

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

ANNETTE L. RICKARDS,

Appellant.

No. 38904-5-II

UNPUBLISHED OPINION

Armstrong, J. — Annette Rickards appeals her Cowlitz County conviction of possession of a controlled substance, cocaine. She contends that the evidence of drugs was obtained via an unlawful arrest, and the trial court erred in refusing to suppress it. We affirm.

FACTS

The incident from which the charge arose began as an altercation between Rickards and her daughter, Candace Cameron. Cameron left Rickard's motel room after the incident and returned home, and then she called 911. She told the operator that her mother had assaulted her, but that she was fine and was back at home. However, when dispatch sent Officer Craig Christianson to the scene, it told him that Cameron was at the motel, and it was Rickards who had left.

When Officer Christianson knocked on the motel room door, it was Rickards who answered, but Christianson believed that Cameron was also in the room. He noticed that Rickards had a cut on her ear that was bleeding and some scratches on her collarbone. She also appeared to be intoxicated. She admitted that she and Cameron had an argument, but said everything was fine. Officer Christianson called for assistance and he and Officer Sara Hoffman entered the room despite Rickards's attempts to keep them out.

After a brief search, the officers determined that Cameron was not there. They asked Rickards what had happened and she indicated that she had hit Cameron with her fist. At that point, Officer Christianson left Officer Hoffman with Rickards and went outside to talk to Cameron, who had returned to the motel at his request. Cameron showed him her injuries, and he determined that there was probable cause to arrest Rickards for fourth degree assault. In the search incident to arrest, the officers found a baggie of cocaine in Rickards's pocket.

Rickards sought to suppress the cocaine, arguing that the officers had no grounds for entering her motel room, and certainly no grounds to remain after they determined that Cameron was not there. When the court denied her motion, she went to trial on stipulated facts.¹ She now appeals.

ANALYSIS

Rickards concedes on appeal that the initial entry into her motel room was proper. *See State v. Menz*, 75 Wn. App. 351, 354-55, 880 P.2d 48 (1994) (police may enter a residence on the

¹ The State had also charged Rickards with fourth degree assault. The court granted her motion to sever the counts, and that charge is not part of this appeal.

basis of a report of domestic violence to determine whether anyone inside needs assistance). She contends, however, that the officers were required to leave when they discovered that Cameron was not there.

The scope and duration of an investigative detention is limited to the purpose of the contact with the suspect. *See State v. Mackey*, 117 Wn. App. 135, 138-39, 69 P.3d 375 (2003). In a domestic violence situation, the police have specific, statutory responsibilities. RCW 10.99.030 imposes upon the investigating officers a duty to protect the complaining party and to make a complete offense report including the officer's disposition of the case.² Thus, the purpose of the entry in this case was not limited to determining whether Cameron was present. The officers legitimately pursued the matter to determine whether there had been an assault. *See State v. Yoder*, 55 Wn. App. 632, 634-35, 779 P.2d 1152 (1989) (even though mother and daughter appeared to be unharmed and assured the officers that there was no problem, officers could continue to question daughter and neighbor in order to determine what had happened).

Moreover, the officers had probable cause to arrest Rickards before they entered the motel room. An officer has probable cause to arrest when he or she is aware of facts and circumstances, based on reasonably trustworthy information, sufficient to support a reasonable belief that a crime has been committed. *State v. Potter*, 156 Wn.2d 835, 840, 132 P.3d 1089 (2006). "Probable cause can arise from the report of a crime victim or witness, at least in the absence of circumstances tending to show the report is unreliable." *State v. King*, 89 Wn. App. 612, 624, 949 P.2d 856 (1998). Officer Christianson knew that Cameron had reported an assault by her

² *See* RCW 10.99.030(5) and (6)(b).

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mother. Rickards had fresh injuries on her ear and collarbone, and she admitted that she had argued with her daughter. That was enough to establish probable cause and justify the extended detention and the subsequent arrest.

Affirmed.

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.

Armstrong, J.

We concur:

Quinn-Brintnall, J.

Penoyar, A.C.J.