

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

BARBARA THOMPSON,

Respondent/  
Cross-Appellant.

v.

TERRY L. WILSON, Lewis County Coroner,

Appellant/  
Cross-Respondent.

No. 40283-1-II

UNPUBLISHED OPINION

Johanson, J. — Terry L. Wilson, the former Lewis County Coroner, appealed an inquest jury’s verdict finding arbitrary, capricious, and inaccurate his determination that Ronda Reynolds’s death was a suicide. Barbara Thompson, Reynolds’s mother, cross appealed. Thompson argued that the trial court abused its discretion in numerous ways. During the appeal process, however, Lewis County elected a new coroner who held a second inquest. Consequently, Wilson moved to dismiss his appeal and Thompson’s cross appeal. We agreed that most of the issues on appeal were now moot. We dismissed the appeal and cross appeal, leaving only Thompson’s request for attorney fees to be resolved. We hold that because Thompson failed

to preserve this issue, she is not entitled to attorney fees.

### FACTS

On December 16, 1998, Ronda Reynolds died from a single gunshot wound to the head. After an investigation, on August 9, 1999, Lewis County Coroner, Terry L. Wilson, listed the cause of death as a self-inflicted gunshot wound and the manner of death as suicide. Barbara Thompson believed that her daughter was murdered and requested the Lewis County Sheriff's Office to reinvestigate. On May 30, 2002, the sheriff's investigation confirmed that Reynolds died of a self-inflicted gunshot wound.

On August 4, 2006, Thompson filed a petition for judicial review under RCW 68.50.015. She also sought a writ of certiorari and a writ of mandamus under chapter 7.16 RCW. In response to Thompson's petition, Wilson asserted, among other things, that Thompson had failed to state a claim on which relief could be granted and that the statute of limitations barred her suit. The trial court granted Wilson's motion to dismiss all of Thompson's claims based on the statute of limitations. Thompson appealed. We reversed and remanded.<sup>1</sup>

On remand, Wilson met with Thompson as required by RCW 68.50.105. Thompson provided Wilson with materials she compiled during her independent investigation that concluded Reynolds's death was not a suicide. Wilson declined to amend Reynolds's death certificate. In response, Thompson petitioned the trial court for judicial review under RCW 68.50.015. The trial court ruled that Thompson was entitled to a jury trial.

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<sup>1</sup> We take the above facts from our earlier published opinion. *Thompson v. Wilson*, 142 Wn. App. 803, 175 P.3d 1149 (2008).

At trial, Thompson presented several experts and officers who testified that Reynolds's death was probably not a suicide. Wilson did not present any evidence. The jury found that (1) Wilson inaccurately determined Reynolds's death was a suicide and (2) Wilson's determination of suicide was arbitrary and capricious.

Wilson appealed and Thompson cross appealed. During the appeal process, Lewis County voters elected a new coroner, Warren McLeod. McLeod provisionally changed the manner of Reynolds's death on the death certificate to "undetermined" and scheduled a second inquest. *See Spindle*. The second inquest determined that Reynolds's death was a homicide. Wilson then moved to dismiss his appeal and Thompson's cross appeal. Agreeing that most of the issues were moot, we dismissed the appeal and cross appeal, leaving only Thompson's request for attorney fees to be resolved.

#### ATTORNEY FEES

Thompson sought reasonable attorney fees under chapters 4.84 and 7.16 RCW in her petition for judicial review filed with Lewis County Superior Court. The trial court, however, questioned whether Thompson qualified for attorney fees. The court stated:

Whether she qualifies for attorney's fees I would need further briefing on, because in one sense a county office can be said to be an agent of the state, but there's also case law involving the statute that you cite [chapter 4.84 RCW] where another county was not found to be an agent for the attorney's fee statute, so I would need further briefing as to whether or not you should be awarded attorney's fees.

Verbatim Report of Proceedings (Jan. 8, 2010) at 7-8. When the parties next appeared in court, neither party discussed attorney fees.

Thompson has a duty to provide a complete record as well as to provide citations to the

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record supporting her claims. RAP 9.2(b), RAP 10.3(a)(6); *see State v. Rienks*, 46 Wn. App. 537, 544-45, 731 P.2d 1116 (1987), *remanded*, 110 Wn.2d 1021 (1988). Argument and citation to authority are required on appeal to advise the appellate court of the appropriate grounds for an award of attorney fees as costs. *In re Marriage of Coy*, 160 Wn. App. 797, 808, 248 P.3d 1101 (2011). In addition to failing to provide adequate citation to authority and argument, Thompson has failed to provide a complete record for review. The trial court made no ruling at all on Thompson's request for attorney fees. Therefore, there is no trial court decision to review.

Because Thompson does not prevail on appeal, she is not entitled to attorney fees and costs on appeal.

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 in accordance with RCW 2.06.040, it is so ordered.

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Johanson, J.

We concur:

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Armstrong, J.

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Penoyar, C.J.