70692-6

70692-6

NO. 70692-6-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

IN RE THE DETENTION OF:

RICHARD SCOTT

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

APPELLANT'S OPENING BRIEF

Marla L. Zink
Attorney for Appellant

WASHINGTON APPELLATE PROJECT
1511 Third Avenue, Suite 701
Seattle, Washington 98101
(206) 587-2711

TABLE OF CONTENTS

A. SUMMARY OF ARGUMENT 1

B. ASSIGNMENTS OF ERROR 1

C. ISSUE PERTAINING TO ASSIGNMENTS OF ERROR 1

D. STATEMENT OF THE CASE 2

E. ARGUMENT 4

Because Mr. Scott's stipulation was based on a now invalid diagnosis, the trial court should have granted his motion for relief from the indefinite commitment order that is premised entirely on his stipulation 4

a. Civil Rule 60(b) provides for relief from judgment in exceptional circumstances such as a change in the law 4

b. Parties should be relieved from a stipulation in the furtherance of justice 9

c. It is now clear that the hebephilia diagnosis, to which Mr. Scott stipulated as being sufficient, is not generally accepted in the psychological field and could have been challenged by Mr. Scott 11

d. Mr. Scott should be allowed to withdraw his stipulation and the trial court instructed to schedule an initial commitment trial 15

F. CONCLUSION 15

TABLE OF AUTHORITIES

Washington Supreme Court Decisions

Haller v. Wallis, 89 Wn.2d 539, 573 P.2d 1302 (1978) 5

In re Detention of Thorell, 149 Wn.2d 724, 72 P.3d 708 (2003) 8

In re Marriage of Littlefield, 133 Wn.2d 39, 940 P. 2d 1362 (1997) 4

In re Pers. Restraint of Young, 122 Wn.2d 1, 857 P.2d 989 (1993) 6

State ex rel. Carroll v. Junker, 79 Wn.2d 12, 482 P.2d 775 (1971) 4

State v. Codiga, 162 Wn.2d 912, 175 P.3d 1082 (2008) 11

State v. Neal, 144 Wn.2d 600, 30 P.3d 1255 (2001) 4

State v. Superior Court, 151 Wash. 413, 276 P. 98 (1929) 9

State v. Walsh, 143 Wn.2d 1, 17 P.3d 591 (2001) 9, 11

Stevenson v. Hazard 152 Wash 104, 277 P. 450 (1929) 9

Washington Court of Appeals Decisions

In re Det. of Fox, 138 Wn. App. 374, 158 P.3d 69 (2007) 6

In re Det. of Ward, 125 Wn. App. 374, 104 P.3d 751 (2005) ..... passim

In re Marriage of Tang, 57 Wn. App. 648, 789 P.2d 118 (1990) 4

Suburban Janitorial Servs. v. Clarke American,
72 Wn. App. 302, 863 P.2d 1377 (1993) 5

United States Supreme Court Decisions

Foucha v. Louisiana, 504 U.S. 71, 112 S. Ct. 1780,
118 L. Ed. 2d 437 (1992) 8, 10

Kansas v. Hendricks, 521 U.S. 346, 117 S. Ct. 2072,
138 L. Ed. 2d 501 (1997) 8, 10

Decisions of Other Courts

Frye v. United States, 293 F. 1013 (D.C. Cir. 1923) 3

United States v. Abregana, 574 F. Supp. 2d 1145 (D. Haw. 2008) 13

United States v. Neuhauser, 2012 WL 174363 (E.D.N.C. Jan. 20, 2012) 14

Constitutional Provisions

Const. art. I, § 3 10

U.S. Const. amend. XIV 10

Rules

Civil Rule 59 ..... 6, 7

Civil Rule 60 ..... passim

Other Authorities

"Hebephelia," in *Wikipedia* (last visited Dec. 9, 2013) 12, 13

Allen Frances, "DSM-5 Rejects 'Hebephilia' Except for the Fine Print" in The Blog, Huffington Post, http://www.huffingtonpost.com/allen-frances/dsm-5-rejects-hebephilia-_b_1475563.html (last visited Dec. 9, 2013) 14

Allen Frances, M.D., DSM 5 in Distress, *Psychology Today* (Feb. 22, 2013) 14

American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders ..... passim

Frances & First, M.D.s, "Hebephilia Is Not a Mental -Disorder in DSM-IV-TR and Should Not Become One in DSM-5," J Am. Acad. Psychiatry Law 39:1 (February 2011) 11, 12, 14

Karen Franklin, Ph.D., "Forensic Psychiatrists Reject Hebephilia – Again," in *Witness: A blog about forensic psychology* (Nov. 1, 2012) 12

Warren Throckmorton, "Does the APA consider hebephilia to be normal?" http://www.patheos.com/blogs/warrenthrockmorton/2013/05/16/does-the-apa-consider-hebephilia-to-be-normal/ (May 16, 2013) 14

A. SUMMARY OF ARGUMENT

Richard Scott stipulated to the criteria for indefinite civil commitment based on a mental abnormality diagnosis that is no longer valid. The trial court denied his Civil Rule 60(b) motion to withdraw his stipulation and set a commitment trial. This Court should reverse the trial court ruling.

B. ASSIGNMENTS OF ERROR

1. The trial court erred in denying Mr. Scott's Civil Rule 60(b) motion.

2. The trial court erred in finding Mr. Scott had not proved a legal basis for relief from the order committing him indefinitely.

3. The trial court erred in finding Mr. Scott had not proved a scientific (or psychological) basis for relief from the indefinite commitment order.

C. ISSUE PERTAINING TO ASSIGNMENTS OF ERROR

Is Mr. Scott entitled to relief from the indefinite commitment order where it was based on a diagnosis he believed to be sufficient at the time, but which is not generally accepted in the field and is scientifically and legally insufficient?

D. STATEMENT OF THE CASE

The State petitioned to have Mr. Scott indefinitely committed pursuant to ch. 71.09 RCW in May 2003, after Mr. Scott had served terms of incarceration for the predicate offenses. CP 1. The State hired Richard Packard to evaluate Mr. Scott's mental condition and likelihood of reoffense, in other words, whether he satisfied the criteria for commitment. *See* CP 275. Dr. Packard opined Mr. Scott suffered from a mental abnormality or personality disorder, to include paraphilia not otherwise specified (NOS) (hebephilia). CP 276-77, 297. Based on Dr. Packard's evaluation and that of a second expert, in 2007 Mr. Scott stipulated to the criteria for commitment. CP 33-336. In particular, Mr. Scott stipulated that hebephelia is a mental abnormality satisfying the criteria for commitment. CP 36 (¶ 9).

The hebephelia diagnosis was not explicitly included in the fourth edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM). *E.g.*, CP 386-87. Since 2007, the diagnostic validity of hebephilia (and, paraphilia NOS (hebephilia)) has been subject to significant debate. *E.g.*, *id.* Hebephelia was considered but rejected for inclusion in the 2013 DSM-V. CP 386.

Within weeks of the DSM-V release, Mr. Scott moved pro se under Civil Rule 60(b) for relief from the indefinite commitment order. CP 343-45. Mr. Scott argued that his stipulation and the State's petition were based on the then-current version of the DSM, the DSM-IV, but that the just-released DSM-V constitutes a significant change in the law and demonstrates the invalidity of his initial commitment. CP 343-44.[1] Thus, Mr. Scott argued he "never meet [sic] the statutory criteria from day one. Even the petition itself has now been proven to have relied on the bogus diagnoses of pedophilia and hebaphilia." CP 345. His motion contests the legality of his stipulation because "it was made with the mistaken belief that the diagnoses given to Scott were valid and would meet the requirements of *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923)." CP 396.

Despite the change in the law and the promptness with which Mr. Scott moved for relief under CR 60(b), the superior court denied his motion without oral argument. CP 399-400.

[1] Mr. Scott further contended that a 2001 predicate offense conviction "is about to be vacated." CP 344. That ruling is under consideration by the superior court at this time.

E. ARGUMENT

Because Mr. Scott's stipulation was based on a now invalid diagnosis, the trial court should have granted his motion for relief from the indefinite commitment order that is premised entirely on his stipulation.

A trial court's decision whether to vacate judgment pursuant to CR 60 is reviewed for abuse of discretion. *In re Marriage of Tang*, 57 Wn. App. 648, 653, 789 P.2d 118 (1990). A trial court abuses its discretion when its decision is manifestly unreasonable or based on untenable grounds. *State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971). A court's decision is manifestly unreasonable if it is outside the range of acceptable choices, given the facts and the applicable legal standard. *In re Marriage of Littlefield*, 133 Wn.2d 39, 47, 940 P. 2d 1362 (1997). "The range of discretionary choices is a question of law and the judge abuses his or her discretion if the discretionary decision is contrary to law." *State v. Neal*, 144 Wn.2d 600, 609, 30 P.3d 1255 (2001).

1. Civil Rule 60(b) provides for relief from judgment in exceptional circumstances such as a change in the law.

Civil Rule 60 allows persons committed pursuant to Washington's sexually violent predator law to move to vacate judgment. *In re Det. of Ward*, 125 Wn. App. 374, 379, 104 P.3d 751

(2005). CR 60(b) authorizes the court to relieve a party from a final judgment "upon such terms as are just."

Proceedings to vacate judgments are equitable in nature and the court should exercise its authority liberally to preserve substantial rights and do justice between the parties. *Haller v. Wallis*, 89 Wn.2d 539, 543, 573 P.2d 1302 (1978). "[C]ircumstances arise where finality must give way to the even more important value that justice be done between the parties." *Suburban Janitorial Servs. v. Clarke American*, 72 Wn. App. 302, 313, 863 P.2d 1377 (1993). "CR 60 is the mechanism to guide the balancing between finality and fairness." *Id.* In balancing the equities within the SVP context, where a person faces extreme deprivation of liberty, this Court recognizes "[t]he interest in finality of judgments is easily outweighed by the interest in ensuring that an individual is not arbitrarily deprived of his liberty." *Ward*, 125 Wn. App. at 380.

This Court's decision in *In re Det. of Ward* is instructive. 125 Wn. App. at 377-78. Mr. Ward had stipulated to commitment under ch. 71.09 RCW in 1991. *Id.* at 376. Two years after his stipulation, our Supreme Court held "that when a defendant has been released from confinement since his last sex offense, but before [SVP] proceedings

are initiated against him, the State must prove he committed a recent overt act in order to establish his dangerousness." *Id.* at 377 (citing *In re Pers. Restraint of Young*, 122 Wn.2d 1, 41-42, 857 P.2d 989 (1993)). Ten years after *Young*, Mr. Ward filed a CR 60(b) motion in the superior court arguing his initial commitment order should be vacated based on this change in the law and the fact that he had not stipulated to, and the State had not proved, a recent over act. *Id.* at 377. Mr. "Ward argued that there was a significant change in law that justifies relief from judgment[,]" that is, his initial commitment order. *Id.* at 378.

Similarly, Mr. Scott contests his initial commitment order based on newly discovered evidence and a change in the law and science. CR 60(b)(3), (11). The State has conceded that CR 60(b) governs a motion to vacate an initial commitment order based on a change in scientific evidence. *In re Det. of Fox*, 138 Wn. App. 374, 399 n.17, 158 P.3d 69 (2007), *revised on remand on other grounds by* 144 Wn. App. 1050, 2008 WL 2262200 (Jun. 03, 2008). Under subsection (3), a motion for relief from judgment may be based on newly discovered evidence that could not be discovered with due diligence within 10 days after entry of the judgment. CR 60(b)(3); CR 59(a)(3), (b). Here, the debate

surrounding hebephilia diagnoses took shape in the years after Mr. Scott's stipulation, and the diagnosis was not officially rejected until the publication of the DSM-V in 2013. *See* Section E.3, *infra.* In light of these circumstances, Mr. Scott could not have discovered the new evidence pertaining to the hebephilia diagnosis with due diligence within the time required for a CR 59(a)(3) motion. His motion under CR 60(b)(3) was the appropriate mechanism.

Even if relief could not be had for newly discovered evidence, subsection (11) of CR 60 authorizes a trial court to grant relief from judgment for "[a]ny other reason justifying relief from the operation of the judgment." A person committed as a sexually violent predator may move to vacate judgment under CR 60(b)(11) when his circumstances do not permit moving under another subsection of CR 60(b). *Ward*, 125 Wn. App. at 379. For the detainee to be entitled to relief under CR 60(b)(11), the case must involve "extraordinary circumstances" that constitute irregularities extraneous to the proceedings. *Id.* But again, because the infringement on a person's liberty in the sexually violent predator context is immense, the interest in finality of judgments must give way to the interest in ensuring the deprivation of liberty is not arbitrary. *Id.* at 380.

"[A] change in the law may create extraordinary circumstances, satisfying CR 60(b)(11)." *Ward*, 125 Wn App. at 380. As discussed below, the mental abnormality diagnosis upon which Mr. Scott's stipulation for commitment was based is no longer valid. Because a mental abnormality is critical to the indefinite civil commitment scheme, its validity affects the propriety of the indefinite commitment order. *See Ward*, 125 Wn. App. at 380 (discussing connection of change in law to commitment); *Foucha v. Louisiana*, 504 U.S. 71, 77, 80, 112 S. Ct. 1780, 118 L. Ed. 2d 437 (1992) (due process violation to continue to confine a person who is no longer both mentally ill and dangerous); *Kansas v. Hendricks*, 521 U.S. 346, 356-57, 117 S. Ct. 2072, 138 L. Ed. 2d 501 (1997); *In re Detention of Thorell*, 149 Wn.2d 724, 731-32, 72 P.3d 708 (2003). Mr. Scott brought a CR 60(b) motion expeditiously upon learning of the change. *See* CR 60(b)(3) (permitting relief from judgment for "newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under rule 59(b)"); *Ward*, 125 Wn. App. at 380-81 (motion not timely where a decade passed between change in law and filing). Thus, unlike Mr. Ward, Mr. Scott's motion is timely. *Ward*, 125 Wn.

App. at 380-81. Under CR 60(b)(3) or (11), Mr. Scott is entitled to relief.

2. Parties should be relieved from a stipulation in the furtherance of justice.

"[C]ourts may, in the exercise of a sound judicial discretion and in the furtherance of justice, relieve parties from stipulations which they have entered into in the course of judicial proceedings." *State v. Superior Court*, 151 Wash. 413, 418, 276 P. 98 (1929). "Courts have frequently granted such relief in the case of stipulations which the parties have entered into improvidently, mistakenly, or as a result of fraudulent inducements, especially if the enforcement thereof would work injustice." *Id.*; *accord Stevenson v. Hazard* 152 Wash 104, 110, 277 P. 450 (1929); *see State v. Walsh*, 143 Wn.2d 1, 6, 17 P.3d 591 (2001) (in criminal context, withdraw of guilty plea allowed "whenever it appears that the withdrawal is necessary to correct a manifest injustice."). A civil detainee can avail himself of CR 60(b) to vacate a stipulation upon which his commitment is based. *Ward*, 125 Wn. App. at 378-79.

Here, Mr. Scott entered into a stipulation that he satisfied the criteria for commitment under the mistaken belief that hebephelia was a valid predicate diagnosis. CP 396. As set forth below, the drafters of

the diagnostic manual also had not foreseen the diagnosis or its misuse as a predicate for commitment. Since Mr. Scott entered into the stipulation, the validity of the diagnosis has been subject to much debate and heartedly rejected. The stipulation should be vacated, and Mr. Scott returned to the position he was in before the stipulated order of commitment was signed. *See Ward*, 125 Wn. App. at 378-79.

The State may argue that Mr. Scott should not be relieved from the stipulation because it included other diagnoses—most significantly, pedophilia. *See* CP 350. But as Mr. Scott set forth in his motion to the trial court, his understanding of the validity of the hebephilia diagnosis informed his decision to stipulate. CP 396. Mr. Scott has a fundamental liberty interest in not being indefinitely detained. *E.g.*, U.S. Const. amend. XIV; Const. art. I, § 3; *Kansas v. Hendricks*, 521 U.S. 346, 356-57, 117 S. Ct. 2072, 138 L. Ed. 2d 501 (1997); *Foucha v. Louisiana*, 504 U.S. 71, 77, 80, 112 S. Ct. 1780, 118 L. Ed. 2d 437 (1992). He had a right to a jury trial, and to argue the invalidity of the pedophilia diagnosis to a jury. He elected not to do so under the mistaken understanding that the State's expert's hebephilia diagnosis was valid. *See* CP 396. His waiver of these fundamental rights was not knowing, intelligent and voluntary because it was not informed by the

controversy surrounding a hebephilia diagnosis. *See State v. Codiga*, 162 Wn.2d 912, 922, 175 P.3d 1082 (2008) (due process requires criminal defendant's guilty plea to be knowing, intelligent and voluntary); *Walsh*, 143 Wn.2d at 6. In light of the new scientific evidence, Mr. Scott should be allowed to withdraw that agreement.

3. It is now clear that the hebephilia diagnosis, to which Mr. Scott stipulated as being sufficient, is not generally accepted in the psychological field and should be challenged as a sufficient basis for commitment.

The State's expert diagnosed Mr. Scott with paraphilia not otherwise specified (hebephilia). CP 297. Mr. Scott specifically stipulated that he suffered from hebephilia, which qualified as a mental abnormality and/or personality disorder. CP 350. At the time of the stipulation, the hebephelia diagnosis relied upon unforeseen vagueness in the then-current DSM-IV that had not been subject to debate or peer review because it was an unanticipated use of the DSM diagnostic categories. *E.g.*, CP 387; Frances & First, M.D.s, "Hebephilia Is Not a Mental -Disorder in DSM-IV-TR and Should Not Become One in DSM-5," J Am. Acad. Psychiatry Law 39:1 at 78, 79, 81 (February 2011).[2] As two drafters of the DSM-IV discussed in 2011,

[2] *Available at* http://www.jaapl.org/content/39/1/78.full.

> The possibility of including hebephilia as a specific NOS example never arose during the development of DSM-IV or DSMIV-TR because no one suggested it. This concern did not arise until SVP evaluators started to assert that paraphilia NOS, hebephilia, was a legitimate basis for meeting the mental abnormality requirement in SVP statutes.

Frances & First, *supra*, at 81.

Since Mr. Scott's 2007 stipulation, however, hebephilia has been subject to intense debate. As noted, drafters of the DSM-IV spoke out about the abuse of the DSM-IV criteria and the bases for not including a hebephilia diagnosis in the DSM-V. Frances & First, *supra*. Hebephilia, as a medical diagnosis, was repeatedly critiqued and rejected. *E.g.*, Karen Franklin, Ph.D., "Forensic Psychiatrists Reject Hebephilia – Again," in *Witness: A blog about forensic psychology* (Nov. 1, 2012);[3] "Hebephelia," in *Wikipedia* (last visited Dec. 9, 2013).[4] The professional community largely rejected the diagnosis during this recent examination of the diagnosis. For example, "During academic conferences for the American Academy of Psychiatry and Law and International Association for the Treatment of Sexual Offenders, symbolic votes were taken regarding whether the

---

[3] http://www.psychologytoday.com/blog/witness/201211/forensic-psychiatrists-reject-hebephilia-again.

[4] http://en.wikipedia.org/wiki/Hebephilia#DSM-5_debate.

DSM-V should include pedohebephilia, and in both cases an overwhelming majority voted against this." "Hebephelia," in *Wikipedia*.

The debate has also occurred in the courts—resounding in rejection of hebephilia as a sufficient diagnosis. The District Court of Hawai'i, refused to commit an individual on the basis of hebephilia. *United States v. Abregana*, 574 F. Supp. 2d 1145, 1150-51 (D. Haw. 2008). There, the State's expert diagnosed Mr. Abregana with paraphilia NOS (hebephilia). On the other hand, the defense experts testified hebephilia is not listed as a sexual deviance in DSM-IV-TR or other important literature in the field, and that even if it is a valid diagnosis, the degree of pathology of hebephilia is much less than that of other paraphilias such as pedophilia or sexual sadism. *Id.* at 1153. Given this conflicting evidence, the court concluded the government did not prove by clear and convincing evidence the disorder was a serious mental disorder. *Id.* at 1154, 1159.

Even more recently, a federal court ordered the government to release a detainee because the government "failed to show that hebephilia is a mental illness recognized by the mental health community." *United States v. Neuhauser*, 2012 WL 174363, *1

(E.D.N.C. Jan. 20, 2012). The court noted that hebephilia "has been rejected as a proper mental disorder by numerous psychologists." *Id.* at *2. In fact, "even the government's experts concede that characterization of hebephilia is a hotly contested issue in the mental health community." *Id.* Further, even if the government had shown hebephilia to be generally accepted, release was still required because the diagnosis did not cause Neuhauser "serious difficulty refraining from sexually violent conduct" as is constitutionally required for indefinite civil commitment. *Id.* at *1, 2.

Unsurprisingly, hebephelia was not included in the DSM-V published this year. Although formal proposals to include a hebephilia diagnosis in the DSM-V were considered, the drafters of the DSM-V rejected any inclusion of hebephilia as a mental disorder.[5] Its inclusion in the DSM-V was explicitly rejected. *E.g.*, CP 386-87 (Allen Frances, M.D., DSM 5 in Distress, *Psychology Today* (Feb. 22, 2013)).

---

[5] *E.g.*, Frances & First, *supra*, at 78-79, 82; Warren Throckmorton, "Does the APA consider hebephilia to be normal?" http://www.patheos.com/blogs/warrenthrockmorton/2013/05/16/does-the-apa-consider-hebephilia-to-be-normal/ (May 16, 2013) (reporting APA Board of Trustees rejected working group proposal to include hebephelia diagnosis); Allen Frances, "DSM-5 Rejects 'Hebephilia' Except for the Fine Print" in The Blog, Huffington Post, http://www.huffingtonpost.com/allen-frances/dsm-5-rejects-hebephilia-_b_1475563.html (last visited Dec. 9, 2013).

This change—the outing of hebephilia as an invalid diagnosis, or at least as not generally accepted—affects the validity of Mr. Scott's stipulation. As discussed below, he should be allowed to withdraw that stipulation because it relies on a now-invalid basis for commitment.

4. Mr. Scott should be allowed to withdraw his stipulation and the trial court instructed to schedule an initial commitment trial.

The trial court abused its discretion in denying Mr. Scott's motion for relief from judgment under CR 60(b). As set forth above, after Mr. Scott stipulated to a hebephilia diagnosis, the scientific validity of the diagnosis came under sharp critique and was rejected for inclusion in the latest version of the DSM, the DSM-V. On this basis, Mr. Scott should be allowed to withdraw his stipulation and the matter remanded for an initial commitment trial.[6] The trial court's finding that the CR 60(b) motion had no basis in the law or science was manifestly unreasonable. CP 399-400.

F. CONCLUSION

Since Mr. Scott's stipulation to indefinite commitment, the mental abnormality diagnosis justifying his commitment has been subject to immense debate and conflict. It is not generally accepted in

[6] During the time pending trial, the State can continue to hold Mr. Scott as it did before the initial stipulation.

the field. Mr. Scott should be permitted to challenge the sufficiency of the diagnosis due to this recent change. The Court should reverse the trial court's denial of Mr. Scott's CR 60(b) motion and remand for an initial commitment trial.

DATED this 11th day of December, 2013.

Respectfully submitted,

Marla L. Zink – WSBA 39042
Washington Appellate Project
Attorney for Appellant

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

IN RE THE PERSONAL RESTRAINT PETITION OF	)	
	)	
	)	
RICHARD SCOTT,	)	NO. 70692-6-I
	)	
	)	
APPELLANT.	)	
	)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, NINA ARRANZA RILEY, STATE THAT ON THE 11TH DAY OF DECEMBER, 2013, I CAUSED THE ORIGINAL **OPENING BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

[X] DONALD PORTER, DPA KING COUNTY PROSECUTOR'S OFFICE SVP UNIT KING COUNTY ADMINISTRATION BLDG. 500 FOURTH AVENUE, 9TH FLR SEATTLE, WA 98104	(X) ( ) ( )	U.S. MAIL HAND DELIVERY _____
[X] RICHARD SCOTT SPECIAL COMMITMENT CENTER PO BOX 88600 STEILACOOM, WA 98388	(X) ( ) ( )	U.S. MAIL HAND DELIVERY _____

SIGNED IN SEATTLE, WASHINGTON THIS 11TH DAY OF DECEMBER, 2013.

x _____

Washington Appellate Project
701 Melbourne Tower
1511 Third Avenue
Seattle, Washington 98101
☎(206) 587-2711