NO. 94770-8

SUPREME COURT OF THE STATE OF WASHINGTON

JOHN DOE,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

STATE'S ANSWER TO PETITION FOR REVIEW

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I. INTRODUCTION

This case involves the well-settled law that Washington's sex offender registration requirements are constitutional. *In re Meyer*, 142 Wn.2d 608, 16 P.3d 563 (2001); *State v. Ward*, 123 Wn.2d 488, 869 P.2d 1062 (1994); *State v. Enquist*, 163 Wn. App. 41, 45-49, 256 P.3d 1277 (2011). Because this Court's cases allow non-punitive registry requirements, John Doe failed to show that RCW 9A.44.130(3), which requires registered sex offenders to provide advance notice before leaving the country, is facially unconstitutional since the registration requirements do not restrict the ability to travel abroad. Although Doe argues that this case involves an as-applied challenge, Doe has not attempted to travel abroad or provide notice under the statute, so it is impossible to analyze the constitutional issues as applied to Doe. His facial challenge fails, as there are circumstances where an offender could provide notice and travel abroad without implicating constitutional concerns.

Doe cites no reason under RAP 13.4 for this Court to take review and none exists. This Court should deny review.

II. ISSUES

Review is not warranted, but if it were granted these issues would be presented:

1. Did Doe fail to prove that RCW 9A.44.130(3), which requires registered sex offenders to provide advance notice before traveling abroad, is unconstitutional in all instances, where an offender can provide 21 days' notice and then travel abroad?

2. Did the Court of Appeals correctly hold that Doe's as-applied challenges are not ripe when Doe has not attempted to travel abroad or provide notice of his intent to travel abroad?

3. Did the Court of Appeals correctly hold that RCW 9A.44.130(3) does not violate the ex post facto prohibition where courts have repeatedly rejected ex post facto challenges to Washington's sex offender registration laws?

4. Did the Court of Appeals correctly hold that RCW 9A.44.130(3) does not violate article I, section 7's right to privacy, where registered offenders have a diminished privacy interest in information related to their location and where complying with the registered sex offender requirements is a condition of their release?

5. Did the Court of Appeals correctly hold that RCW 9A.44.130(3) is not unconstitutionally vague, where it sets forth when offenders must seek 21 days' written notice and when they must seek 24 hours' notice in-person?

6. Does RCW 9A.44.130(3) regulate out of state behavior where Doe must provide the notice to the sheriff in Washington before leaving the country?

III. STATEMENT OF THE CASE

A. Doe Pleaded Guilty to Two Counts of Communicating with a Minor for Immoral Purposes, so He Has to Register as a Sex Offender

In June 2011, Doe pleaded guilty to two counts of communication with a minor for immoral purposes for his actions with a 12 year-old

victim. CP 278-79.[1] As a result of his convictions, Doe had to register as a sex offender, and he will remain on that registry until 2021. CP 283.

Having completed his prison term, Doe lives in King County and works as a licensed engineer in Washington, Alaska, British Columbia, and other states. CP 273. While Doe claimed that his work might take him out of the country, Doe has not traveled or attempted to travel outside the country since his 2011 conviction, and he has never attempted to provide notice to the county sheriff under the statute he is challenging. CP 283-86, 289. He has no materialized travel plans abroad, and Canada rejected his early 2015 request for a temporary residence permit. CP 285, 289.

B. In 2015, the Legislature Amended RCW 9A.44.130 to Require Registered Sex Offenders to Notify the Sheriff Before Traveling Internationally

In May 2015, the Governor signed SB 5154, which amended and added requirements for registered sex offenders, including RCW 9A.44.130, taking effect July 24, 2015. Laws of 2015, ch. 261. The new

[1] The superior court ordered that the true name and previous cause number for the criminal case be sealed or redacted in these proceedings. CP 131-32. Consistent with that order, the State will not disclose the name or previous cause number in this brief. Also consistent with that order, along with its motion for summary judgment, the State filed a declaration under seal that included exhibits containing identifying information. Because the declaration is under seal, the superior court will not provide the State with a copy of the declaration and exhibits containing the clerk's paper numbering. Using the index to clerk's papers, this brief identifies the clerk's papers page numbers based on the State's own copy of the declaration it filed, but the State cannot independently verify that the clerk's papers page numbers match.

RCW 9A.44.130(3)[2] requires sex offenders to notify the county sheriff in writing at least 21 days before leaving the country. Offenders must provide their name, passport number and issuing country, destination, and itinerary details. *Id.* In the event of "unexpected travel due to family or work emergencies," including routine business travel, the statute allows offenders to provide 24 hours in-person notice with an explanation of why written notice was impractical. *Id.* The sheriff then forwards this information to the U.S. Marshal. *Id.*

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[2]RCW 9A.44.130(3) provides:

> Any person required to register under this section who intends to travel outside the United States must provide, by certified mail, with return receipt requested, or in person, signed written notice of the plan to travel outside the country to the county sheriff of the county with whom the person is registered at least twenty-one days prior to travel. The notice shall include the following information: (a) Name; (b) passport number and country; (c) destination; (d) itinerary details including departure and return dates; (e) means of travel; and (f) purpose of travel. If the offender subsequently cancels or postpones travel outside the United States, the offender must notify the county sheriff not later than three days after cancellation or postponement of the intended travel outside the United States or on the departure date provided in the notification, whichever is earlier. The county sheriff shall notify the United States marshals service as soon as practicable after receipt of the notification. In cases of unexpected travel due to family or work emergencies, or for offenders who travel routinely across international borders for work-related purposes, the notice must be submitted in person at least twenty-four hours prior to travel to the sheriff of the county where such offenders are registered with a written explanation of the circumstances that make compliance with this subsection (3) impracticable.

C. Doe Facially Challenged RCW 9A.44.130(3), but the Superior Court Granted Summary Judgment to the State, Which the Court of Appeals Affirmed

Before the statute took effect, Doe sued the State, alleging that RCW 9A.44.130(3) is unconstitutional and seeking a preliminary injunction. CP 1-14. The superior court denied the request for a preliminary injunction. CP 129. The Court of Appeals denied his request and motion to modify. CP 299-306.

Doe sought discretionary review from this Court. CP 309. This Court denied review and Doe's motion to modify, holding that Doe could not establish a clear right to travel and that he failed to show the statute's excessiveness in relation to its non-punitive purpose of tracking sex offenders. CP 135, 311-14, 316.

At superior court, the State moved for summary judgment. CP 142-51. After allowing Doe multiple opportunities to make his record, the superior court granted the State's motion, ruling that RCW 9A.44.130(3) is constitutional and dismissed the case.[3] CP 158-91, 205, 211-59. The Court of Appeals affirmed the superior court's decision, holding that the statute is facially constitutional and that his as-applied challenge is not

[3]While Doe posits that he had no opportunity to put forth his case, the superior court gave him multiple opportunities to present any evidence supporting his case. CP 158-91, 205, 211-59; *see* Pet. at 10.

ripe for review. *Doe v. State*, No. 75228-6-I, 2017 WL 2242304 (Wash. Ct. App. May 22, 2017) (unpublished). Doe seeks review.

IV. REASONS WHY REVIEW SHOULD BE DENIED

Doe's failure to cite any rule under RAP 13.4 is reason enough to deny review. *See* RAP 13.4. His petition further shows no reason to grant review. Well-settled case law shows that the statute is facially constitutional and that Doe's as-applied challenge is not ripe for review. Doe has not travelled or attempted to travel abroad under the statute, so the facts necessary for review are undeveloped. The facial challenge fails because the statute applies the non-punitive, regulatory requirements that the courts have routinely upheld. This Court should deny review.

A. Doe's as-Applied Challenge Is Not Ripe

This Court's decisions show that Doe's as-applied challenge is not ripe. A pre-enforcement challenge is ripe only "if the issues raised are primarily legal, do not require further factual development, and the challenged action is final." *State v. Bahl*, 164 Wn.2d 739, 751, 193 P.3d 678 (2008); *see also State v. Cates*, 183 Wn.2d 531, 534-36, 354 P.3d 832 (2015) (challenge to community custody condition that an officer could search defendant's home for a computer not ripe where officers had yet to search the home). The court also must consider the hardship to the petitioner of withholding court consideration. *Bahl*, 164 Wn.2d at 751.

Here, there is no way to analyze any hardship because Doe has not yet given notice under the statute, or attempted to travel internationally with or without giving notice.[4] Without knowing these facts, a court has to speculate to analyze the constitutional challenges. Doe can still travel abroad, so he suffers no hardship on the facts available. The Court of Appeals correctly applied this Court's case law in holding that Doe's as-applied challenge is not ripe. This Court should deny review.

Doe misplaces his reliance on *Steffel v. Thompson*, 415 U.S. 452, 94 S. Ct. 1209, 39 L. Ed. 2d 505 (1974), and *Duarte ex rel. Duarte v. City of Lewisville*, 759 F.3d 514 (5th Cir. 2014). *See* Pet. at 16-20. In *Steffel*, the state threatened prosecuting protestors for their hand billing outside a shopping center, which then deterred the protestors' exercise of constitutionally protected speech. 415 U.S. at 455-56, 459. The Court held that the case was ripe because the threats of prosecution were not imaginary or speculative. *Id.* at 459. Similarly in *Duarte*, the state Sex Offender Registrar sent the Duartes correspondence warning against purchasing or renting specific properties, so the threat was not imaginary or speculative. 759 F.3d at 520.

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[4]Doe claims that he considered going to Mexico while visiting family in Arizona, but chose not to because he could not provide notice to the sheriff. Pet. at 19-20. That Doe might have thought about traveling makes any threat of prosecution imaginary and speculative.

But here, Doe has not attempted to travel in or out of compliance with RCW 9A.44.130(3), and no state authority has threatened Doe with prosecution for violating the statute. Unlike in *Steffel* and *Duarte*, there is no imminent threat of state prosecution here. This Court should deny review.

B. Doe Cannot Meet the Longstanding Test That the Statute is Unconstitutional in All Instances

A facial challenge occurs when a party seeks to invalidate an entire statute, as opposed to preventing specific manners of application. *City of Redmond v. Moore*, 151 Wn.2d 664, 668-69, 91 P.3d 875 (2004). A facial challenge must be rejected when "no set of circumstances exists in which the statute, as currently written, can be constitutionally applied." *Id.* at 669; *see Lummi Indian Nation v. State*, 170 Wn.2d 247, 258, 241 P.3d 1220 (2010); *Tunstall ex rel. Tunstall v. Bergeson*, 141 Wn.2d 201, 221, 5 P.3d 691 (2000). Holding a statute facially unconstitutional is an extreme remedy. *See Moore*, 151 Wn.2d at 668-69. These challenges are contrary to the fundamental principle of judicial restraint that "courts should neither anticipate a question of constitutional law in advance of the necessity of deciding it nor formulate a rule of constitutional law broader than is required by the precise facts." *Wash. State Grange v. Wash. State*

Republican Party, 552 U.S. 442, 450, 128 S. Ct. 1184, 170 L. Ed. 2d 151 (2008) (quotations omitted).

Here, the Court of Appeals recognized that Doe has not attempted to travel abroad, so it considered the following hypothetical for Doe's facial challenge:

> A registered sex offender wishes to travel abroad in several months. He mails written notice of his travels to the county sheriff by certified mail more than twenty-one days before his departure. The sheriff receives the notice, which lists his name, passport number and country, destination, itinerary details including departure and return dates, and means and purpose of travel. This information is forwarded to the U.S. Marshall, who provides it to Interpol, which sends it to the destination country. The offender travels as planned.

Slip op. at 5. As discussed below in Part IV.D, this hypothetical is a circumstance in which the statute could be constitutionally applied, so Doe's facial challenge fails. This Court should deny review.

C. This Court's Well-Settled Case Law Holds That Washington's Offender Registry Is Regulatory in Nature, and No Foreign Case Cited by Doe Contradicts That Holding

Existing law shows Doe's challenges regarding ex post facto provisions are meritless and do not require review. Federal courts uphold ex post facto applications of regulatory offender registries when they are regulatory in nature. This Court held that Washington's registry is regulatory and not an ex post facto violation. *Ward*, 123 Wn.2d at 496. But the cases cited by Doe involve as-applied challenges to schemes far

different from Washington's, under circumstances where the Court has found the restrictions to the sex offenders punitive and draconian. In contrast, this case involves a facial challenge to a registration system that this Court has already held is not punitive. Doe's arguments lack merit and show why this Court should deny review.

Contrary to Doe's assertion that this case presents an issue of first impression on ex post facto jurisprudence, this case simply applies the well-settled case law announced by the U.S. Supreme Court, and this Court in *Ward* and its progeny. Pet. at 7-9. Applying this line of cases shows that review is not warranted, and even if this were an issue of first impression, that is not a reason identified in RAP 13.4 to grant review.

The U.S. Supreme Court has set forth a framework for federal analyses of applying the ex post facto clause to sex offender registry laws. *Smith v. Doe*, 538 U.S. 84, 123 S. Ct. 1140, 155 L. Ed. 2d 164 (2003). In upholding a retroactive application of Alaska's registry requirements, the Court examined whether the legislature intended to impose punishment or whether the intent was to create a regulatory scheme that is civil and nonpunitive. 538 U.S. at 92, 105-06. The Court held that it is regulatory to publicly disseminate information about a person's conviction for the purpose of public safety and the requirements did not impose punitive restraints, so there was no ex post facto violation. *Id.* at 101-02.

Looking to Washington law, in *Ward*, this Court held that there was no ex post facto violation when the Legislature applied the sex offender registry law to individuals already convicted and sentenced before its enactment. 123 Wn.2d at 496. In *Enquist*, the Court of Appeals applied *Ward* to hold that the parts of RCW 9A.44.130 requiring a transient offender to register are not an ex post facto violation. 163 Wn. App. at 45-49. The court explained that while registering and providing notice might be an inconvenience, it was not punitive. *Id.* at 49.

Doe cannot meaningfully distinguish the well-settled decisions in *Smith*, *Ward*, and *Enquist* from this case because he cannot show that the international travel notice requirement is punitive and not regulatory, particularly considering the other parts of the registry statutes that the courts have repeatedly held to be regulatory. The Court of Appeals pointed this out in rejecting his argument. Slip op. at 8-9.

Even in his petition, Doe never explains how requiring notice before travelling abroad places more of a burden on offenders than what they already must do. Pet. at 8-9. Doe merely asserts that the notification requirement is too strict, but he cannot show that the notification requirement is punitive when courts in *Ward* and *Enquist* have held that registering and providing updated information when he moves are not

punitive. And he gives this Court no reason to revisit those cases. This is not enough to warrant review.

Doe cites a litany of other state and federal court cases in an attempt to show that there is a national trend to protect sex offenders from the effects of registering. Pet. at 4-7. The argument ignores the well-settled Washington case law upholding Washington's registry scheme. Not only are all the cases as-applied challenges, but these cases involve laws that stop an offender's activity rather than require notice, which is at issue here. *See, e.g.*, *Packingham v. North Carolina*, ___ U.S. ___, 137 S. Ct. 1730, 1737, 198 L. Ed. 2d 273 (2017); *Does #1-5 v. Snyder*, 834 F.3d 696, 705-06 (6th Cir. 2016); *Doe v. Miami-Dade Cty., Florida*, 846 F.3d 1180, 1183 (11th Cir. 2017). The cases analyze punitive schemes different from Washington's regulatory scheme. A critical distinguishing factor in the primary cases he relies upon, *Packingham*, *Synder*, and *Miami-Dade*, is that these cases are a bar to an offender accessing locations. *Id.* In contrast, here the statute does not prevent access to anything and requires notification of the offender's whereabouts only.

In *Packingham v. North Carolina*, for example, the Supreme Court struck down a statute preventing sex offenders from accessing commonplace social media websites as violating the First Amendment. 137 S. Ct. 1730. Analyzing whether a statute violates the First

Amendment requires a different analysis than analyzing whether a statute's application would violate the ex post facto clause. By protecting access to social media, the Court protected the fundamental First Amendment-protected ability to have access to places where a person could speak and listen, and to access forums that allow a person to speak and listen. *Id.* at 1735, 1737. No such barring of access to forums to speak is involved here; Washington law does not bar Doe from going anywhere—he just must provide notice. And because the Supreme Court never analyzed whether that statute violated the ex post facto clause, which is what Doe alleges here, this case provides no guidance here.

Washington's offender registry is also vastly different from the Michigan scheme that the Sixth Circuit held was too punitive in *Snyder*. *Contra* Pet. at 5. Michigan's sex offender registry laws restrict where offenders can live, work, or loiter; and it requires the offenders to provide information on their vehicles and internet identifiers (like email accounts). *Snyder*, 834 F.3d at 698. Washington's scheme does not have these punitive requirements. *See* RCW 9A.44.130. Requiring an offender to provide notice before international travel is significantly less restrictive than limiting where an offender can live, work, or loiter. *Enquist* recognized that it does not violate the ex post facto clause nor the right to travel to require a transient offender to report their whereabouts weekly.

163 Wn. App. 41. Notifying when international travel will occur is simply another way of reporting the offender's whereabouts and does not prevent the sex offender from going anywhere like the Michigan law did. Further, *Snyder* is distinguishable because the system was not about providing notice before traveling—it analyzed a strict scheme that limited an offender's ability to live, work, and loiter. 834 F.3d at 698.

The Eleventh Circuit also analyzed a strict offender registry scheme that limited offenders' ability to live in certain locations in *Miami-Dade*. 846 F.3d 1180; Pet. at 6-7. There, offenders challenged an ordinance that prohibited sex offenders from living within 2,500 feet from schools as violating the ex post facto prohibition. *Miami-Dade*, 846 F.3d at 1182-83. The Eleventh Circuit held that the plaintiffs established a sufficiently plausible claim to survive a civil rule 12 motion to dismiss because the offenders alleged the restriction is so punitive in effect as to violate the ex post facto clause. *Id.* at 1186. But here, the statute does not restrict where Doe can live, and it does not even restrict his ability to travel. *See* RCW 9A.44.130(3). It merely requires that he provide notice, not stop him from living somewhere. *Miami-Dade* is distinguishable because rather than analyze a travel notification requirement, it analyzes a registry scheme that differs from Washington's, where offenders are

restricted in where they can live, and it is based on an as-applied challenged with ripe facts. 846 F.3d 1180.

Doe also hastily relies on several other decisions that are as-applied challenges to punitive schemes that do more than just require registration. Pet. at 5-6. These cases are as-applied challenges on ex post facto grounds that are punitive and not regulatory. *See State v. Doe*, 297 P.3d 885 (Alaska 2013) (upholding an earlier decision that statute extending registering duration violates ex post facto clause); *State v. Hough*, 978 N.E.2d 505 (Ind. Ct. App. 2012) (rejecting argument that offender had to register in Indiana because he would have had to register in Pennsylvania, where the underlying crime took place); *Doe v. Dep't of Pub. Safety & Corr. Servs.*, 430 Md. 535, 562, 62 A.3d 123 (2013) (holding Maryland's offender registry is so punitive as to constitute ex post facto violation because the laws "have the same practical effect as placing Petitioner on probation or parole"); *Doe v. State*, 167 N.H. 382, 393-94, 111 A.3d 1077 (2015) (amendments, including restrictions on internet usage and publishing photographs of offender, to New Hampshire's offender registry laws violated ex post facto clause because they were punitive); *Starkey v. Okla. Dep't of Corr.*, 305 P.3d 1004 (Okla. 2013) (amendments to registration periods violated ex post facto clause). None of these cases addresses this Court's well-settled analysis in *Ward*

and its progeny. As no case cited by Doe addresses the circumstances presented here, they do not show that review is warranted.

D. Doe's Other Arguments Fail, so Review Is Unwarranted

Doe makes other arguments attempting to justify review. But all his arguments lack merit and show why review should not be granted.

1. Doe failed to meet the threshold requirements for review, so the Court of Appeals did not need to analyze the applicable scrutiny

Doe misses the mark in arguing that the Court of Appeals did not analyze the level of scrutiny on his claim that the statute violates his right to travel. Pet. at 9-11. RCW 9A.44.130(3) does not deter Doe's ability to travel. Consistent with the Court of Appeals' hypothetical, he can still travel internationally, and nothing in the statute precludes him from doing so. Slip op. at 6. Doe's right to travel is not implicated since he can travel.

Because the right to travel is not implicated, Doe failed to make the threshold showing that the statute is unconstitutional in all circumstances. *See Moore*, 151 Wn.2d at 669. The Court of Appeals did not need to go to the next step of analyzing the level of scrutiny.[5] Doe provides no reason to grant review.

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[5]There is no fundamental right to international travel and the scrutiny is not strict scrutiny. If it is necessary to go that next step, the statute is rationally related to an important governmental interest in the safety of the community. The right to foreign travel can be constitutionally limited. *Katare v. Katare*, 175 Wn.2d 23, 41, 283 P.3d 546 (2012) (citing *Califano v. Aznavorian*, 439 U.S. 170, 176, 99 S. Ct. 471, 58 L. Ed. 2d 435 (1978)). Contrary to Doe's assertions otherwise, sex offenders are not a part of a

2. The statute does not create an impermissible search under article I, section 7

This Court has already rejected Doe's argument that RCW 9A.44.130(3) creates an unconstitutional search. *See* Pet. at 11-12. This Court has explained that the sex offender registry does not violate offenders' right to privacy. *Meyer*, 142 Wn.2d at 619-21. Offenders already have a diminished expectation of privacy, including providing information during registering. *See id.*; *Ward*, 123 Wn.2d at 502; RCW 9A.44.130. In *Meyer*, the Court upheld statutes requiring offenders to provide information about their residence, place of employment, date of birth, aliases, and criminal history. 142 Wn.2d at 612-13, 619-22. Doe does not explain how travel information such as an itinerary and passport number is subject to a greater right of privacy than those requirements. *See also* Slip op. at 7.

While Doe cites a case holding that requiring an offender to wear a GPS unit for life is a search, that case is distinguishable from requiring an offender to provide the itinerary and passport number before traveling abroad. *See Grady v. North Carolina*, ___ U.S. ___, 135 S. Ct. 1368,

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protected class. Pet. at 10. And the State has an interest in protecting the health, safety, and welfare of its residents by enabling law enforcement to know when sex offenders are in the community. *State v. Glas*, 147 Wn.2d 410, 422, 54 P.3d 147 (2002) (where statute's purpose is to promote safety and welfare, the statute is presumed constitutional if it bears a reasonable and substantial relationship to that purpose).

1371, 191 L. Ed. 2d 459 (2015). This is because affixing a GPS unit will track the person's movements for life. *Id.* But here, the offender merely provides information once before travel. RCW 9A.44.130(3). And unlike tracking an offender's every movement like in North Carolina, the information provided here is the same information this Court has held to not be private. *Meyer*, 142 Wn.2d at 619-21. Doe has not attempted to travel so there has been no opportunity for a search. Doe's argument fails.

3. The statute is not vague

The Court of Appeals properly rejected Doe's vagueness argument. Vagueness challenges to laws that do not involve First Amendment rights are evaluated by the particular facts of each case. Slip op. at 9. RCW 9A.44.130(3) does not raise First Amendment concerns, so the court did not review the facial vagueness challenge.

The Court of Appeals' decision follows this Court's holding that the "rule regarding vagueness challenges is now well settled. Vagueness challenges to enactments which do not involve First Amendment rights are to be evaluated in light of the particular facts of each case." *City of Spokane v. Douglass*, 115 Wn.2d 171, 182, 795 P.2d 693 (1990) (internal citations omitted). When a challenged statute does not involve First Amendment interests, courts do not evaluate it for facial vagueness. *Id.* Doe has never raised a First Amendment challenge, and nothing in RCW

9A.44.130(3) invokes First Amendment protections. Even in his petition, Doe never addresses this fundamental problem. His facial vagueness challenge fails.

4. The statute does not regulate out of state behavior

So long as Doe is a Washington resident, he has to comply with Washington's sex offender registry requirements. While the statute involves traveling outside the border, the required notice must occur *before* traveling, meaning that Doe would provide notice to a sheriff in Washington before leaving the country. *See* RCW 9A.44.130(3). The statute does not regulate out of state behavior—it regulates Doe's behavior while he is in Washington and a Washington resident.

For this reason, so long as Doe remains subject to Washington laws as a resident, it does not matter whether he must register in other states. Doe ignores that if he moves to one of those states and is no longer a Washington offender, then he is no longer subject to Washington registry requirements. Doe's argument that the statute regulates out of state behavior fails, so this Court should deny review.

V. CONCLUSION

The Court of Appeals correctly rejected Doe's facial constitutional challenge because Doe could not show that RCW 9A.44.130(3) is unconstitutional in every circumstance. The court also correctly held that

Doe's as-applied challenges are not ripe because he has not attempted to travel abroad or provide notice under the statute. Doe has not presented an argument warranting this Court's review. This Court should deny it.

RESPECTFULLY SUBMITTED this 22 day of September, 2017.

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SUPREME COURT OF THE STATE OF WASHINGTON

JOHN DOE, Appellant, v. STATE OF WASHINGTON, Respondent.	DECLARATION OF MAILING

The undersigned, under penalty of perjury pursuant to the laws of the State of Washington, declares that on the below date, I mailed the State's Answer To Petition For Review and this Declaration of Mailing in the below described manner.

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RESPECTFULLY SUBMITTED this 22nd day of September, 2017, at Seattle, Washington.

ERLYN R. GAMAD
Legal Assistant

WASHINGTON ST. ATTORNEY GENERAL - LABOR & INDUSTRIES DIVISION - SEATTLE

September 22, 2017 - 12:24 PM

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