

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	DIVISION ONE
Respondent,)	
)	No. 61899-7-I
v.)	
)	UNPUBLISHED OPINION
VENIAMIN PETROVICH PURIS,)	
)	
Appellant.)	FILED: November 9, 2009
_____)	

Dwyer, A.C.J. — This case involves the legality of the search conducted incident to the arrest of Veniamin Puris. The State concedes that, pursuant to the decision in Arizona v. Gant, _____ U.S. _____, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009), the search violated the Fourth Amendment. Nevertheless, the State contends that the judgment may still be affirmed because the “good faith” exception to the Fourth Amendment’s exclusionary rule does not compel suppression of the evidence of Puris’s guilt garnered in the search at issue.

In the days since oral argument of this matter, the Washington Supreme Court announced that the Fourth Amendment principles applicable to searches incident to arrest discussed in Gant also apply when the legality of such a search is analyzed under article I, section 7 of the Washington Constitution. State v. Patton, No. 80518-1, 2009 WL 3384578 (Oct. 22, 2009). Thus, the search at issue herein was conducted in

contravention of the state constitution.

Unlike its federal counterpart, there is no “good faith” exception to the article I, section 7 exclusionary rule. State v. White, 97 Wn.2d 92, 110, 640 P.2d 1061 (1982). Thus, the trial court erred by not granting Puris’s motion to suppress the evidence discovered in the challenged search.

Reversed.

Dwyer, A.C.J.

We concur:

Edenfor, J.

Ajda, J.