

THE WASHINGTON STATE GOVERNOR'S OFFICE UNIFORM JUDICIAL EVALUATION QUESTIONNAIRE

I. Judicial Position	
Position Sought: Judge	Court, Division, or District: Spokane Municipal Court Position 3

II. Personal Information	
Name (Surname(s) followed by Given Name(s)) Freedman, Sarah Lutetia	Email (Personal and Work) sarahfreedmanlaw@gmail.com , [REDACTED]
Home Mailing Address [REDACTED]	City, State, ZIP Spokane, WA, 99204
Work Mailing Address 1312 N Monroe St, Ste 127	City, State, ZIP Spokane, WA, 99201
Phone Number (Personal and Work) [REDACTED] W: (509) 957-0144	
	Social Security Number ¹ n/a
WSBA Bar Number and Year of Admission #51111, admitted 2016	Date of Birth (mm/dd/yyyy) [REDACTED] 1990

III. Prior Evaluation and Application History
Please list all prior judicial positions sought. Please list evaluations you received as part of that process, including dates. n/a

IV. Education		
Please list all law school, graduate, and undergraduate colleges and universities attended.		
College/University Drexel University	Month and Year Attended (From and To) 08 (09?)/2008-05/2009	Degree Awarded n/a
College/University Portland State University	Month and Year Attended (From and To) 09/2009-06/2013	Degree Awarded Bachelor's of Science, Criminology/Criminal Justice
College/University Seattle University School of Law	Month and Year Attended (From and To) 08/2013-05/2016	Degree Awarded J.D.
College/University	Month and Year Attended (From and To)	Degree Awarded
If you did not complete your degree at any of these schools, please explain why. Drexel was too expensive. I wasn't getting financial aid at that point in time, and my family couldn't afford it. Plus, my family had moved the summer of 2008 from New England to Portland, so starting school in Oregon made sense both financially and in terms of being closer to them. I changed my major when I started at PSU, so while my credits transferred, the coursework was different enough that I was essentially starting over.		

V. Professional History	
Please list all of your employment in the legal field, and any other employment that is relevant to your application for a judicial appointment.	
1. Present or Last Employer Freedman Law Office, P.S.	Dates of Employment From 02/2018 To present
Your Title Owner	Employer's Phone (509) 957-0144
Employer's Address 1312 N Monroe St, Ste 127, Spokane, WA, 99201	Supervisor's Name n/a
Nature of Practice (including frequency of court appearances and areas of special emphasis) I handle primarily criminal cases, ranging from simple misdemeanors to Class A Serious Violent Sex matters. I run a trial-heavy practice for a solo, and have developed a reputation of being someone who can be called in to assist with trial matters relatively late in the game—especially on complicated DV/sex cases. My practice is primarily Spokane-based, though I have some cases in the surrounding counties. I am also well-versed in protection order matters and traffic tickets when I need to be. I'm in court almost every day, whether for my own matters or covering for other local attorneys.	

Reason for Leaving It's my firm. Unless I'm elected to the bench, I'm not leaving.

2. Previous Employer Spokane County Prosecutor's Office	Dates of Employment From 08/2017 To 02/2018
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¹ Please only include your Social Security number on the copy of the questionnaire forwarded to the Governor's Office.

Your Title Deputy Prosecuting Attorney	Employer's Phone (509) 477-3662
Employer's Address 1100 W Mallon Spokane, WA 99260	Supervisor's Name Rachel Sterett
Nature of Practice (including frequency of court appearances and areas of special emphasis) I was assigned to Judge Leland's courtroom where I handled the caseload for that courtroom, from pretrials through show cause status. I tried eight cases in six months and didn't lose any of them, though one was a hung jury. I closed between 15 and 30 cases a week worked nights, weekends, and attempted to justify the policies of the office (and the extremely limited discretion prosecutors in district court were given) with the day-to-day work of managing a district court case load.	
Reason for Leaving I realized I wasn't a prosecutor anymore, and the office wasn't an environment I could continue to work in. I built my own firm and have been working as a defense and victim's rights attorney ever since.	

3. Previous Employer Klickitat County Prosecutor's Office	Dates of Employment From 08/2016 To 05/2017
Your Title Deputy Prosecuting Attorney	Employer's Phone 509-773-5838
Employer's Address 205 S Columbus Ave #106, Goldendale, WA 98620	Supervisor's Name David Quesnel
Nature of Practice (including frequency of court appearances and areas of special emphasis) I was the sole district court deputy for both East and West Klickitat District Courts, which were about an hour apart driving distance. I was responsible for all simple and gross misdemeanors, all contested traffic infractions, and was also a deputy coroner since the county was too small to have an elected coroner.	
Reason for Leaving I was terminated due to discomfort with the coroner duties of the job. I was able to collect unemployment for the job separation. More relevant is the fact that I tried 14 cases in the time that I was employed there.	

4. Previous Employer City of Everett Prosecutor's Office	Dates of Employment From 05/2015 To 05/2016
Your Title Rule 9 Intern	Employer's Phone 425-257-8406
Employer's Address 2930 Wetmore Ave # 100, Everett, WA 98201	Supervisor's Name Hil Kaman
Nature of Practice (including frequency of court appearances and areas of special emphasis) I was the only Rule 9 for the year at a busy City Prosecutor's office. I handled the arraignment dockets, show cause dockets, and tried 11 cases as either co or solo counsel before I graduated from law school.	
Reason for Leaving The school year was over, and with it, the internship. They had a position open in the office right as I was leaving, but they needed someone who was licensed in May, not someone who wouldn't get their results until September. I was really sad to leave, but I understood.	

5. Previous Employer	Dates of Employment From To
Your Title	Employer's Phone
Employer's Address	Supervisor's Name
Nature of Practice (including frequency of court appearances and areas of special emphasis)	
Reason for Leaving	

Please list any additional employment in the legal field, and any other employment that is relevant to your application for a judicial appointment, and include the same information sought in previous Section V questions.

VI. Jurisdictions, Associations, and Awards
List all courts and jurisdictions in which you have been admitted to practice law and the dates of admission. Include administrative bodies. WSBA 09/28/2016, Eastern District of WA 05/10/2020

Please list all bar associations and professional societies of which you are a member and provide the titles and dates of any offices that you have held in such groups. WCDL, WDA

Are you in good standing in every bar association of which you are a member? Yes If you answered “no”, please explain.

If you have been a judge, please identify court committees on which you served or administrative positions you have held. Include dates of services for each. n/a

Please list any honors, prizes, awards, or other forms of recognition that you have received. n/a

VII. Professional Practice Experience

How many of your appearances, either as counsel or as a judicial officer, in the last fifteen years were in:

WA Appellate Courts <input checked="" type="checkbox"/> X 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input type="checkbox"/> > 100 cases	WA Administrative Tribunals <input type="checkbox"/> 0 cases <input checked="" type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input type="checkbox"/> > 100 cases	Tribal Trial Courts <input checked="" type="checkbox"/> X 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input type="checkbox"/> > 100 cases
WA Trial Courts <input type="checkbox"/> 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input checked="" type="checkbox"/> > 100 cases	Federal Appellate Courts <input checked="" type="checkbox"/> X 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input type="checkbox"/> > 100 cases	Tribal Appellate Courts <input checked="" type="checkbox"/> X 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input type="checkbox"/> > 100 cases
WA District Courts <input type="checkbox"/> 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input checked="" type="checkbox"/> > 100 cases	Federal Trial Courts <input type="checkbox"/> 0 cases <input checked="" type="checkbox"/> X 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input type="checkbox"/> > 100 cases	Other (please specify): <input checked="" type="checkbox"/> X 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input type="checkbox"/> > 100 cases
WA Municipal Courts <input type="checkbox"/> 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input checked="" type="checkbox"/> > 100 cases	Federal Administrative Tribunals <input checked="" type="checkbox"/> X 0 cases <input type="checkbox"/> 1-10 cases <input type="checkbox"/> 11-50 cases <input type="checkbox"/> 50-100 cases <input type="checkbox"/> > 100 cases	

What percentage of your practice in the last fifteen years was in:

Civil Litigation (excl. family law) 8 %

Criminal Litigation 90 %

Family Law Litigation 2 %

Non-Litigation 0 %

What percentage of your trials in the last fifteen years were:

Jury Trials 95 %

Non-Jury Trials 5 %

TRIAL EXPERIENCE: Indicate the total number of cases during your career that you have tried to verdict or judgment (rather than settled) in the following courts, and indicate the following percentages: trials in which you were the sole counsel or chief counsel, jury trials, and trials where you were the arbiter/decision maker.

Court	Number	% as sole/Chief Counsel	% Jury	% as the Arbiter
WA Superior Court	3	100	100	n/a
WA District Court	24	96	92%	n/a
WA Municipal Court	13	90	100	n/a

WA Administrative Tribunals	5-10?	100	0	n/a
Federal District Court	0	0	0	n/a
Federal Administrative Tribunals	0	0	0	n/a
Tribal Court	n/a	n/a	n/a	n/a
Other (please describe)				

APPELLATE EXPERIENCE: Indicate the total number of appellate cases during your career where you appeared as counsel of record in the following courts, and indicate for each court the following percentages: cases where you were sole counsel or chief counsel, and cases where you were the arbiter/decision maker (if applicable).

Court	Number	% as sole/Chief Counsel	% as the Arbiter
WA Supreme Court	0	0	n/a
WA Division I COA	0	0	n/a
WA Division II COA	0	0	n/a
WA Division III COA	0	0	n/a
WA Superior Court	5-10?	100	n/a
U.S. Supreme Court	n/a	n/a	n/a
Federal Courts of Appeal	0	0	0

Briefly describe five significant matters that you directly handled as counsel, and include the reason that each is significant to you. For each, please provide the name of the judge or other judicial officer, and the case citation, if applicable.

City of Spokane v Christen Taylor ring: This was my first trial as a defense attorney, and I prevailed. *Judge Staab, 8Z1146130*

State of Washington v Frank Schade: My client was charged with harassment. To me, it was an insignificant charge that was not provable, but to him, it was so stressful. He doubled over crying with relief when he heard the not guilty verdict. It was a powerful reminder of how something insignificant to us in the system can be the whole world to the people living it. *Judge Leland, 4A0324189*

City of Spokane vs Andrew Marshall: This was the only trial case I've had in front of my opponent. Experiencing her in trial firsthand was what started me thinking about running. *Judge Ochoa-Bruck, 2A0093943*

State of Washington vs Gafishi Gasabato: My first class A felony violent sex case. I was called in about 6 weeks before the case went to trial by an attorney in town who had never tried a felony. He had developed a good theory and had done all the interviews, but needed someone with a strong grasp of the evidence rules and trial procedure to run the trial itself. If the jury believed the victim, our client hadn't moved to the US from the refugee camp in Rwanda he was born in when her rape occurred. If the jury believed the officer, our client lived here and could have done it. Our client believed in the American justice system and ultimately, his belief was in the right place; he got to go home with his family. *Judge Hazel, 22-1-10235-32*

State of Washington vs Hayden Sell: My client was trans, and the victim was gender-nonconforming and used they/them pronouns with a "Mr" honorific. This case put me in the unique position where I was fighting for the rights of both my client and the victim; the prosecutor's thought was that we should just avoid pronouns altogether rather than try to accommodate for the victim. I learned a lot in this trial, from contacting Lavender Law before voir dire to really working to ensure that everyone was respected throughout the process while maintaining an adversarial position. It was a tricky one, but my client ultimately felt the outcome (not guilty on the assault 2, guilty on the assault 3, no self-defense finding, but he felt like he had gotten to tell his side of the story) was fair. Sometimes in court, no one wins, but through compassion and respect, the ultimate decision is accepted much more readily than it those things are lacking. *Judge Hazel, 21-1-02560-32*

State in detail your experience in adversary proceedings before administrative boards or commissions during the last ten years. n/a

Describe any experience you have in Tribal courts and/or addressing Tribal law or Indian law issues in your practice. n/a

Please briefly describe any legal non-litigation experience that you feel enhances your qualifications to serve as a judge. Many aspects of solo practice enhance judicial qualifications. One has to manage client expectations, learn different areas of law, balance the triage of an ever-changing practice day, and above all, be very comfortable in a courtroom.

Optional: Please list leadership positions you've held in bar associations and professional societies that you believe to be of particular significance. n/a

Optional: Have you published any books or articles in the field of law? If so, please list them, giving the citations and dates. Also, please give the dates, topics, and forums of any presentations you have given on legal topics (e.g., Continuing Legal Education). n/a

VIII. Judicial Interest and Experience

<p>In 75 words or less, please describe why you are seeking a judicial position. Being a judge gives you the ability to increase access to justice from within the system. You can effect real change in peoples' lives on a daily basis for the better, especially at lower level. We're at a point in our history where the system itself is at risk, and the judge is in essence the advocate for the system itself, as well as the neutral decision maker for the decisions on the daily docket.</p>
<p>In 75 words or less, please describe the type of judge you aspire to be. I want to be the kind of judge that shows empathy, compassion, and humility on the bench. The law needs to be upheld, but there are ways to do that while ensuring that everyone feels respected and heard. I want to ensure we respect the process and people involved, regardless of what role they play in the process. Simple respect could be the difference between reoffense or someone using again. We can't let that happen.</p>
<p>Have you ever held a judicial office? no If you answered "yes", please provide details, including the courts involved, whether elected or appointed, and periods of your service. n/a</p>
<p>Have you ever held public office other than a judicial office? n/a If you answered "yes", please provide details, including the offices involved, whether elected or appointed, and periods of your service.</p>
<p>Please briefly identify all of your experience as a neutral decision-maker (e.g. permanent or pro tem judge in any jurisdiction, administrative law judge, arbitrator, hearing officer, etc.). List the courts/jurisdictions and provide approximate dates. n/a</p>
<p>If you seek an appellate court position, please describe how your previous judicial experience prepared you to serve as an appellate court judge. n/a</p>

IX. Community and Civic Activities

Please list community and civic activities, including dates and leadership roles you have held, over the last fifteen years. I'm a current fellow in the 2025 class of the Washington Leadership Institute. I also belong to Spokane Attorneys For Equality.

X. Access to Justice and Diversity in the Legal Profession

Please describe any activities that you have engaged in to eliminate bias or improve access to the judicial system. I actively work in my practice every day to do everything I can to eliminate bias within our legal system. When I see it, I raise it, and I make a practice of that. I bring issues to members of the appropriate liaison committee, raise it to the judge I feel is most appropriately situated to handle it, or raise the issue on the record. I have made comments on proposed rule changes, I have circulated transcripts, I could go on and on. I think that there are times when the system is built to recognize certain forms of bias or to recognize certain kinds of access but that we working within it can develop blinders to the struggles it presents to those who don't interact with it every day. I think judges are in a unique position to be able to change that, because the very nature of the position means that they see things behind the scenes that others may not.

<p>What are the most significant barriers to access to justice today? In what ways have you seen these barriers in your practice? How have you worked to increase access to justice? There are so many things. We have a real issue with legal literacy in this country that creates a significant barrier in representation in all areas where we don't have constitutional rights to counsel at public expense. There are increasing financial barriers that add to that problem, because people can't necessarily afford an attorney, meaning they have to go pro se without the awareness of how to do so. If we add to that the fact that we don't have uniform rules about appearance—in some counties in this state, one court may mandate virtual appearance while another court may not permit virtual appearance at all—it's difficult enough for attorneys to keep up with the changing rules of practice, let alone pro ses. We also have issues with e-filing, in that some jurisdictions permit it and some don't, while others mandate it, and some charge fees (but only on some filings). Then there's policies, which of course differ from the rules, and are almost never written down anywhere; those are impossible for anyone who doesn't practice in that jurisdiction to follow, because they can't be known. I've been compiling a list of these issues and have been raising them to the people who I believe will be the best situated to assist. One clear example is our policies regarding criminal superior motion practice here in Spokane; anyone who practices here knows that motions must be into Chief Criminal by no later than noon the Tuesday before the Thursday Motion docket and that continuances for the Monday Readiness docket must be in by the end of day the Thursday before, but that wasn't posted anywhere. I ensured it was brought to the liaison committee that it needed to be publicized so that pro ses and out of county practitioners had some way of knowing what to do in criminal cases here.</p>
<p>As a member of the bench, what role, if any, do you believe that a judge has to enhance equal access to justice? Judges don't just have a role in enhancing access to justice; they have a responsibility. It's encompassed in Rule 2.6 of the Code of Judicial Canon, especially comment 1: "The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed." If judges aren't actively working towards enhancing access to justice, they're risking litigants' right to be heard, which, as far as I read the comment and the rule in tandem, is ignoring a "shall" that is rooted in "an essential component of a fair and impartial system of justice."</p>
<p>What experiences, training, or knowledge do you have in addressing diversity in the legal profession? In terms of specific training, I'm in this year's class of fellows of WLI, which had been eye-opening, but in terms of experience, I have quite a bit. I am intersectional in three ways. I have attorney friends who are queer, who are single parents, who are people of color, who have various disabilities, you name it. In terms of my practice, I have represented all kinds of people who have walked all kinds of roads in life. I have taken a case to trial where my client was a transman, and the victim was gender non-conforming and used they/them pronouns and a "Mr" honorific. I've tried cases where my client needed interpreters. I've had cases where my client needed a 10.77 evaluation. I've had clients who had severe mental health issues, or addiction problems, or were domestic violence victims who were charged as the perpetrator which caused them to develop PTSD. These are all forms of diversity in different ways, and they're all part of the understanding of the system that I bring to the bench.</p>
<p>What can a judge, or court, do to improve diversity in the legal profession? Representation matters. Having judges who don't "fit the mold," so to speak, is one way to improve diversity directly. It's also important to talk to groups of people who may not necessarily be the "traditional" future law students; we as a system should encourage people to explore Rule 6, for example. We should also encourage people to come watch court; the majority of people I've talked to recently have no idea that they have a constitutional right to watch almost any court proceedings in this state, which is a shame because it can help to demystify the process and can help to spark an interest in the legal system.</p>

XI. Discipline, Disputes, and Conflicts

<p>Have you ever been held, arrested, charged, or convicted by federal, state, or other law enforcement authorities for violation of any federal law, state law, county or municipal law, regulation, or ordinance? No If you answered "yes", please provide details, including case numbers. (Do not include traffic violations for which a fine of less than \$300.00 was imposed.) Please feel free to provide your view of how it bears on your present fitness for judicial office.</p>
<p>Has a client ever made a claim or suit against you for malpractice? No If you answered "yes", please provide details and the current status of the claim and/or suit.</p>
<p>Have you ever been a party, witness, or consultant in any legal proceeding? If you answered "yes", please provide details, including the case number. Do not list proceedings in which you were merely a guardian ad litem or stakeholder.</p>
<p>Have you ever been the subject of a complaint to any bar association, disciplinary committee, court, administrative agency, or other professional group? Yes If you answered "yes", please provide details. I had a former client who had been in warrant status for years send me an email out of the blue demanding a full refund and indicated that there would be consequences if I didn't give in to his demand. I declined to do so, as I had a full flat fee contract for his case. On criminal matters, I charge on a flat rate—as do most criminal attorneys in town—and in his matter, I had given him a friends and family rate, as I knew his mother, so I had earned his fee and more. I figured he would write me a bad review, I would dispute it, and that would be that. Instead, he filed a bar complaint where he fabricated all sorts of nonsense about me that simply wasn't true. I responded timely—with the assistance of Attorney Finer—and haven't heard anything back from the bar since. That was well over a year ago, and I've heard nothing since.</p>

Have you ever been disciplined or cited for breach of ethics or unprofessional conduct? No	If you answered “yes”, please provide details.
Have you ever been subject to employment discipline, such as a warning, reprimand, suspension, demotion, or termination for cause? n/a	If you answered “yes”, please provide details.
If you have ever served as a judge, commissioner, or in any judicial capacity, has a complaint for misconduct in that capacity ever been made against you? n/a	If you answered “yes”, please provide details.
If you are now an officer or director of any business organization or otherwise engaged in the management of any business enterprises, please provide the following: the name of the enterprise, where it is incorporated, the nature of the business, the title of your position, the nature of your duties, and the term of your service. If you are appointed and do not intend to resign such position(s), please state this below along with your reasons for not resigning. Yes, I am the sole officer of my firm. I would quit working at my firm to take the bench.	
Are you aware of anything that may affect your ability to perform the duties of a judge? No.	If you answered “yes”, please provide details.

XII. References – In the evaluation process it is useful for evaluators to speak with attorneys and non-attorneys who are familiar with you. Evaluators may contact each of your references. If a reference is unreachable, your evaluation may be delayed.

Please list the names, phone numbers, and job titles/employers of up to 5 professional references.

Hon. Dean Chuang, Spokane Superior Court 509-477-7181
Hon. Richard Leland, Spokane District Court 509-477-2960
Andrew Warlaumont, Spokane City Prosecutor’s Office (509)-835-4586
Morgan Maxey, Maxey Law Office 509-652-3330
I’sabeau Bozanitch, Stamper Reuben (509) 326-4800

Please list the names and phone numbers of up to 10 opposing counsel who know you best, including at least three opposing counsel on cases that went to trial.

Steve Clark (went to trial 4x when I was a DPA in Spokane County, more times than anyone else) 509-800-5420
Jason Moscovitz (opposing counsel on State v Sell, discussed above) (509) 477-3662
Stephanie Richards (opposing counsel on State v Gasabato, discussed above) (509) 477-3662
Courtney Hagarmann (509) 326-4800
Gina Costello 509-325-3227

If you have been a judge or otherwise have served as a neutral decision-maker within the last 10 years, please list the names and phone numbers of the last 10 attorneys who have appeared before you. n/a

For the last five trials in which you participated (whether as a trial lawyer or decision-maker), please list as appropriate the following for each: case name, subject matter, court, judge (with phone numbers), and opposing counsel or counsel appearing before you (with phone numbers).

State of Washington v Larissa Basargin, DUI, Spokane District Court, Judge Maurer, 509-477-2976, DPA Jaqueline Nader/ DPA Gabrielle Marquez
State of Washington v Frank Schade, Harassment, Spokane District Court, Judge Leland, 509-477-2960, DPA George Gross/ DPA Rich Whaley
State of Washington v Gafishi Gasabato, Child Rape/Molestation, Judge Hazel, 509-477-4795, DPA Stephanie Richards
State of Washington v Hayden Sell, Assault Domestic Violence, Judge Hazel, 509-477-4795, DPA Jason Moscovitz
City of Spokane v Andrew Marshall, Assault Domestic Violence, Judge Ochoa-Bruck, ACA Sean O’Quinn/ ACA Jeff Sawyer

Please list the names and phone numbers of 5 additional attorneys familiar with your professional qualifications, skills, experience, and attributes.

Jonathan Schmidt (509) 835-4150
Patrick Carter (425) 761-6714
Dan Wu (509) 477-4246
Joy Abrams (509) 477-4857
Jon Schwab (509) 903-6362

Please list the names and phone numbers of up to three non-attorneys who have either been represented by you or who have worked for you.

Michelle Lentz-(509) 951-5785

Trevor Curts (509) 904-6460

Frank Schade (509) 599-6772

Please provide a writing sample of your work (between five and 10 pages long), written and edited by you, within the last five years.

XIII. Rating and Evaluations – The Governor’s Office requires individuals seeking judicial appointment to utilize, to the fullest extent possible and as early as possible, the ratings processes from state, county, and affinity bar organizations. To facilitate the process, many of these organizations accept this questionnaire as the principal application in their evaluation process and may also require completion of a supplemental questionnaire.

- Candidates are encouraged to seek ratings from multiple bar associations as early as possible so that your ratings are received by the application deadline or shortly thereafter. You may seek a rating before a notice of vacancy is posted; contact the relevant bar association for its policies and availability.
- Contact affinity bar associations to determine whether an evaluation process will be conducted. Contact information can be found on the Washington State Bar Association’s website at <https://www.wsba.org/connect-serve/other-bars/affinity-bar-associations>. This webpage contains a link to the list of Judicial Evaluation Committee Representatives for those associations who participate in standing judicial evaluation committees. Note that some of the affinity bar associations may conduct judicial evaluations when judicial vacancies occur, even if committee representatives are not listed on the webpage.
- Contact the relevant county bar associations to determine whether an evaluation process will be conducted. Contact information for county bar associations can be found on the WSBA website at <http://www.wsba.org/Legal-Community/County-Bar-Associations>
- If you are applying for a state Court of Appeals or Supreme Court position, contact the Washington State Bar Association (WSBA) Judicial Recommendation Committee to request an interview. The Committee screens and interviews candidates and provides a rating that is reviewed by the WSBA Board of Governors and referred to the Governor for consideration. Committee information can be found on the WSBA website at <http://www.wsba.org/jrc>.

List all ratings you have received from any bar association at any time. Please provide the name of the organization, the rating it gave you, and the year in which the rating was given. n/a

To the extent not covered above, list the organizations you have contacted for an evaluation. n/a

XIV. Attestation – All information provided in this questionnaire is true and complete to the best of my knowledge. I understand that the Governor’s Office may verify this information, and that untruthful or misleading answers are cause for rejection of my application or for dismissal if appointed.

Date

06/30/2025

Signature

Sarah L. Freedman, #51111

CASE NUMBER
2310160932
SN:31.0 PC:59

FILED
2/1/2024
Timothy W Fitzgerald
Spokane County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SPOKANE COUNTY

STATE OF WASHINGTON,
Plaintiff,

vs.

JARAE SCHREIBER,
Defendant.

CASE No.: 23-1-01609-32

MOTION FOR SUPPRESSION

COMES NOW the Defendant Jarae Schreiber, by and through her Attorney of Record Sarah L. Freedman, and moves the Court to Suppress the blood drawn by on Friday June 16, 2023 at 21:41pm as well as any test results run on said blood, due to it being the product of an unconstitutional search and seizure. This motion is based on the case record to date, the included briefing, and the attached exhibits, as well as the 4th Amendment of the Constitution of the United States of America and Article 1 Section 7 of the Constitution of the State of Washington.

Statement of Facts

Ms. Schreiber was arrested under suspicion of Vehicular Assault on Friday June 16, 2023. Although she was in contact with numerous officers at the scene, the officer who ultimately transported her to the hospital for a blood draw was Officer Jones of the Spokane

1 Police Department (SPD). SPD Officer Jones contacted Judge Fennessy and requested a warrant
2 for blood and the Court signed a warrant. The warrant indicates that “you are hereby commanded
3 with the necessary and proper assistance of a person trained and qualified to draw blood pursuant
4 to RCW 46.61.506(5), to extract *a sample of blood, consisting of two (2) vials*, from the person
5 of Jarae D. Schreiber, within three (3) hours of the issuance of this warrant.” See Exhibit A,
6 *emphasis added*. Upon arrival at Deaconess, Ms. Schreiber was taken into the DOC room and
7 was cooperative throughout the entire process. The first blood draw was done by Stephenie
8 Feldhusen at “21:30”. Transcript of Bodycam of Officer Jones at 15:22 (*Exhibit B*). She drew the
9 blood into a syringe as opposed to utilizing the evidence vials attached to a needle as would be
10 best practice. After drawing a full syringe of blood—sufficient to fill two evidence vials—she
11 turned to SPD Officer Jones and asked him for the vials. *Exhibit B* at 15:25. He began his first of
12 many explanations about how he had just transferred here from Montana and was accustomed to
13 the evidence vials being stored at the hospital; he did not have evidence vials on his person for
14 the phlebotomist to utilize. *Exhibit B* starting at 16:1. The phlebotomist informed him that “the
15 blood wouldn’t be good anymore,” and after Ms. Schreiber requested to utilize the restroom—
16 the phlebotomist accompanied Ms. Schreiber to the restroom—both the phlebotomist and Ms.
17 Schreiber returned from off of the body camera without the blood sample initially drawn. *Exhibit*
18 *B* 16:6-16:23. The phlebotomist then redrew the blood sample and placed the blood drawn in the
19 second sample into two evidence vials. *Exhibit B* at 21:13-22:18. At no point prior to the second
20 sample did Officer Jones request a second blood warrant from Judge Fennessy. At no point did
21 he contact any member of the Spokane County judiciary and raise the issue of his failure to
22 provide vials for collection at the time that the first sample was taken from Ms. Schreiber;
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1 instead, Officer Jones simply had Stephenie Feldhusen reprint page 9 from the warrant packet for
2 the purposes of proceeding under the guise of the initial warrant. *Exhibit B* 16:24-18:6. The
3 second blood sample—taken eleven minutes later pursuant to the warrant paperwork—was
4 submitted to the toxicology lab for analysis. *Exhibit A*. This was the second sample drawn from
5 Ms. Schreiber that consisted of sufficient blood to fill another two vials—so vials three and
6 four—within the three hours of the warrant being issued.
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10 **Statement of Authority**

11 Pursuant to the Fourth Amendment, an officer must execute a search warrant strictly
12 within the bounds set by the warrant. *State v. Cheatam*, 112 Wn.App. 778, 783, 51 P.3d 138
13 (2002). Whether a police officer's search exceeds the scope of a warrant depends on a
14 commonsense reading of that warrant. *State v. Lyons*, 174 Wn.2d 354 (2012). A blood test is a
15 search and seizure. *State v. Anderson*, 9 Wash.App.2d 430 (Wash. App. 2019). Drawing a
16 person's blood for the purpose of alcohol testing is a search that triggers constitutional
17 protections under both the Fourth Amendment of the U.S. Constitution and Article I §7 of the
18 Washington State Constitution. *State v. Inman*, 409 P.3d 1138 (Wash. App. 2018) citing *State v.*
19 *Gaines*, 116 P.3d 993 (Wash. 2005) at 716. In general, warrantless searches and seizures are per
20 se unreasonable, and thus violate both the state and federal constitutions. U.S. Const Amend 4;
21 Wash Const. art I § 7. Search warrants must describe the items to be seized with particularity;
22 this particularity assists in limiting the discretion of the officer executing the search warrant and
23 provides judicial oversight to the process. U.S. Const Amend 4. *State v. Fairley*, 457 P.3d 1150
24 (Wash. App. 2020). The particularity requirement also makes general searches impossible, thus
25 providing further protection against governmental invasion. *id* at 1153. Search warrants are to be
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1 read in a commonsense and practical manner rather than in a hypertechnical sense. *State v.*
2 *Besola*, 359 P.3d 799 (Wash. 2015) citing to *State v. Perrone*, 119 Wn.2d 538 (Wash. 1992) at
3 549. It is the State’s burden to show that a warrantless search falls within one of the exceptions
4 to the warrant requirement. *State v. Ozuna*, 80 Wn.App. 684, 911 P.2d 395 (1996). The
5 exclusionary rule requires suppression of all evidence obtained pursuant to a person’s unlawful
6 search or seizure. *State v. Winterstein*, 167 Wash.2d 620 (Wash. 2009).

10 Analysis

11 The second blood draw was a warrantless search and seizure of Ms. Schreiber’s person,
12 which is per se unreasonable under both the Fourth Amendment of the U.S. Constitution and
13 Article I §7 of the Washington State Constitution. The original warrant signed by Judge
14 Fennessy set clear boundaries as to the warrant’s scope—that is to say, it was clear in its
15 particularity. The language of the warrant indicated what was to be seized—“a blood sample”—
16 how much blood was to be taken—that said sample was to consist of “two (2) vials”—who it
17 was to be taken from—“the person of Jarae D. Schreiber”—and the timeframe in which the
18 officers had to execute the warrant—“within three (3) hours of the issuance of this warrant.”
19 *Exhibit A*. The warrant could not have been clearer in its parameters. However, when Officer
20 Jones arrived at the hospital with Ms. Schreiber, he did not have evidence vials on his person.
21 *Exhibit B 15:25-16:1*. Furthermore, the blood draw was done with a syringe, so the full sample
22 was seized—and thus the full search was done—prior to the Officer realizing that he had not
23 acted consistently with his training in the state of Washington. This seems to have been done
24 unintentionally and does not seem to have been a malicious action on the part of Officer Jones,
25 but to be clear, malice or intent by a State actor is not required for a warrantless search to have

1 been conducted; all that is required is for an officer's search to have exceeded the scope of the
2 warrant. What is paramount in the case at bar is that there was nothing wrong with the first blood
3 draw itself. The phlebotomist did not indicate that the blood was not of sufficient quantity to fill
4 the vials, that she could not get sufficient quality of blood, or anything else of the kind. Instead,
5 the only issue—the reason “the blood would not be good anymore” was due to the officer not
6 having the vials on his person. The language of the warrant is clear that the sample of blood to be
7 drawn has to be sufficient to fill two vials. The warrant does not authorize an additional sample
8 sufficient to fill an additional two vials due to the officer not having the vials on his person when
9 the draw occurred. By telling the phlebotomist that it was acceptable to redraw the blood, Officer
10 Jones was exercising the exact type of discretion that is explicitly the purview of the judiciary
11 pursuant to *Fairley*. This is one of the reasons why the particularity requirement exists; to
12 provide judicial oversight to limit officer discretion. What is worse is that Officer Jones knew he
13 made a mistake, as he spent the eleven minutes between blood draws explaining the error to the
14 phlebotomist, the other officers who arrived on scene, and to Ms. Schreiber herself. The only
15 person Officer Jones did not explain the mistake to was the Court. Had he done so, there is every
16 chance that he may have been granted a second search warrant. However, by not resubmitting
17 the probable cause with an addendum explaining what happened, he exceeded the scope of the
18 search warrant and the second blood draw was a warrantless search that consisted of a second
19 sample taken from the person of Jarae D. Schreiber. The blood that was sent to the toxicology
20 lab were vials three and four—to use the language of the warrant—and not vials one and two.
21 The vials sent to the lab were, Defense would concede, taken within three hours of the issuance
22 of the original warrant. We do not know what happened to the blood that was from the first
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1 sample and that would have filled vials one and two; the phlebotomist walked off camera with
2 the sample and came back without it.

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4 This is not a hypertechnical reading of the warrant, but a plain language one. According
5 to Merriam-Webster, the word “a” is an indefinite article “...used as a function word before
6 *singular nouns* when the referent is unspecified.” Merriam-Webster.com. *Emphasis added*. The
7 key here is that “a” refers to a *singular*—that is to say, not a plural—noun. In the case at bar, a
8 plain language reading of the language of the warrant thus would indicate that the phrase “a
9 sample” could be replaced with the phrase “one sample,” but could not be replaced with any
10 other number of samples, as that would require reading a plural in place of the singular used in
11 the language of the warrant. This is not being hypertechnical; this is a basic reading of the four
12 corners of the warrant itself. Thus, by “poking” her again without requesting the Court authorize
13 an additional blood draw, Officer Jones—with the assistance of the phlebotomist—did not just
14 exceed the scope of the plain language of the text of the warrant; the second “poke” amounted to
15 a second search of Ms. Schreiber’s person without a second warrant. *Exhibit A, Exhibit B* 21:18-
16 19.

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18 The only appropriate remedy for this violation of Ms. Schreiber’s constitutional rights is
19 suppression of the illegally seized blood evidence. The initial blood draw—done at 21:30
20 according to Officer Jones’ Bodycam, which Defense will be moving to admit a portion of at the
21 hearing—was done in accordance with the warrant signed by Judge Fennessy and was legal.
22 *Exhibit B* at 15:22-24. Had Officer Jones been prepared with the evidence vials—or had Ms.
23 Feldhusen done the blood draw into the vials themselves as opposed to using the syringe
24 method—this motion would not be before this Court. However, the combination of Ms.

1 Feldhusen using a syringe without checking to see if Officer Jones had the vials coupled with
2 Officer Jones not having the vials on his person lead to the sample being collected—in
3 compliance with the warrant—and then said sample being discarded by an individual—Ms.
4 Feldhusen—acting as a State agent; if that sample had been packaged into vials and sent to the
5 crime lab, this issue would not exist. This issue stems directly from the string of discretionary
6 choices made by Officer Jones to authorize Ms. Feldhusen to draw a second sample from Ms.
7 Schreiber without a warrant and to package that second sample into vials to be sent to the crime
8 lab without getting authorization from the Court to do so. This amounts to a warrantless search
9 of Ms. Schreiber’s person which lead to a warrantless seizure of Ms. Schreiber’s blood. The only
10 appropriate remedy for a warrantless search and seizure under the exclusionary rule is
11 suppression of evidence, which in this case is the blood sample and any toxicology tests run on
12 said sample. *Winterstein* at 631-32.
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18 **Conclusion**

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20 Few issues are as cut and dry legally as the indisputable fact that a blood test is a search
21 and seizure that triggers constitutional protections under both the State and Federal
22 Constitutions. By directing the phlebotomist to draw a second blood sample from the person of
23 Ms. Schreiber without a second warrant and submitting the second sample only without noting
24 his mistake, SPD Officer Jones executed an illegal search and seizure of Ms. Schreiber’s person.
25 The only lawful remedy for such a breach of Ms. Schreiber’s constitutional rights is suppression
26 of the physical evidence seized via the unlawful search as well as any evidence or conclusions—
27 in this case, that would include toxicological testing—resulting from the unlawfully seized
28 blood.
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1 DATED this 1 day of February, 2024.

2 Moving Party

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5 Sarah L. Freedman, #51111
6 Moving Party