

SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Petitioner,

v.

JOHN GARRETT SMITH,

Respondent.

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

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The American Civil Liberties Union of Washington (ACLU-WA) respectfully moves, pursuant to RAP 10.1(e) and 10.6, to file a brief as amicus curiae. In support of this motion, ACLU-WA offers the following information:

I. IDENTITY AND INTEREST OF AMICUS

ACLU-WA is a statewide, nonpartisan, nonprofit organization with over 75,000 members and supporters, dedicated to the preservation and defense of constitutional and civil liberties, including privacy. ACLU-WA strongly supports adherence to the provisions of Washington's Privacy Act, chapter 9.73 RCW. ACLU-WA has participated in numerous privacy-related cases as amicus curiae and as counsel to parties.

II. FAMILIARITY WITH ISSUES

Amicus has obtained copies of, and is familiar with, the briefing submitted by the parties to this Court and the Court of Appeals, and the opinion of the lower court. Amicus is familiar with the scope of the arguments presented by the parties and will not unduly repeat arguments raised by any of the parties.

III. ISSUES TO BE ADDRESSED BY AMICUS

1. Is an argument between two people alone in their home a private conversation within the meaning of the Privacy Act?

2. Does the Privacy Act require suppression of a recording made in violation of the Act, even when the violation may have occurred unintentionally?

3. Was the recording at issue in this case actually made in violation of the Privacy Act?

IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT

The Court's decision on this issue will affect the privacy rights of all Washington residents, and the additional argument provided by the amicus brief will assist the Court in making a fully informed decision. RAP 10.6(a). Amicus can provide a broader perspective, addressing the potential impact of the Court's ruling beyond the interests of the specific parties to this case.

V. CONCLUSION

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

DATED this 24th day of April, 2017.

Respectfully submitted,

/s/ Rabi Lahiri

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