

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Appellant,

v.

MICHAEL JOHN PIERCE,

Respondent.

Consolidated Nos. 39532-1-II
and 39652-1-II

UNPUBLISHED OPINION

Hunt, J. — In these consolidated interlocutory appeals, the State challenges the superior court’s pretrial orders granting Michael John Pierce’s motions for an ex parte motion hearing, sealing records of Pierce’s defense counsel and expert services, and prohibiting the Jefferson County Jail from disclosing and accessing information about members of Pierce’s legal team and their legal correspondence with him in connection with preparing to defend him against a capital murder charge. Jefferson County Elected Officials and staff challenge the superior court’s order denying their motion to vacate its July 27 Order prohibiting them from disclosing information, other than categories and costs of services, about Pierce’s invoices for defense counsel and expert services.

The State and the Elected Officials argue that the superior court erred in hearing *ex parte* Pierce's motions to seal records. The State also argues that the superior court's protective order improperly "preclud[ed] the Jefferson County Jail from disseminating any records" about Pierce, contrary to article I, section 10 of the Washington State Constitution. Br. of Appellant at 1, 13 (citing Wash. Const. art. I, § 10). The Elected Officials argue that the superior court improperly prohibited them from disclosing matters arising in the course of their official duties and that it violated the Public Records Act's disclosure rules under Chapter 42.56 RCW.

At oral argument on July 1, 2010, however, counsel informed us that (1) the superior court has modified these orders; (2) the "gag order" on the Jefferson County Jail has expired; (3) Pierce was tried and convicted of non-capital murder in March, which conviction is in the beginning stages of a direct and separate appeal in our court; and (4) there is nothing pending for us to resolve in the instant interlocutory appeals from pretrial orders. Nevertheless, counsel asked us to rule on these moot issues of public importance in case they arise again. We decline.

We will not issue advisory opinions where there is no longer a case in controversy before us.¹ *See Walker v. Munro*, 124 Wn.2d 402, 414, 879 P.2d 920 (1994) (stating that Washington courts do not issue advisory opinions)). Accordingly, we dismiss these consolidated appeals as moot.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record pursuant to RCW 2.06.040, it is so ordered.

¹ If these issues of public importance arise again in the future, we will be better able to resolve them at that time in the context of an actual case in controversy.

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Hunt, J.

We concur:

Armstrong, PJ.

Quinn-Brintnall, J.