

## Judges uphold dismissal of Ridgefield drug case

VANCOUVER — The Washington Court of Appeals has upheld the decision of a Clark County Superior Court judge who suppressed evidence seized during a 1986 sheriff's raid on a suspected "crank" house and dismissed drug charges on one of the house's three occupants.

The Clark County judge had ruled that the raid was prompted by a "defective" search warrant.

The three-judge appeals court in Tacoma agreed that Judge Robert L. Harris acted properly in dismissing the case against Kaydon Carl Jones, saying the search warrant for Jones' residence was "fatally defective by virtue of material omissions."

According to court documents, Jones and two other men were arrested on drug charges Nov. 3, 1986, after sheriff's deputies served a search warrant on a house in Ridgefield that reportedly was being used to manufacture methamphetamine.

Members of the Clark County Sheriff's Special Investigation Unit had relied on information supplied by a woman who had recanted all information she gave deputies in an earlier drug search and arrest. The appellate judges agreed with Harris that Deputy Rod Manchester, who requested the search warrant on Jones' residence, erred in not making any reference to the woman's previous recantation.

Chief Judge Gerry L. Alexander, on behalf of fellow judges Edward P. Reed and John A. Petrich, cited an earlier Washington case stating "material facts deliberately or recklessly omitted from an affidavit (for search warrant) must be added to the information contained therein; if the affidavit as supplemented then fails to support a finding of probable cause, the warrant is void and the evidence excluded."

The Clark County Prosecutor's Office appealed Harris' ruling, claiming Manchester did not "recklessly" omit information about the woman's earlier recantation.

Although Harris did not specifically rule that the deputy recklessly omitted the recantation, the appeals court said Manchester should at least have asked the woman why she retracted her earlier information. This raised questions about the reliability of the woman as an informant and clearly justified Harris' actions voiding the warrant and suppressing the evidence, the three appellate judges concluded.