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Washington State
Supreme Court

THE SUPREME COURT OF WASHINGTON

CHAD WAYNE HURN,)	No. 101411-2
)	
Petitioner,)	
)	STATEMENT OF
v.)	ADDITIONAL
)	AUTHORITIES
DEPT. OF CORRECTIONS,)	RAP 10.8
et al.,)	
)	
Respondents.)	
)	


In Bennett v. Hull. 2022 U.S. Dist. LEXIS 223469 (Washington Western District Court, July 11, 2022), the Plaintiff alleged that a Washington Department of Corrections (DOC) Officer violated Plaintiff's First Amendment rights by reading his clearly marked legal mail from Plaintiff's lawyer. Defendants argued that this claim should be dismissed because the officer didn't read the legal mail, but only scanned it in accordance with DOC policy 450.100. The Court denied summary judgment on this claim concluding that it was a disputed fact whether Defendant impermissibly

read Plaintiff's legal mail, or permissibly scanned the contents of the legal mail. A disputed fact that was up to the trier of fact to resolve. It should also be noted by this Court that the Sixth Amendment claim in the Bennett case was denied because the legal mail in question was from the Plaintiff's civil lawyer, however, in the instant case the legal mail and documents read were from Plaintiff's criminal lawyers and related directly to Plaintiff's criminal convictions, thus Mr. Hurn's First and Sixth Amendment claims would have survived summary judgment in this case.

Because this case presents an issue directly on point with the instant case, Petitioner respectfully requests this Court consider this additional authority in rendering the decision in this matter, and Grant this Petition and Remand this case back to the trial court.

This brief contains 229 words.

RESPECTFULLY SUBMITTED this 20th day of March, 2023.


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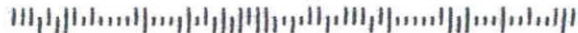


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