

RECEIVED FOR FILING
KITSAP COUNTY CLERK

FEB 10 2022

DAVID T. LEWIS III

1
2
3
4
5
6
7
8 SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY
9

10 CHRISTINE ANN GERSHICK,

11
12 Petitioner,

No. 21-2-00964-18

13 v.

MEMORANDUM OPINION AND
ORDER

14 TAYLOR JOHN FARRIS,

15 Respondent/Appellant.
16

17 THIS MATTER is before the Court on Respondent Taylor Farris's appeal
18 regarding the Kitsap County District Court's "Order for Protection – Harassment" and
19 "Findings of Fact and Conclusions of Law Granting Order to Surrender Weapons," entered
20 May 28, 2021. Mr. Farris appeals only the firearm restriction entered by the District Court,
arguing there was no evidence of a serious and imminent threat by Mr. Farris.

21 The issue before the Court is whether substantial evidence in the record supports the
22 District Court's finding of a serious and imminent threat by Mr. Farris to either the public
23 or Ms. Gershick.¹ Substantial evidence is "defined as a quantum of evidence sufficient to
24 persuade a rational fair-minded person the premise is true."² Pursuant to RCW 9.41.800(5),
25 an order to surrender weapons may be issued where the court finds that the possession of a
26 firearm or other dangerous weapon "presents a serious and imminent threat to public health
27 or safety, or to the health or safety of any individual."
28

29 ¹ RALJ 9.1(b).

30 ² *Sunnyside Valley Irr. Dist. v. Dickie*, 149 Wn.2d 873, 879, 73 P.3d 369 (2003).

1 Mr. Farris argues that the record does not contain any facts demonstrating him to be
2 a serious and imminent threat because there were no allegations of violence or threats of
3 violence. However, this Court finds that there is substantial evidence in the record upon
4 which the District Court could find that Mr. Farris's access to firearms, coupled with his
5 actions, demonstrated him to be a serious and imminent threat to Ms. Gershick.

6 It is undisputed that Mr. Farris made repeated attempts to contact Ms. Gershick,
7 through multiple methods, despite her repeatedly asking for no further contact.³ The
8 District Court also reasonably found that Mr. Farris's repeated use of the word "desperate,"
9 when combined with his actions, raised alarm as to Mr. Farris's mental state.⁴
10 Ms. Gershick, who dated Mr. Farris for roughly 18 months, testified that she feared
11 Mr. Farris due to her knowledge of previous domestic violence charges against him, his
12 persistence in contacting her by numerous methods despite her asking him to stop, and the
13 fact that she knew Mr. Farris possessed numerous firearms.⁵

14 The District Court, with the benefit of observing the live testimony of the parties,
15 noted that while Mr. Farris claimed he was no longer in possession of any firearms, the
16 court was concerned whether Mr. Farris still possessed the weapons.⁶ The District Court
17 viewed this evidence as sufficient to find Mr. Farris's possession of a firearm or other
18 dangerous weapon to be a serious and imminent threat to Ms. Gershick and for an order to
19 surrender weapons to be necessary.⁷ This Court finds the evidence in the record sufficient
20 to persuade a rational fair-minded person that Mr. Farris's possession of a firearm posed a
21 serious and imminent threat to Ms. Gershick's safety.

22
23 ³ Verbatim Report of Proceedings of May 28, 2021 District Court Hearing ("VRP") at 17-19.

24 ⁴ VR at 36-37.

25 ⁵ VR at 17-20. The extent of Ms. Gershick's fear is supported by the fact that she called the police
26 when she was sent a package by Mr. Farris after asking him repeatedly for no further contact. Ms.
27 Gershick also noted that she was with Mr. Farris during his purchase of a pistol. VR at 19.

28 ⁶ "Based upon the testimony presented today, I do have a concern that the defendant does – the
29 respondent still does have – possibly does have, and because I am not sure, I do believe that there is
30 a question that he is in possession of weapons." VR at 41. *See also* VR at 39 ("As a factfinder here,
I don't believe that Mr. Farris has presented a lot of true facts to this Court, and therefore his own
testimony about the location of those guns leaves me concerned.").

⁷ VR at 43.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Based upon the foregoing it is hereby

ORDERED that the District Court's "Findings of Fact and Conclusions of Law Granting Order to Surrender Weapons" entered May 28, 2021 is **AFFIRMED**.

Dated: This 10 day of February, 2022.


JUDGE SALLY F. OLSEN

CERTIFICATE OF SERVICE

I, Marcus Hauer, certify under penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness herein.

Today, I caused a copy of the foregoing document to be served in the manner noted on the following:

Thomas E. Weaver PO Box 1056 Bremerton, WA 98337-0221	<input checked="" type="checkbox"/> Via E-mail: tweaver@tomweaverlaw.com
Spencer Babbitt 300 Lenora St. Suite 900 Seattle, WA 98121	<input checked="" type="checkbox"/> Via E-mail: Spencer@mltalaw.com

DATED this 10 day of February, 2022, at Port Orchard, Washington.


 Marcus Hauer; WSBA #46539
 Staff Attorney, Kitsap County Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30