*, 389 U.S. at 353, people generally do not expect these conversations to be exposed to the public. If anything, the privacy interest in cell phones and text messages is even greater. Unlike landline telephones, cell phones are strongly associated with people, not places. Many people keep their cell phones with them nearly all of the time, even sleeping with their phones nearby to avoid missing any messages.[8] Contacts in cell phones are stored by name, so that the destination for a text message from the sender's perspective is a "who," not a "where." And text messages are often grouped into "threads" by a phone's software, so that a series of messages between two people appears on their phones as an ongoing conversation with each other over a period of days, months, or even years.

Taken together, these statistics and common behaviors establish that text messages are typically used for private, one-on-one conversations that often reveal sensitive personal information and generally are neither intended nor understood by the parties to be public fare. Text messages are therefore similar in every relevant way to the personal letters, phone calls, and emails that have always enjoyed strong constitutional privacy

[8] Aaron Smith, Pew Internet & American Life Project, *The Best (and Worst) of Mobile Connectivity*, Nov. 30, 2012, at 3, *available at* http://pewinternet.org/~/media//Files/Reports/2012/PIP_Best_Worst_Mobile_113012.pdf (last visited April 3, 2013).

protections in Washington. Text-message conversations, then, are just as entitled to treatment as private affairs under article I, section 7 as are conversations by letter, phone call, or email.

2. Hinton did not forgo his privacy interest in the conversation by sending text messages to Lee's phone.

In holding that Hinton had no privacy interest in the text messages he sent to Lee, the Court of Appeals emphasized that Hinton sent the messages to Lee's phone without knowing for sure that Lee currently possessed the phone. *Hinton*, 169 Wn. App. at 37. According to the court, Hinton assumed the risk that somebody other than Lee might see the messages or that Lee might disclose them voluntarily. *Id.* The court held that this meant the conversation was not a private affair. *Id.* But the court's reasoning is faulty on several counts.

a. The decision below is wrong as a matter of law.

i. The third-party doctrine does not apply under article I, section 7.

The Court of Appeals relied heavily on *State v. Wojtyna*, 70 Wn. App. 689, 855 P.2d 315 (1993), in concluding that sent text messages are not within the sender's private affairs. *Hinton*, 169 Wn. App. at 35-38. In *Wojtyna*, police seized a pager during a drug investigation and monitored it for several days. 70 Wn. App. at 691. The defendant sent his phone number to that pager, and an officer called the number and arranged a drug

deal with the defendant. *Id.* The defendant was arrested after meeting at the agreed location to complete the deal. *Id.* The Court of Appeals subsequently held that the defendant did not have a reasonable expectation of privacy in the message he sent to the pager. *Id.* at 694.

The Court of Appeals' reliance on *Wojtyna* here was misplaced for at least two reasons. First, the *Wojtyna* court held that article I, section 7 provided no additional protection over the Fourth Amendment on the facts of that case. *Id.* at 693. The court therefore explicitly limited its analysis to whether the defendant had a reasonable expectation of privacy in the pager message under the Fourth Amendment. *Id.* Contrary to the Court of Appeals' assertion here, *see Hinton*, 169 Wn. App. at 37, this Fourth Amendment analysis is different from, and cannot substitute for, the private-affairs inquiry required under article I, section 7. *State v. Young*, 123 Wn.2d 173, 181-82, 867 P.2d 593 (1994).

Second, *Wojtyna* reached its result by applying the third-party doctrine, as articulated by the Sixth Circuit in *United States v. Meriwether*, 917 F.2d 955 (1990). The third-party doctrine holds that under the Fourth Amendment, a person does not have *any* reasonable expectation of privacy in information that he voluntarily discloses to anybody else. *Meriwether*, 917 F.2d at 959 (quoting *Smith v. Maryland*, 442 U.S. 735, 743-44, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1979)). This Court, however, has explicitly

and repeatedly rejected this doctrine as incompatible with article I, section 7.[9] *See, e.g.*, *Gunwall*, 106 Wn.2d at 67-68; *Boland*, 115 Wn.2d at 580-81; *State v. Eisfeldt*, 163 Wn.2d 628, 637-38, 185 P.3d 580 (2008).

Instead, this Court has consistently held that information does not become non-private simply by being communicated from one private party to another where neither party voluntarily discloses the information to the government or to the public. In *Gunwall*, the Court refused to allow police unfettered access to records of the numbers dialed from the defendant's telephone, despite the fact that she had disclosed that information to the phone company for its internal business purposes. 106 Wn.2d at 67-68. In *Boland*, the Court held that the defendant's garbage was part of his private affairs, even after he had removed it from his property and placed it on the curb for removal by the garbage collector. 115 Wn.2d at 578. In *Eisfeldt*, the Court held that the defendant's private affairs remained private vis-à-vis the government even after a private party had intruded upon them, so that police could not repeat the private party's search absent authority of law under article I, section 7. 163 Wn.2d at 638.

[9] As the Court noted in *Gunwall*, 106 Wn.2d at 64, the federal cases establishing the third-party doctrine have been "frequently criticized," to say the least. *See* Orin S. Kerr, *The Case for the Third-Party Doctrine*, 107 Mich. L. Rev. 561, 563-64 (2009) ("The third-party doctrine is the Fourth Amendment rule scholars love to hate. It is the *Lochner* of search and seizure law, widely criticized as profoundly misguided. . . . The verdict among commentators has been frequent and apparently unanimous: The third-party doctrine is not only wrong, but horribly wrong. . . . Remarkably, even the U.S. Supreme Court has never offered a clear argument in its favor. Many Supreme Court opinions have applied the doctrine; few have defended it.") (collecting authority critical of the doctrine).

Similarly, this Court has held that people who voluntarily disclose motel-registration and bank records to private parties, but not to the government or to the public, retain a constitutional privacy interest in those records. *Jorden*, 160 Wn.2d at 130; *Miles*, 160 Wn.2d at 244-47.

This Court's prior holdings thus establish the controlling point of law in this case. Under article I, section 7, a person does not lose his privacy interest in information merely by conveying that information to another person. Indeed, were that the case, no communication could ever be private, because it is impossible to "communicate" without disclosing information.

The Court of Appeals' attempt to limit its ruling to text messages that have been "delivered" to the intended recipient is similarly misguided. For one thing, Hinton's messages were never delivered to Lee at all—they were merely downloaded to his phone and then accessed by Detective Sawyer. But more fundamentally, the notion that delivery of a message to its intended recipient vitiates the sender's expectation of privacy vis-à-vis the entire world is simply another way of stating the third-party doctrine. As already noted, this Court has properly rejected that doctrine under article I, section 7. This Court has also held that the mere possibility—or even likelihood—of interception does not render a communication non-private. *Faford*, 128 Wn.2d at 485-86 (citing *Young*, 123 Wn.2d at 186;

Myrick, 102 Wn.2d at 513-14); *Townsend*, 147 Wn.2d at 674; *Modica*, 164 Wn.2d at 88-89. There is no reason why text messages should be treated any differently in this regard than other communications like letters, phone calls, and emails, which also carry inherent risks of interception or misdelivery. Thus, even if Hinton's text messages *had* successfully reached Lee, that would not automatically have rendered them non-private.

ii. Hinton did not voluntarily expose his text messages to a stranger or to the public.

The Court of Appeals also relied in part on *State v. Goucher*, 124 Wn.2d 778, 881 P.2d 210 (1994), to hold that the text messages Hinton sent were not his private affairs. But that case does not support the court's conclusion.

In *Goucher*, the defendant called a home in order to buy drugs. 124 Wn.2d at 780-81. A police detective who was lawfully in the home executing a search warrant answered the phone. *Id.* The defendant asked for a man named Luis, and the detective responded that Luis "had gone on a run and that he (the detective) was handling business until Luis returned." *Id.* at 781. The defendant then asked to buy drugs, and the two men set up a deal for later that evening. *Id.* The defendant arrived as planned, purchased drugs from an undercover officer, and was arrested. *Id.*

This Court held that the telephone conversation was not the defendant's private affair under article I, section 7. *Id.* at 784, 787. But the Court explicitly limited its holding to the question of "the degree of privacy accorded a conversation voluntarily engaged in with an acknowledged stranger." *Id.* at 785. There was no question that the defendant in *Goucher* knew that he was talking to somebody he did not know. Indiscriminately disclosing information to an acknowledged stranger is little different than exposing that information to the public at large. And there is no constitutional privacy interest in information knowingly exposed to the public. *Young*, 123 Wn.2d at 182.

Here, however, Hinton had every reason to believe that he was communicating directly with Lee. Unlike the defendant in *Goucher*, Hinton had an existing relationship with the person he thought he was talking to, and was never presented with an unfamiliar voice on the other end of the line to warn him that he might be communicating with somebody else. Moreover, Detective Sawyer used Lee's phone to carry on a conversation with Hinton without indicating that he was not Lee—something that even a close friend or relative who happened to have Lee's phone would not ordinarily do. It was therefore entirely reasonable for Hinton to think that he was continuing his text message conversation with his friend, rather than with an unidentified and unknown third party. Thus,

the *Goucher* holding—that conversations with acknowledged strangers are not private affairs—is not relevant here.

b. The decision below is wrong as a matter of policy.

Beyond its legal infirmity, the Court of Appeals' decision places a significant, harmful limitation on article I, section 7. As discussed above, a great deal of personal information, some of it extremely intimate, is regularly transmitted by text message. Protecting the privacy of this type of information is one of the core purposes of article I, section 7. Holding that text messages are not private affairs would, as a practical matter, carve a massive exception out of article I, section 7, jeopardizing the privacy of information that Washington citizens have always expected to be free from arbitrary government intrusion.

The Court of Appeals apparently recognized that people often convey private information by text message, because it held that "text messages deserve privacy protection similar to that provided for letters." *Hinton*, 169 Wn. App. at 43. It went on to hold, however, that "a text message user would expect that any privacy of the text message would terminate upon delivery to the receiving party and be subject to government trespass." *Id.* at 44. As discussed above, this holding is based on Fourth Amendment case law that this Court rightly has dismissed, and should continue to dismiss, as invalid under article I, section 7.

The Court of Appeals' conception of "delivery" as a dividing line is also woefully inadequate for modern electronic communications. Article I, section 7 could not continue to effectively protect personal privacy in the modern world if this Court were to agree that all of a sender's privacy interests evaporate the instant a message is delivered to some electronic device owned by the intended recipient. Not only would untold billions of text messages be left unprotected, but so would all of the personal and business emails, photos, videos, and other communications sent to everybody whose devices automatically download them.

Moreover, this rule would condition fundamental constitutional protections on technological vagaries that courts are ill-equipped to address. For example, would the rule apply only to portable devices? If so, how portable is portable enough? Would it matter whether the device was password-protected, or whether the sender knew—or maybe just thought—that the recipient's device was (or was not) password-protected? What about content like email that might be automatically downloaded to the recipient's phone, but is also available to the recipient elsewhere? Would the analysis change depending on whether the recipient used the device's default security settings or changed them? And what if a message were delivered simultaneously to multiple devices, some of which were secure and some not?

These questions only scratch the surface of the potential distinctions that could be drawn among today's devices, without even beginning to address the problems that tomorrow's devices and technologies could introduce. Courts would face a nearly impossible task in trying to fashion a coherent body of case law in the face of these kinds of complications. Police and citizens in turn would be left without clear guidance about which of their daily communications were and were not protected by the constitutional right to privacy.

This Court should therefore reject the "delivery to a device" rule applied by the Court of Appeals. Instead, this Court should hold clearly that, regardless of the messaging technology or types of gadgets used, a conversation held between private parties who do not voluntarily expose it to the public or to the government is those parties' private affair, subject to governmental intrusion only with authority of law. Unlike the Court of Appeals' approach, this rule is supported by the existing case law, is easy to apply, and, because it is technologically neutral, will remain useful far into the future.

3. Detective Sawyer impermissibly disturbed Hinton's private affairs without authority of law by exchanging text messages while pretending to be Lee.

In determining whether police have "disturbed" a person's private affairs, courts must consider the cumulative effect of the police conduct on

the protected interest. *State v. Harrington*, 167 Wn.2d 656, 660, 222 P.3d 92 (2009). Here, the cumulative effect of Detective Sawyer's actions clearly disturbed Hinton's private affairs. As discussed above, the text-message conversation was private. Sawyer interposed himself into that conversation under circumstances where Hinton had no reason to suspect that he was communicating with anybody but Lee. If Sawyer's behavior in this case was acceptable, then nothing would prevent police from using voice-altering software to make themselves sound like a suspect's friend on the phone, or employing an expert forger to induce a suspect to respond to a love letter that appeared to be from his spouse. Moreover, the cumulative effect of Sawyer's actions was precisely the same as if he had intercepted the messages electronically instead of seizing and using Lee's phone. As the Court of Appeals acknowledged, such an interception would have been impermissible. *Hinton*, 169 Wn. App. at 44-45 (citing *United States v. Warshak*, 631 F.3d 266, 286 (6th Cir. 2010)); *see also Gunwall*, 106 Wn.2d at 66-68; *Townsend*, 147 Wn.2d at 673-74. Because Sawyer's actual conduct had exactly the same impact on exactly the same privacy interest, it likewise disturbed Hinton's private affairs.[10]

[10] This is true even though Hinton's first message to Lee appeared on Lee's phone without any intervention from Sawyer. Under the plain-view doctrine, an officer who perceives something with his own senses from a place where he has a legal right to be has not conducted a constitutionally cognizable search. *Young*, 123 Wn.2d at 182-83. But even if Hinton's first message to Lee might arguably fall within this exception, the

Detective Sawyer also acted without authority of law. "Authority of law" under article I, section 7 means a valid warrant or one of a few "jealously guarded" warrant exceptions. *State v. Afana*, 169 Wn.2d 169, 176-77, 233 P.3d 879 (2010). The State has the burden to establish that police acted with authority of law. *Id.* at 177. In this case, there is no indication that police had a warrant—either to search Lee's phone generally or to use it to communicate with Hinton—and the State has not argued that any warrant exception applies. Thus, Detective Sawyer acted without authority of law, and the evidence he gathered as a result must be suppressed. *Id.* at 180.

E. CONCLUSION

In order to ensure that article I, section 7 will remain an effective guardian of the privacy of Washington's citizens, amici respectfully ask this Court to hold that text-message conversations are private affairs and that Detective Sawyer impermissibly intruded upon this private affair without authority of law.

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subsequent messages prompted by Sawyer's active and covert intervention in the conversation did not. Sawyer did not have the lawful right to intercept or participate in the conversation while pretending to be Lee. By doing so anyway, he undertook "a substantial and unreasonable departure from a lawful vantage point." *Id.* The plain-view doctrine therefore does not apply. *Id.*

DATED this 5th day of April, 2013.

Respectfully submitted,

/s/ Rabi Lahiri
Rabi Lahiri, WSBA #44214
Washington Appellate Project

Sarah A. Dunne, WSBA #34869
Nancy L. Talner, WSBA #11196
Douglas B. Klunder, WSBA #32987
ACLU of Washington Foundation

Lila Silverstein, WSBA #38394
Washington Association of Criminal Defense Lawyers

Travis Stearns, WSBA #29335
Washington Defender Association

Attorneys for Amici Curiae American Civil Liberties Union of Washington, Washington Association of Criminal Defense Lawyers, and Washington Defender Association

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	
Respondent,	)	
	)	NO. 87663-1
v.	)	
	)	
SHAWN DANIEL HINTON,	)	
	)	
Petitioner.	)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ARRANZA RILEY, STATE THAT ON THE 5TH DAY OF APRIL, 2013, I CAUSED THE ORIGINAL **BRIEF OF AMICI CURIAE** TO BE FILED IN THE **WASHINGTON STATE SUPREME COURT** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X] SEAN BRITTAIN	( )	U.S. MAIL
COWLITZ COUNTY PROSECUTING ATTORNEY	( )	HAND DELIVERY
312 SW 1ST AVE	(X)	E-MAIL BY AGREEMENT
KELSO, WA 98626-1739		
E-MAIL: brittains@co.cowlitz.wa.us		
[X] JOHN HAYS	(X)	U.S. MAIL
ATTORNEY AT LAW	( )	HAND DELIVERY
1402 BROADWAY ST	( )	_____
LONGVIEW, WA 98632-3714		
[X] SARAH DUNNE	( )	U.S. MAIL
E-MAIL: dunne@aclu-wa.org	( )	HAND DELIVERY
NANCY TALNER	(X)	E-MAIL BY AGREEMENT
E-MAIL: talner@aclu-wa.org		
DOUGLAS KLUNDER		
E-MAIL: klunder@aclu-wa.org		
ACLU OF WASHINGTON FOUNDATION		
901 5TH AVE. STE 630		
SEATTLE, WA 98164		

Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, WA 98101
Phone (206) 587-2711
Fax (206) 587-2710

[X]	TRAVIS STEARNS E-MAIL: stearns@defensenet.org WASHINGTON DEFENDER ASSOCIATION 110 PREFONTAINE PL S STE 610 SEATTLE, WA 98104	( ) ( ) (X)	U.S. MAIL HAND DELIVERY E-MAIL BY AGREEMENT

SIGNED IN SEATTLE, WASHINGTON THIS 5TH DAY APRIL, 2013.

X_____

Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, WA 98101
Phone (206) 587-2711
Fax (206) 587-2710

OFFICE RECEPTIONIST, CLERK

To: Maria Riley
Cc: 'brittains@co.cowlitz.wa.us'; 'jahays@qwestoffice.net'; 'dunne@aclu-wa.org'; 'talner@aclu-wa.org'; 'klunder@aclu-wa.org'; 'stearns@defensenet.org'
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Subject: 876631-HINTON-BRIEF

State v. Shawn Daniel Hinton
No. 87663-1

Please accept the attached document for filing in the above-subject case:

Brief of Amici Curiae Brief

Rabi Lahiri - WSBA #44214
Attorney for Amici Curiae
Phone: (206) 587-2711
E-mail: rabi@washapp.org

By

Maria Arranza Riley
Staff Paralegal
Washington Appellate Project
Phone: (206) 587-2711
Fax: (206) 587-2710
www.washapp.org