

FILED
SUPREME COURT
STATE OF WASHINGTON
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SUPREME COURT
OF THE STATE OF WASHINGTON

CITY OF SEATTLE,

Respondent/Cross-
Petitioner,

v.

STEVEN G. LONG,

Petitioner/Cross-
Respondent

NO. 98824-2

STATEMENT OF
ADDITIONAL
AUTHORITY RE
EXCESSIVE FINE ISSUE

Pursuant to RAP 10.8, Petitioner Steven Long cites the following decision of the Indiana Supreme Court issued four days ago, on June 10, 2021, as additional authority pertinent to Long's contention that the seizure of his vehicular home was grossly disproportionate to his parking infraction:

1. *State v. Timbs*

___ N.E.3d ___ (Indiana Supreme Court, June 10, 2021),
2021 WL 2373817.

The trial court's findings next explained the impact of the State's seizure on Timbs and how Timbs has fared since. The court pointed out that at the time of his arrest [for dealing heroin], Timbs was unemployed and "broke," with the Land Rover as his only asset. Following his plea agreement, Timbs successfully completed his house arrest, avoided any probation violations, committed no crimes, participated in treatment programs, and assisted with drug task forces. Timbs also held down several jobs. But being without his vehicle made it harder for Timbs to earn a living and reintegrate into society. His current position is a one hour drive from his home; and during the years the State seized his Land Rover, he has had to borrow his aunt's car to get to work and fulfill other obligations, as there is no public transportation system operating from his home to work.

Timbs, 2021 WL 2373817 at *6.

After weighing the factors that fall under the harshness consideration, this Court agrees with *Timbs* and the trial court: the forfeiture of the Land Rover was significantly more punitive than remedial.

Id. at *7.

After weighing these factors, we conclude that, under the totality of the circumstances, the harshness of the Land Rover's forfeiture was grossly disproportionate to the gravity of the underlying dealing offense and his culpability for the vehicle's corresponding criminal use. In other words, *Timbs* met his burden.

Id. at *10.

Respectfully submitted this 14th day of June, 2021.

CARNEY BADLEY SPELLMAN, P.S.

By s/James E. Lobsenz

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the foregoing document on the below-listed attorney(s) of record by the method(s) noted:

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DATED this 14th day of June, 2021.

s/Deborah A. Groth

Deborah A. Groth, Legal Assistant

CARNEY BADLEY SPELLMAN

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