

NO. 91876-7

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**IN THE SUPREME COURT OF THE  
STATE OF WASHINGTON**

In re the Detention of:

BRENT PETTIS

Appellant/Petitioner

STATE'S SECOND  
MOTION TO  
SUPPLEMENT THE  
RECORD

**I. IDENTITY OF MOVING PARTY**

The State of Washington, Respondent, is the moving party requesting the relief sought in Part 2.

**II. STATEMENT OF RELIEF SOUGHT**

Pursuant to RAP 9.10, the State requests that this Court allow the record to be supplemented with the following clerk's papers:

- CP \_\_\_\_<sup>1</sup>: Order On Release To Less Restrictive Alternative dated September 18, 2015. A copy of that Order is attached as Attachment A.<sup>2</sup>

**III. FACTS RELEVANT TO MOTION**

This is the State's second motion to supplement the appellate record. Brent Pettis was civilly committed to the care and custody of the Department

<sup>1</sup> The State's Supplemental Designation was sent by Federal Express to Clark County on September 23, 2015, but the Index has not yet been prepared.

<sup>2</sup> In the interest of brevity, and because the appendices to the Order are not essential for this Court's review of this Motion, the State does not attach those appendices to the LRA order to this Motion. They will, however, be part of the clerk's papers and available for the Court's review should this Motion be granted.

 ORIGINAL

FILED AS  
ATTACHMENT TO EMAIL

of Social and Health Services (DSHS) as a sexually violent predator (SVP) after stipulating to commitment in 2002. *In the Detention of Pettis*, -- Wn. App. ---; 352 P.3d 841 (2015). His case has been regularly reviewed pursuant to RCW 71.09.090 since that date.

In January of 2013, Pettis was granted a trial on the issue of unconditional release. At the conclusion of that trial, a unanimous jury determined that Pettis continued to be a Sexually Violent Predator. Pettis appealed, and the Court of Appeals affirmed. Pettis now seeks review by this Court.

On September 1, 2015, the State moved to supplement the appellate record pursuant to RAP 9.10 with the June 22, 2015, Order of the Clark County Superior Court granting Pettis' proposed less restrictive alternative. In his Answer in opposition to the State's motion, Pettis, referring to the June 22 order, argued that, as of September 4, the trial court "had not yet entered a formal LRA order, and Pettis remains at the Special Commitment Center." Answer to State's Motion to Supplement at 1.

On Friday, September 18, 2015, the trial court entered a 16-page Order On Release To Less Restrictive Alternative, ordering that Pettis be conditionally release on September 29, 2015, "or as soon thereafter as reasonably possible," to a private residence in Tacoma. Att. A at 4.

#### IV. STATEMENT OF GROUNDS FOR RELIEF

RAP 9.10 authorizes supplementation of the report of proceedings upon the motion of a party. RAP 9.10 provides in relevant part:

If the record is not sufficiently complete to permit a decision on the merits of the issues presented for review, the appellate court may, on its own initiative or on the motion of a party ... (2) correct, or direct the supplementation or correction of, the report of proceedings. ... The party directed or permitted to supplement the record on review must file either a designation of clerk's papers as provided in rule 9.6 or a statement of arrangements as provided in rule 9.2 within the time set by the appellate court.

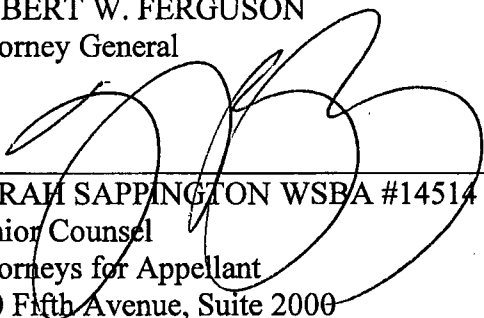
Supplementation of the record before this Court is appropriate in the interests of both justice and judicial economy. In his Petition, Pettis asserts, as a basis for his argument that the SVP statute is unconstitutional, that, because "Mr. Pettis does not have any resources or connections in the community," "a private LRA is not available to him." Pet. at 9. In addition, he argues that "the statutory procedure was not available" to him, because "he could not overcome that initial probable cause hurdle because the SCC administration would not agree to house him at the SCTF. As long as the SCC administration remains exclusive gatekeeper of admission to the SCTF, the statutory procedures are meaningless in Mr. Pettis's case." Pet. at 14.

A formal Order granting Pettis' release to an LRA has, however, now been entered, and reference to this Order is appropriate in order to permit this Court to assess the accuracy of Pettis' claim that his limited financial resources and lack of support in the community prevent him from taking advantage of the existing statutory scheme, thus rendering that scheme unconstitutional as applied to him. Pet. at 9,14. In addition, this Order is directly relevant to the State's argument, contained in footnote 5 to its Answer to his Petition for Review, that this issue has been rendered moot by the subsequent grant of an LRA.

This motion is not made for purposes of delay.

RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of September, 2015.

ROBERT W. FERGUSON  
Attorney General



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SARAH SAPPINGTON WSBA #14514  
Senior Counsel  
Attorneys for Appellant  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-6430

NO. 91876-7

CERTIFICATE OF SERVICE

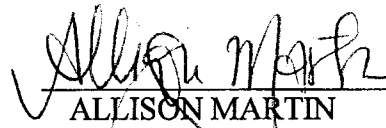
I certify that on the 22<sup>nd</sup> day of September, 2015, I caused to be served via electronic mail a true and correct copy of the State's Second Motion to Supplement Record addressed as follows:

Jodi R. Backlund

backlundmistry@gmail.com

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 22<sup>nd</sup> day of September, 2015, at Seattle, Washington.

  
\_\_\_\_\_  
ALLISON MARTIN

**ATTACHMENT A**

**COPY  
ORIGINAL FILED  
SEP 18 2015**

Scott G. Weber, Clerk, Clark Co.

**STATE OF WASHINGTON  
CLARK COUNTY SUPERIOR COURT**

In re the Detention of:

**BRENT PETTIS,**

Respondent.

NO. 01-2-03870-6

**ORDER ON RELEASE TO LESS  
RESTRICTIVE ALTERNATIVE**

THIS MATTER comes before the Court for entry of an order conditionally releasing the Respondent, Brent Pettis, to a less restrictive alternative (LRA) to total confinement. Respondent was present and represented by his attorney, Jennifer McIntyre. The Petitioner, State of Washington, was represented by Assistant Attorney General Mary Robnett. The Court having previously found Respondent to be a sexually violent predator pursuant to RCW 71.09, hereby enters the following Findings of Fact, Conclusions of Law, and Order conditionally releasing Respondent to an LRA:

**FINDINGS OF FACT**

1. On April 12, 2002, Respondent stipulated to civil commitment as a sexually violent predator. Respondent was committed to the custody of the Department of Social and Health Services (DSHS) at the Special Commitment Center (SCC) on McNeil Island for control, care, and treatment until further order of the Court.

2. In January 2013, Respondent petitioned the Court for an unconditional release trial. A jury trial was held in September 2013. On September 16, 2013, a jury returned a verdict

1 finding that Respondent continues to meet criteria as a sexually violent predator. The Court  
2 entered an order continuing Respondent's commitment at the SCC.

3 3. Respondent has resided at the SCC since his initial commitment in 2002.

4 4. In July 2014, Respondent petitioned the Court for an LRA trial. The Court held a  
5 stipulated facts trial on June 22, 2015.

6 5. On June 22, 2015, after considering the pleadings filed in the matter, the testimony  
7 and evidence presented at trial, and the argument of counsel, the Court granted Respondent's  
8 petition for an LRA. The Court ordered that DSHS shall commence community notification  
9 immediately. The Court also ordered that DSHS shall pay for installation of a landline at 7245  
10 South Fawcett Avenue, Tacoma, WA 98408.

11 6. Respondent will be treated in the community by Mark Whitehill, Ph.D., a certified  
12 sex offender treatment provider who is qualified to provide such treatment in the State of  
13 Washington under RCW 18.155, as required by RCW 71.09.092(1). Additionally, the Court finds  
14 that Dr. Whitehill is qualified to provide treatment under RCW 71.09.350. A copy of Dr.  
15 Whitehill's curriculum vitae is attached hereto as **Appendix A**.

16 7. Dr. Whitehill has presented a specific course of treatment and has agreed to  
17 assume responsibility for Respondent's treatment and will report progress to the Court on a  
18 regular basis, not less than monthly, and will report violations immediately to the Court, the  
19 Assistant Attorney General, the supervising Community Corrections Officer (CCO), and the  
20 Superintendent/Chief Executive Officer (CEO) of the SCC as required by RCW 71.09.092(2) and  
21 RCW 71.09.096(5).

22 8. Respondent has agreed to cooperate with Dr. Whitehill and to comply with all  
23 requirements imposed by Dr. Whitehill, as set forth in the Treatment Plan, attached hereto as  
24 **Appendix B**, and Treatment Contract, attached hereto as **Appendix C**. Respondent has also  
25 agreed to comply with all conditions imposed by the Court, as set forth in this order, as required  
26 by RCW 71.09.092(4). By signing the treatment documents and LRA order, Respondent is



1 authorizing Dr. Whitehill to disclose all treatment information to his CCO, the SCC, the Attorney  
2 General's Office, Respondent's attorney, and the Court.

3 9. Housing for Respondent exists that is sufficiently secure to protect the community  
4 as required by RCW 71.09.092(3). Respondent shall reside at a private residence located at 7245  
5 South Fawcett Avenue, Tacoma, WA 98408.

6 10. The owner and manager of the residence located at 7245 South Fawcett Avenue  
7 have agreed to accept Respondent and to provide the level of security required by the Court  
8 pursuant to RCW 71.09.092(3). They shall immediately report to the Court, Assistant Attorney  
9 General, supervising CCO, and the CEO of the SCC if Respondent leaves the housing to which he  
10 has been assigned without authorization pursuant to RCW 71.09.092(3).

11 11. The Department of Corrections (DOC) has investigated the proposed LRA and has  
12 made recommendations regarding conditions to this Court. The DOC investigation is attached  
13 hereto as **Appendix D**. Pursuant to RCW 71.09.096(2) and RCW 71.09.096(4), the Court finds  
14 that the LRA conditions included in this Order are necessary to ensure Respondent's compliance  
15 with treatment and to protect the community.

16 12. By signing this order, Respondent has agreed to comply with the supervision  
17 requirements imposed by DOC, as required by RCW 71.09.092(5).

18 13. A copy of this document and the appendices attached hereto has been provided to  
19 Respondent and his attorney. Respondent understands the English language and has the ability to  
20 read and write. Respondent's attorney, Jennifer McIntyre, has reviewed this order and the  
21 appendices with him, and Respondent has acknowledged understanding of the aforementioned  
22 documents. By signing this document, Respondent confirms that he understands this document  
23 and the attached appendices and has no questions about any of the documents or conditions of  
24 release. This Court finds that Respondent understands the release conditions and all aspects of  
25 this order.

1 **CONCLUSIONS OF LAW**

2 1. This Court has jurisdiction over the parties and over the subject matter herein.

3 2. Respondent continues to meet criteria as a sexually violent predator. However,  
4 conditional release to an LRA, as outlined in this Order, is in the Respondent's best interest and  
5 includes conditions that will adequately protect the community.

6 The Court having entered the above Findings of Fact and Conclusions of Law, now,  
7 therefore, enters the following:

8 **ORDER**

9 For the purposes of this Order and any subsequent modifications thereto, the Respondent's  
10 transition team is defined as his sex offender treatment provider (SOTP), his assigned CCO, and  
11 the designated representative of the SCC. During his conditional release, Respondent shall  
12 always act in a manner that is consistent with the goal of community safety and treatment for his  
13 sexual deviance. Respondent shall construe the Court's conditions in the broadest possible  
14 manner for these dual purposes. If Respondent is unsure whether his behavior is prohibited, he  
15 shall refrain from engaging in the behavior until he obtains approval from the transition team.

16 **A. Residential Conditions:**

17 1. Respondent shall be conditionally released on Sept. 29<sup>th</sup>, 2015, or as  
18 soon thereafter as reasonably possible, to a private residence located at 7245 South Fawcett  
19 Avenue, Tacoma, WA 98408. Respondent shall not change his residence without further order  
20 from the Court and in compliance with 71.09.140 for notification to ensure community safety.

21 2. Respondent shall register as a sex offender with the Pierce County Sheriff's  
22 Office on the day of his release and pursuant to RCW 9A.44.130 thereafter until otherwise  
23 relieved of that duty. Prior to his release, Respondent shall have DNA test results on file with  
24 the Washington State Patrol in concurrence with RCW 43.43.754.

25 3. Respondent shall not be at large alone in the community. He shall not leave the  
26 confines of his residence except for activities pre-approved by the Court or his transition team,

1 and then only with providing telephonic notification to his CCO to advise him of his departure  
2 and return times. During any such approved outing, Respondent must be accompanied at all  
3 times and be under direct supervision of an "approved monitoring adult"<sup>1</sup> who must supervise  
4 him closely and maintain close proximity. For mandatory outings to Respondent's CCO or  
5 SOTP, the transition team may modify the "approved monitoring adult" requirement at their  
6 discretion. Staff employed by the SCC, the supervising CCO (or designee), and the designated  
7 SOTP are automatically approved monitoring adults. Additional individuals may be  
8 designated as approved monitoring adults by the transition team or by the Court. Any  
9 additional person agreeing to provide monitoring services may be compelled to testify and any  
10 privilege with regard to such person's testimony is deemed waived pursuant to RCW

11 71.09.096(3). *SCC/DSHS shall pay for chaperones for*  
*mandatory outings.*

12 4. For all approved trips into the community, Respondent will abide by the  
13 following protocol: 1) Have a fully charged Global Positioning System (GPS) upon his  
14 departure and keep his GPS on his person at all times; 2) Follow pre-approved routes; 3) Log  
15 the date and time of each trip; and 4) Make point to point telephonic contact with his CCO or  
16 designee as directed. At all times, Respondent shall possess a charged and functioning cell  
17 phone which has been previously approved by the transition team. The State of Washington is  
18 not responsible for purchasing the phone, or paying the monthly bill, other than through  
19 generally available resources for the indigent. The assigned cellular phone shall not have  
20 photo taking or picture storage capability or internet capability without the approval of the  
21 transition team.

22 5. Respondent will permit home and property visits by any member of the  
23 transition team or designee for visual inspection of the residence, garage, and other structures  
24

25 <sup>1</sup> An "approved monitoring adult" is a person designated to monitor Respondent when he leaves his  
26 residence. The transition team must approve this person in writing. The person must have complete knowledge  
of Respondent's offense cycle and history of sexual offending.

*MR*  
*AM*  
*6/11/12*

1 on the property to insure compliance with this Order. To maintain compliance with the  
2 conditions of the LRA Order, Respondent shall submit to searches of his person, computer,  
3 residence, and property at the discretion of the supervising CCO.

4 6. Respondent will arrange for the installation of a dedicated phone line (landline)  
5 and shall maintain this landline at his residence for GPS monitoring. DSHS shall pay for  
6 installation of the landline.

7 7. Respondent shall not stay overnight at any residence, room, or public lodging  
8 facility, other than his approved residence, without the prior approval of the transition team.

9 8. Respondent may only have visitors at his residence who have been pre-  
10 approved by the transition team. Respondent will maintain a log of all visitors, which shall be  
11 provided to any member of the transition team upon request. No visitors may sleep or stay  
12 overnight at Respondent's residence without the prior approval of the transition team.

13 9. Respondent must follow all residency rules, as outlined by Gerald Piefer, Bob  
14 Hall, and/or Charles Dorman, for all persons residing at the residence. Respondent will sign  
15 these rules, and any amendments, and provide a copy to the transition team. Gerald Piefer  
16 (owner) and/or Bob Hall (manager) and/or Charles Dorman (house manager) shall immediately  
17 report to the court, the Assistant Attorney General, the supervising CCO, and CEO of the SCC,  
18 if Respondent leaves the housing to which he has been assigned without authorization or  
19 violates any of the conditions of this Order.

20 10. Respondent shall comply with a curfew by remaining at his residence between  
21 the hours of 8 p.m. and 6 a.m. unless otherwise approved by the Court or transition team.

22 11. DSHS shall pay for the following expenses on behalf of Respondent:

23 a.) \$425.00 monthly rent and an initial \$200.00 non-refundable deposit;

24 b.) ORCA bus transportation card. Respondent is required to notify the  
25 SCC/DSHS when his account falls below \$50.00, at which time SCC/DSHS shall reload his  
26 account with appropriate funds;

1 c.) \$100.00 monthly stipend allowance for personal items. Respondent is required  
2 to pay for his cell phone out of this stipend amount.

3 d.) DSHS shall provide a food voucher for Respondent.

4 The stipend amounts for rent and other living expenses may be reduced and/or  
5 eliminated as determined by SCC/DSHS if Respondent obtains assistance or employed is  
6 secured. Respondent must provide full financial information to the transition team upon  
7 request and will follow up with all applications for services.

8 **B. Supervision Conditions:**

9 1. DOC shall supervise the Respondent. The Respondent will initially report to  
10 the supervising CCO or designee on the day of his conditional release from the SCC, and  
11 weekly or as otherwise directed thereafter.

12 2. Respondent will comply with all DOC verbal and written instructions.

13 3. The assigned CCO shall report to the Court, Assistant Attorney General,  
14 Respondent's counsel, SCC representative, SCC CEO, and the SOTP any violations of this  
15 Order. The CCO shall notify the Assistant Attorney General at the following email address:  
16 CRJSVPEF@atg.wa.gov. Copies to Respondent's counsel shall be emailed to  
17 jmcintyre@snocopda.org or mailed to 2722 Colby Avenue, Suite 200, Everett, WA 98201.  
18 Any changes to these addresses may be done by notification to the parties and members of the  
19 transition team without further order of the Court.

20 4. Pursuant to RCW 71.09.098, if the assigned CCO reasonably believes that the  
21 Respondent is not complying with the terms and conditions of this Order, the CCO may order  
22 that the Respondent be taken into custody until such time as a hearing can be scheduled to  
23 determine the facts and whether Respondent's LRA should be revoked or modified. The  
24 Court, Assistant Attorney General, and Respondent's counsel shall be notified before the close  
25 of the next judicial day of Respondent's detention.

1           5.       Respondent will submit a travel request log to his CCO at least one week in  
2 advance of proposed travel. The travel log will include the date, time, and any contacts he may  
3 have during each proposed outing, as well as the approved monitoring adult who will  
4 accompany him. This provision does not apply to emergency medical appointments.

5           **C.       Treatment Conditions:**

6           1.       Respondent shall engage in sex offender treatment with Dr. Mark Whitehill, a  
7 certified SOTP. Respondent shall not change treatment providers without permission of the  
8 Court.

9           2.       Respondent shall sign and comply fully with Dr. Whitehill's treatment plan and  
10 treatment contract, both written and verbal. Any proposed modification of the treatment plan  
11 or treatment contract must be provided to the other transition team members. If the members  
12 of the transition team disagree on a proposed modification, the Court shall decide. Respondent  
13 must sign any modified treatment plan and treatment contract, and the SOTP must immediately  
14 provide a signed copy to the SCC, Assistant Attorney General, Respondent's counsel, and the  
15 CCO.

16          3.       Respondent shall participate in any treatment, including but not limited to sex  
17 offender treatment, domestic violence treatment, couples therapy, chemical dependency  
18 treatment, Alcoholics/Narcotics Anonymous, and any other treatment or therapy as  
19 recommended by the transition team.

20          4.       Dr. Whitehill shall submit a written monthly report to the Court, addressing  
21 Respondent's treatment progress and compliance with this Order, with copies to the Assistant  
22 Attorney General, Respondent's counsel, and each member of transition team. Copies to the  
23 Assistant Attorney General shall be sent by email to the following email address:  
24 CRJSVPEF@atg.wa.gov or by mail to the following address: 800 5<sup>th</sup> Avenue, Suite 2000,  
25 Seattle, WA 98104. Copies to Respondent's counsel shall be sent by email to the following  
26 email address: jmcintyre@snocopda.org or by mail to the following address: 2722 Colby

1 Avenue, Suite 200, Everett, WA 98201. Any changes to these addresses may be done by  
2 notification to the parties and members of the transition team without further order of the  
3 Court.

4 5. Dr. Whitehill will immediately report to the Court, Assistant Attorney General,  
5 supervising CCO, and SCC CEO any violations or possible violations of this Order or  
6 treatment conditions.

7 6. If Respondent is terminated from treatment with Dr. Whitehill, the Respondent  
8 shall, consistent with RCW 71.09.098(2), immediately be taken into custody and a hearing will  
9 be scheduled to determine whether the LRA will be revoked pursuant to RCW 71.09.098(3).

10 7. If Dr. Whitehill decides to discontinue treatment for any reason other than  
11 Respondent's non-compliance or lack of progress, he must give forty-five (45) days written  
12 notice to the Court, Assistant Attorney General, Respondent's counsel, supervising CCO, SCC  
13 representative, and SCC CEO. Treatment with this provider shall continue until such time that  
14 the Court may conduct a hearing to consider approval of an alternative provider pursuant to  
15 RCW 71.09.092.

16 **D. Standard Conditions:**

17 1. Respondent shall comply with all verbal and written instructions of the Court,  
18 SOTP, DOC, and SCC representatives.

19 2. Respondent shall be subject to electronic monitoring at all times. The electronic  
20 monitoring devices shall employ GPS technology and/or such monitoring devices as may  
21 become technologically advanced. Respondent shall strictly comply with all monitoring  
22 protocols required by the CCO and SCC.

23 3. Respondent shall obtain written approval from the transition team prior to  
24 acquiring or participating in employment, educational, social, or volunteer opportunities in the  
25 community.

1           4.       Respondent shall have no intentional direct or indirect contact with any prior  
2 victims or their families without the express written consent of the Court. For purposes of this  
3 condition, "victim" is defined as anyone with whom Respondent has had unwanted or illegal  
4 sexual contact in the past, regardless of whether the contact resulted in a conviction or legal  
5 action. The transition team will resolve any questions as to who constitutes a "victim." If  
6 there is a question as to whether an individual is a prior victim, Respondent shall have no  
7 contact with that individual.

8           5.       Respondent shall not have intentional direct or indirect contact with minor  
9 children under the age of eighteen (18) without the express written consent of the Court, and  
10 then only in the presence of an approved adult monitor.

11           6.       Respondent shall not frequent establishments that cater primarily to minors  
12 without the express written permission of the transition team and then only in the presence of  
13 an approved adult monitor. This includes but is not limited to the premises of any school,  
14 daycare, park, recreation area, or other public or private facility normally frequented by  
15 minors.

16           7.       Respondent shall not have intentional regular contact with any individual who  
17 has not previously been approved by his transition team.

18           8.       Respondent shall not initiate or engage in a physical or romantic relationship  
19 with another person without the express written approval of that person and his transition team.  
20 Any such relationship will require the individual's consent.

21           9.       Respondent is prohibited from having contact with known convicted felons or  
22 persons with any type of sex crime conviction, with the exception of individuals participating  
23 in his treatment groups or other individuals who manage or reside at his residence. The  
24 transition team may review and modify this condition in writing with respect to specific  
25 individuals.



1           10.    Respondent shall not own, possess, receive, ship, or transport any firearm,  
2 ammunition, incendiary device, or explosive, nor shall he have any parts thereof.

3           11.    Respondent shall not purchase, possess, or view any pornographic or sexually  
4 explicit materials, as defined by his SOTP, including but not limited to materials depicting  
5 consensual sex, sex with violence or force, sex with non-consenting adults, or sexual activity  
6 with children. The SOTP may make exceptions to specifically identified sexually explicit  
7 materials upon written notification to the other transition team members.

8           12.    Respondent shall not purchase, possess, or view movies, or play video games,  
9 depicting sexual themes or excessive violence. The transition team will resolve any questions  
10 as to what constitutes sexual themes or excessive violence.

11          13.    Respondent shall not use or have access to the Internet, including via computer,  
12 cellular telephone, iPad, tablet, PlayStation/Xbox, or any other computer modem or  
13 communications software without the prior written permission of the transition team. If the  
14 transition team grants Respondent permission to use or possess the above noted devices, the  
15 devices must have internet accountability software installed. The transition team or the Court  
16 may impose other limitations and controls over the use of these devices, including but not  
17 limited to Respondent not possessing a personal computer at his residence. Respondent must  
18 abide by any computer safety plan put in place by his transition team for all computer use.

19          14.    Respondent shall not enter into an adult entertainment center where nudity or  
20 erotic entertainment or literature/magazines are the primary service or commodity for sale.

21          15.    Respondent shall not purchase, possess, or consume alcohol, marijuana/THC, or  
22 any controlled substances, except pursuant to a lawfully issued prescription made out for him  
23 by a licensed physician. Respondent shall immediately provide written verification of any  
24 prescription medication to the transition team.

1           16.     Respondent shall submit to drug screens, Breathalyzer alcohol assessments, or  
2 other methods of detecting the use of or presence of alcohol, marijuana/THC, and controlled  
3 substances at the discretion of any member of the transition team.

4           17.     Respondent shall abide by any medications/therapy prescribed by his medical  
5 and psychological treatment providers.

6           18.     Respondent shall not frequent bars, taverns, casinos, or any establishment where  
7 the primary commodity for sale is alcoholic beverages or marijuana/THC.

8           19.     Respondent shall obey all state, county, federal, tribal, and municipal laws.

9           20.     Respondent shall not leave the State of Washington without an order from the  
10 Court.

11          21.     Respondent shall not leave his county of residence without the prior written  
12 approval of his transition team and written authorization from his CCO.

13          22.     Respondent shall participate in periodic polygraph testing at the discretion of  
14 any member of the transition team. Polygraph assessments may assess sex offender specific  
15 compliance issues or any other general compliance issues. Respondent shall submit to penile  
16 plethysmograph (PPG) testing at the discretion of the SOTP.

17          23.     Respondent shall make no effort to thwart, disable, or limit the effectiveness of  
18 any monitoring mechanism imposed upon him, including but not limited to polygraphs,  
19 plethysmographs, GPS, and other forms of electronic monitoring. He shall strictly comply  
20 with all monitoring protocols required. Respondent shall be required to pay for any damages  
21 to monitoring equipment that is caused by negligent actions on his part.

22          24.     Respondent shall not drive any motor vehicle or possess a driver's license  
23 without the prior written permission of his transition team. In the event that Respondent  
24 obtains a legal, Washington State driver's license, he shall provide proof of valid insurance as  
25 well as the make, model, and year of any vehicle he drives. Respondent shall not provide rides  
26 to anyone without permission from his transition team.

1           25.    Respondent shall report the make, model, and year of any private vehicle he  
2 rides in, as well as the driver's contact information, to the transition team prior to riding in the  
3 vehicle.

4           26.    Respondent shall make regular monetary payments toward any outstanding  
5 court-ordered Legal Financial Obligations (LFOs) or any other financial commitments.

6           27.    Respondent shall provide a copy of his monthly bank and/or credit card  
7 statements to the transition team upon request.

8           28.    Respondent shall maintain a phone log of his phone calls and provide a copy to  
9 the transition team upon request.

10          29.    DSHS shall be responsible for treatment costs pursuant to RCW 71.09.110.  
11 DSHS may obtain reimbursement for the cost of care and treatment pursuant to RCW  
12 71.09.110 and the applicable Washington Administrative Code.

13          30.    If Respondent is not in compliance with the terms and conditions of his LRA  
14 Order, he may, consistent with RCW 71.09.098(2), immediately be apprehended and taken into  
15 custody until such time as a hearing can be scheduled to determine the facts and whether or not  
16 the conditional release should be revoked or modified. The revocation or modification hearing  
17 shall be scheduled with the Court pursuant to RCW 71.09.098.

18          31.    Law enforcement and/or peace officers are authorized to arrest Respondent for  
19 any violation of this Order as described in RCW 71.09.098.

20          32.    Respondent shall comply with all provisions of this Order and any subsequent  
21 modifications thereof. Respondent shall, within twenty-four (24) hours, notify his transition  
22 team if he has violated, or arguably violated, any provision of this Order.

23          33.    The conditions required of Respondent by his transition team and imposed upon  
24 him by this Order, should, where possible, be read together and in harmony with one another.  
25 However, there may be a situation in which they conflict. If this occurs, the transition team  
26 shall consult with one another to resolve the conflict. If the transition team is unable to do so,

1 the Court will determine the matter. Until such time as any conflict is determined, the  
2 Respondent shall follow the strictest rule applicable, consistent with ensuring public safety.

3 **E. Special Conditions:**

4 1. Respondent shall not hold any position of authority or trust involving children  
5 under the age of eighteen (18), and shall not supervise or participate in any program that  
6 includes anyone who is under the age of eighteen (18).

7 2. Respondent shall not access premium cable television channels without the  
8 prior written approval of the transition team.

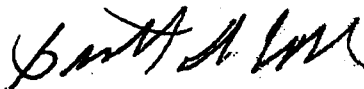
9 3. The SCC shall provide a list of all approved media (movies, video games, CDs,  
10 etc.) to the assigned CCO upon Respondent's release from the SCC, and any additional media  
11 must be preapproved by the transition team prior to purchase, rental, and/or possession.

12 4. Respondent shall not possess a police scanner or other short wave device.

13 5. Unless otherwise authorized by his transition team, Respondent shall not enter  
14 any public washroom or other rest facility that has not been checked for the presence of minor  
15 children and found to be free of minors by an approved monitoring adult immediately prior to  
16 his entering the facility.

17 6. Respondent may not possess images of children without the prior written  
18 permission of the transition team. Possession of visual depictions of semi-clad or naked  
19 children is prohibited.


20 DATED this 14 day of September, 2015.


21   
22 \_\_\_\_\_  
23 THE HONORABLE SCOTT A. COLLIER  
24 Judge of the Superior Court  
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Presented by:

ROBERT W. FERGUSON

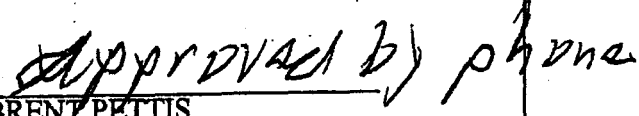
  
\_\_\_\_\_  
MARY ROBNETT, WSBA #21129  
Assistant Attorney General  
Attorney for Petitioner

  
\_\_\_\_\_  
JENNIFER MCENTYRE, WSBA #25981  
Attorney for Mr. Pettis

**Certification of Mr. Pettis**

**I agree to abide by the terms and conditions of this LRA Order. I have reviewed this order with my attorney and have no unanswered questions.**

Dated this 14 day of September, 2015.

  
\_\_\_\_\_  
BRENT PETTIS  
RESPONDENT

1 DATED this \_\_\_\_\_ day of September, 2015.

2  
3  
4  
5 HONORABLE JUDGE COLLIER

6  
7 **Certification of Brent Pettis:**

8  
9 **Subject to the perjury laws of the State of Washington, I agree to abide by the terms and**  
10 **conditions of the Court's conditional release order. I have reviewed this order with my**  
11 **attorneys and have no unanswered questions.**

12  
13 Dated this 0 day of Sept., 2015 in Steilacoom, WA

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17 Brent Pettis  
18 Brent Pettis

19 Presented by:

20 Copy Rec'd by

21 Mary E Robnett # 21129  
22 Mary E Robnett  
23 AAG -

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25 Kristie Barham, WSPA#  
26 AAG

27 Jennifer McFritty re  
28 J. Barham # 25291  
AAG for Mr. Pettis

ORDER OF CONDITIONAL RELEASE

## OFFICE RECEPTIONIST, CLERK

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**To:** Martin, Allison (ATG)  
**Cc:** Sappington, Sarah (ATG); Burbank, Brooke (ATG); backlundmistry@gmail.com  
**Subject:** RE: In re Pettis 91876-7

Received on 09-22-2015

Supreme Court Clerk's Office

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**From:** Martin, Allison (ATG) [mailto:AllisonM1@ATG.WA.GOV]  
**Sent:** Tuesday, September 22, 2015 4:04 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Sappington, Sarah (ATG) <SarahS@ATG.WA.GOV>; Burbank, Brooke (ATG) <BrookeB@ATG.WA.GOV>; backlundmistry@gmail.com  
**Subject:** In re Pettis 91876-7

Good Afternoon,

Attached for filing, please find:

\*Second Supplemental Designation of Clerk's Papers and Declaration of Service

\*State's Second Motion to Supplement the Record and Declaration of Service

\* Reply to Petitioner's Answer to State's Motion to Supplement the Record and Declaration of Service.

Filed on behalf of:

SARAH SAPPINGTON  
WSBA #14514  
OID #91094  
(206) 389-2019

ALLISON MARTIN | Legal Assistant to  
SARAH SAPPINGTON | KATHARINE HEMANN  
Washington State Attorney General's Office | Criminal Justice Division | Sexually Violent Predator Unit  
800 5th Ave | Ste. 2000 | Seattle, WA 98104  
206.389.3916 | [allisonm1@atg.wa.gov](mailto:allisonm1@atg.wa.gov)

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