



Case Law Updates | Dec. 4-17, 2024

## ***Washington Court of Appeals***

**FAILING TO RETURN FROM FURLOUGH: Former RCW 72.66.060 did not apply to child confined in juvenile detention facility.**

[In re PRP McCullum](#), \_\_\_ Wn.App.2d \_\_\_, No. 590522, Div. II (Dec 17, 2024)

In 1995, the State prosecuted Defendant McCullum with willfully failing to return from a furlough under former RCW 72.66.060. McCullum had failed to return from a four-hour approved community outing while held as a child in Juvenile Rehabilitation (JR) at Oakridge Group Home following a 1994 burglary adjudication. McCullum argued that relief should be granted because he was convicted solely due to a juvenile adjudication. **HELD:** The conviction is invalid on its face. Former RCW 72.66.060 applied only to individuals incarcerated and under the custody of DOC. The statute did not apply to McCullum, who was under the custody of a juvenile group home at the time, and thus was not incarcerated or under the custody of DOC.

**PHYSICAL CONTROL WAS NOT VOID FOR VAGUENESS: Definition of “actual physical control” was not unconstitutionally vague as applied to person sitting in passenger seat of running vehicle that was parked on the side of the road.**

[City of Spokane v. Ramos](#), \_\_\_ Wn.App.2d \_\_\_, No. 40075-1, Div. III (Dec. 5, 2024)

Defendant Ramos was found sleeping in the passenger seat of a running, but parked, vehicle side of road and charged with physical control. Ramos successfully argued in the trial court that the physical control statute was unconstitutionally vague as applied to the particular facts of person in passenger seat of parked car. However, the appellate court reversed, noting that the definition of “actual physical control” meant the existing or present ability, through the use of bodily force, to restrain, direct, influence, or regulate the movement of a vehicle. Because Ramos abandoned a *Knapstad* motion prior to appeal, the court did not address whether the definition of “actual physical control” applied to the facts of the case, but noted Ramos could refile a *Knapstad* on remand. **HELD:** The definition of “actual physical control” was not unconstitutionally vague as applied to person sitting in passenger seat of running vehicle that was parked on the side of the road.