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COURT OF APPEALS

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BY *[Signature]*

NO. 39874-5-II

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**COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON**

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KEVIN M. MITCHELL,

Appellant,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

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**BRIEF OF RESPONDENT**

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Attorney General

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01-9-8  
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## I. INTRODUCTION

This Public Records Act (PRA) case involves an inmate request for records relating to a risk assessment and for records concerning the inmate in a Department of Corrections database used to track offender information. Consistent with *Sappenfield v. Dept. of Corrections*, 127 Wn. App. 83, 110 P.3d 808 (2005), *rev. denied*, 156 Wn.2d 1013 (2006), the Department responded to the request by advising the inmate he could inspect the records used in his risk assessment because they were kept in his central file. The Department further advised the inmate that because the database records were not in his central file and would require redactions when produced, he could either pay for copies of the redacted records or appoint a non-incarcerated representative to inspect them. The inmate, however, never responded to indicate how he wished to proceed, and the Department eventually closed the request as abandoned. When presented these undisputed facts, the superior court dismissed the inmate's complaint with prejudice, correctly finding no violation of the Public Record Act. This Court should affirm that decision.

## II. STATEMENT OF THE ISSUE

Does an agency comply with the Public Records Act when it notifies an inmate requestor it is prepared to make requested records available through either one of two means authorized under *Sappenfield v.*

*Dept. of Corrections*, 127 Wn. App. 83, 110 P.3d 808 (2005), *rev. denied*, 156 Wn.2d 1013 (2006), awaits direction from the requestor as to which means to access the records he prefers, and closes the request after the requestor fails to respond?

### III. STATEMENT OF THE CASE

Appellant Kevin M. Mitchell is an inmate in the custody of the Washington Department of Corrections (Department). In May 2007, while appealing a response from the Department to one of his PRA requests, Mr. Mitchell requested to inspect “any and all OBTS and/or OMNI screens or information pertaining to any LSI-R and my RMI identification. I wish to inspect these only.” CP at 31 (Letter dated May 14, 2007). The Offender Based Tracking System (OBTS), and its replacement, the Offender Management Network Information system (OMNI), are Department created and maintained databases that track offender information such as infraction history and housing assignments. CP at 27-28, ¶ 3 (Declaration of Gaylene Schave). The LSI-R and RMI are copyrighted risk assessment tools the Department used to determine the level of services required for offenders to reduce recidivism risk. CP at 27-28, ¶ 3.

Sheri Izatt, the public disclosure coordinator for the Stafford Creek Corrections Center (where Mr. Mitchell was housed at the time),

responded to Mr. Mitchell's request by letter dated June 18, 2007. CP at 33-34 (Letter dated June 18, 2007). Ms. Izatt advised Mr. Mitchell that, according to Department policy, offenders could personally inspect the records in their central and medical files, but not other records. However, the Department allowed offenders to designate a non-incarcerated person to inspect other records, and Ms. Izatt offered this as an option to Mr. Mitchell. CP at 33-34. Ms. Izatt also advised Mr. Mitchell that records used in determining his LSI-R and RMI scores were located in his central file, which he could inspect by scheduling a file review with the Records Department. CP at 33-34.

Mr. Mitchell responded to Ms. Izatt's June 18, 2007, letter in a letter dated July 1, 2007. He first accused Ms. Izatt of fault for failing to cite a statutory exemption to disclosure. CP at 36 (Letter dated July 1, 2007). He went on to request that the Department send his "OBTS and/or OMNI screens," as well as "any other data" held by the Department concerning him, to a private email address he provided in the letter. CP at 36

Gaylene Schave, a public records specialist in the Department's Tumwater office, responded to Mr. Mitchell's July 1, 2007, letter. In a letter dated July 16, 2007, Ms. Schave advised Mr. Mitchell that because the requested OBTS/OMNI records included information exempt from

disclosure that would have to be redacted, including victim information and social security numbers, Department policy prohibited production of the records electronically. CP at 28, ¶ 6 and CP at 38 (Letter dated July 16, 2007). However, Ms. Schave reminded Mr. Mitchell of his ability to have a non-incarcerated person inspect the records, or to pay for copies of the records. CP at 28, ¶ 6 and CP at 38. Ms. Schave also reminded Mr. Mitchell that the records used in determining his LSI-R and RMI assessments were in his central file, which he could inspect through the Records Office at his facility. CP at 38.

Mr. Mitchell did not respond to the July 16, 2007, letter. CP at 29, ¶ 7. Instead of telling the Department how he wanted to access the records he requested, Mr. Mitchell waited nine months, and filed the lawsuit at issue in this appeal. Appendix A, Docket, *Mitchell v. DOC*, Thurston County Superior Court Cause No. 08-2-00815-8, at Sub # 6. In addition, after waiting nine months to file suit, he waited nearly another three months to serve his summons and complaint and thereby notify the Department of his claim. Appendix A at Sub # 12 and Sub # 14. Not having heard from Mr. Mitchell after sending the July 16, 2007, letter outlining his options to access the records, the Department assumed he no longer wanted the records and administratively closed the request. CP at

29, ¶ 7. Even so, the Department remained ready to reopen and process the request if Mr. Mitchell advised that was what he wanted. CP at 29, ¶ 7

On July 31, 2009, the Thurston County Superior Court considered and denied Mr. Mitchell's motion to show cause and dismissed his complaint with prejudice. CP at 45-47. In its ruling, the superior court concluded the Department did not violate the PRA. Specifically, the court found there was no refusal to disclose information, but rather a failure by Mr. Mitchell to respond to the Department to clarify the means by which he wanted to access the requested records. Verbatim Report of Proceedings (VRP) (July 31, 2009) at 11-12.

On August 10, 2009, Mr. Mitchell requested the court reconsider its dismissal of his complaint. CP at 48-52. By order entered September 8, 2009, the court denied Mr. Mitchell's motion for reconsideration. On October 8, 2009, Mr. Mitchell timely initiated this appeal by depositing his Notice of Appeal into the Stafford Creek Corrections Center mail system, as allowed by General Rule 3.1.

#### IV. ARGUMENT

##### A. **The Department Properly Refused Inspection Of The Requested OBTS/OMNI Records Under The Well-Settled Rule Set Forth In *Sappenfield***

Mr. Mitchell requested to inspect two types of records – those relating to his risk assessment and those showing his OBTS/OMNI

screens. As requested, the Department offered Mr. Mitchell the opportunity to inspect the risk assessment records; those records were included in his central file. His claim challenges the Department's refusal to allow him to inspect the OBTS/OMNI records, which the Department offered to provide in hard copy format for the cost of copies, or to make the copies available at no cost for inspection by a non-incarcerated person of Mr. Mitchell's choosing.

Not satisfied with these options, Mr. Mitchell argues the PRA obligates the Department to make all public records available for inspection by inmate requestors, and that denial of inspection is a denial of records. However, the PRA does not require the Department to make all records available for inspection by inmate requestors. *Sappenfield v. Dept. of Corrections*, 127 Wn. App. 83, 110 P.3d 808 (2005), *rev. denied*, 156 Wn.2d 1013 (2006). In fact, in *Sappenfield*, Division Three of the Court of Appeals considered and rejected the very same argument Mr. Mitchell makes here. The case is therefore instructive.

Brandt Sappenfield, an inmate at Airway Heights Corrections Center, requested to inspect certain records not included in his offender file. Pursuant to Department of Corrections Policy No. 280.510 (the same one Mr. Mitchell challenges in this case), the Airway Heights public disclosure coordinator informed Mr. Sappenfield he could not inspect the

records but could obtain copies for a fee. *Id.* at 85. Like Mr. Mitchell in this case, Mr. Sappenfield considered this response a denial. He sued the Department and, again like Mr. Mitchell here, argued the Department violated the PRA when it refused to let him inspect the requested records and failed to state a statutory basis for the refusal. He further argued the Department's public records policy was invalid because it did not authorize incarcerated offenders to personally inspect all records. *Id.* at 86.

The trial and appellate courts rejected Mr. Sappenfield's claims. The Court of Appeals held that although the choice whether to copy or inspect records on site typically was the requestor's to make, the nature of Mr. Sappenfield's circumstances and request supported departure from the normal rule. The Court explained as follows:

The circumstances here, however, are not the usual case. Matters affecting a prison's internal security are generally the province of the prison administrators, not the courts. *Turner v. Safley*, 482 U.S. 78, 84-85, 107 S.Ct. 2254, 96 L.Ed2d 64 (1987). Prison inmates do not enjoy all the privileges of the public community—they are imprisoned. *Mithrandir v. Dep't of Corr.*, 164 Mich.App. 143, 147-48, 416 N.W.2d 352 (1987). In *Mithrandir*, the corrections department denied a request by prison inmates to inspect certain records in person but gave the inmates the option either to appoint a representative to inspect the files or to receive copies upon payment of the appropriate fee. *Id.* at 145, 416 N.W.2d 352. This was reasonable. *Id.* at 149, 416 N.W.2d 352.

*Id.* at 88-89; *see also Livingston v. Cedeno*, 164 Wn.2d 46, 53-54, 186 P.3d 1055 (2008) (citing *Sappenfield* as “recognizing the unique circumstances of incarceration in the context of public disclosure requests”); *McNabb v. Dept. of Corrections*, 163 Wn.2d 393, 180 P.3d 1257 (2008) (citing *Sappenfield* as illustrating the deference courts afford prison officials when evaluating prison policies).

The Court in *Sappenfield* upheld the Department’s policy allowing inmates direct access to their own records and access to other records through inspection by a representative or prompt mailing of copies at a reasonable charge. *Sappenfield*, 127 Wn. App. at 89. The Department followed this policy in responding to Mr. Mitchell’s request in this case. Ms. Izatt and Ms. Schave each offered Mr. Mitchell the opportunity to purchase copies of the OBTS/OMNI records, or to appoint a non-incarcerated representative to inspect them at no cost, and they further offered him access to his own central file records through the records department and his counselor. CP at 33-34 and CP at 38. The Department’s response to Mr. Mitchell’s request was reasonable and satisfied the requirements of the PRA. Mr. Mitchell’s claim to the contrary lacks merit.

**B. The Department's Initial Responses To Mr. Mitchell, Advising Him How He Could Access The Requested Records And That Redactions Would Be Necessary When The Records Were Produced, Did Not Trigger The Duty To Produce An Exemption Log**

Mr. Mitchell contends the Department violated RCW 42.56.210(3) because it denied him access to records without producing an exemption log. Appellant's Opening Brief at 4-8. His argument in this regard is factually and legally flawed. There is no authority or rationale to support the claim that agencies must produce exemption logs before actually producing or withholding records.

First, Mr. Mitchell falsely asserts the Department denied him access to records. Neither Ms. Izatt's, nor Ms. Schave's letter to Mr. Mitchell communicated any intent to deny access to records. To the contrary, the letters explained Mr. Mitchell's lawful options to access the records he requested, including direct inspection of records in his central file, and payment for copies or inspection by a third party of all other records. CP at 33-34; CP at 38. As held in *Sappenfield*, these options are reasonable and satisfy the Department's obligations under the PRA. *Sappenfield*, 127 Wn. App. at 89. The Department did not deny Mr. Mitchell records and thus had no duty to produce an exemption log under RCW 42.56.210(3).

Second, the duty to produce an exemption log arises when records are actually withheld, not when an agency notifies a requestor redactions will be necessary when the records are produced. The statute and the cases applying it support this conclusion. RCW 42.56.210 states: “Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies *to the record withheld.*” RCW 42.56.210(3) (emphasis added).

Moreover, in *PAWS v. Univ. of Washington*, the Washington Supreme Court affirmed that the purpose of RCW 42.56.210(3) is to prevent agencies from silently withholding records by not identifying records that have been withheld. 125 Wn.3d 243, 270, 884 P.2d 592 (1994). In this case, the Department was never in a position to withhold records in whole or in part because Mr. Mitchell did not respond to the Department’s request that he identify whether he wanted to pay for copies or to appoint a representative to inspect the records in person. Had he done so, the Department would have produced the records and stated the specific statutory basis for any records withheld in whole or in part.

**C. The Public Records Act Did Not Require The Department To Produce The OBTS/OMNI Records Electronically To The Email Address Mr. Mitchell Provided**

The PRA does not require an agency to provide a requested record in any specific format. *Mechling v. City of Monroe*, 152 Wn. App. 830, 849-50, 222 P.3d 808 (2009). Rather, the Act confers discretion on an agency to determine how to provide requested records consistent with the agency's duties to (1) redact information that is statutorily exempt from disclosure before producing the records, (2) protect public records from damage or disorganization, and (3) prevent excessive interference with other essential functions of the agency. RCW 42.56.070(1) and .100. In the proper exercise of that discretion, an agency may produce a copy in the same format as the original record; or it reasonably may determine that an alternative format is more convenient or useful to the requester, more efficient and less expensive to produce, necessary to facilitate redactions, or organize and track production of records.

In *Mechling*, the requestor sought electronic production of emails between Monroe City Council members concerning city business. The Court specifically held "there is no provision in the [PRA] that expressly requires a governmental agency to provide records in electronic form." *Id.*

at 849<sup>1</sup>; *see also* Public Records Act Deskbook: Washington’s Public Disclosure and Open Public Meetings Laws § 5.3(3)(b) (WSBA 2006) (“Nothing in the Act specifies how copies of electronic records are to be provided. The Act does not require an agency to provide electronic copies of electronic records....”).

Additionally, and important to the issue presented in this case, the Court in *Mechling* explicitly rejected an argument that the City was required to produce records electronically that required redactions: “However as to properly redacted e-mails, we reject Mechling’s argument that the City has an obligation to scan the emails to create PDF or TIFF files.” *Mechling*, 152 Wn. App. at 850 (citing *Sperr v. City of Spokane*, 123 Wn. App. 132, 136, 96 P.3d 1012 (2004) and *Smith v. Okanogan*, 100 Wn. App. 7, 11, 994 P.2d 857 (2000)).

Here, as Ms. Schave explained in her July 16, 2007, letter, the OBTS/OMNI records included exempt information that would have to be redacted before the records could be produced, including victim information and social security numbers. CP at 28, ¶ 6; CP at 38. Thus,

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<sup>1</sup> Citing a provision in the advisory model rules on public records compliance (WAC 44-14) that suggests agencies “should” provide records electronically when feasible, as well as the PRA mandate that agencies provide the “fullest assistance” to requestors, the Court remanded the case to the trial court to determine whether it was reasonable and feasible for the City of Monroe to provide the requested e-mails electronically. *Mechling*, 152 Wn. App. at 850. However, because the model rules are advisory only (*see* RCW 42.56.570(2)), the rules would not supersede or restrict the discretion given agencies under the Act to determine the appropriate format of records produced.

as recognized in *Mechling*, a case directly on point, the Department had no obligation under the PRA to create new records by scanning the redacted OBTS/OMNI records solely to create PDF or TIFF files that could then be emailed to the third-party email address Mr. Mitchell provided. *Mechling*, 152 Wn. App. at 850.

The Department met its obligations under the PRA by offering Mr. Mitchell paper copies of the redacted records for a reasonable charge, or to make the records available for inspection at no cost by a non-incarcerated person of his choosing. The Department was not required to create new, emailable versions of redacted records, as Mr. Mitchell now alleges.

**D. The Department Reasonably Notified Mr. Mitchell The Records Were Available To Him Through Photocopies At Cost Or Third-Party Inspection And Awaited His Response**

To ensure open, transparent, and accountable government, the Public Records Act demands much of agencies when they respond to public records requests. However, the demands placed on agencies under the PRA rest on the assumption that requestors actually want to receive the records they request. The Department proceeded on that assumption in this case.

Although the Department could not, consistent with policy, let Mr. Mitchell personally inspect the OBTS/OMNI records, staff reasonably attempted to accommodate his request to the extent possible by letting him

decide which of the two authorized means of production best met his needs. Having done so, it was reasonable for staff to await direction from Mr. Mitchell as to how he wished to proceed, or whether he wished to proceed at all given that he could not personally inspect the database records.

Mr. Mitchell argues he was under no obligation to respond to Ms. Schave's July 16, 2007, letter. He claims the letter was not a request for clarification under RCW 42.56.520 (to which a requestor fails to respond at his peril<sup>2</sup>), but instead merely outlined two options he had to access the information. Appellant's Opening Brief at 9-10. As such, Mr. Mitchell contends, he was free to ignore the letter, wait a year, and pursue a claim for statutory penalties.

The Court should reject Mr. Mitchell's narrow and illogical reading of RCW 42.56.520. Nothing in that section or elsewhere in the PRA prohibits an agency from involving requestors in decisions related to the method of production. Indeed, the Act encourages such involvement. Moreover, nothing in the PRA requires an agency to continue devoting limited resources to a request when the requestor fails to respond to a

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<sup>2</sup> RCW 42.56.520 states, in pertinent part: "In acknowledging receipt of a public record request that is unclear, an agency ... may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency ... need not respond to it."

reasonable request for direction concerning which lawful method of production the requestor prefers.

## V. CONCLUSION

The Department complied with the PRA in responding to the request at issue in this case. The Department offered Mr. Mitchell the opportunity to inspect records in his central file concerning his risk assessment, as requested. The Department properly refused inspection of Mr. Mitchell's OBTS/OMNI records consistent with the well-established rule in *Sappenfield*. Additionally, as held in *Mechling*, because the OBTS/OMNI records required redactions, the Department had no duty to scan and create PDF or TIFF versions of the records for production via email. Instead, the Department offered Mr. Mitchell reasonable and lawful alternatives to access the records he requested, including through photocopies at cost or allowing a third-party to inspect the records at no

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cost. The fact that Mr. Mitchell chose not to take the records is of no consequence to the Department's compliance with the PRA. The Court should affirm the trial court's dismissal of this matter.

RESPECTFULLY SUBMITTED this 6<sup>TH</sup> day of August, 2010.

ROBERT M. MCKENNA  
Attorney General

A handwritten signature in black ink that reads "Tim Lang". The signature is written in a cursive style with a long, sweeping underline.

Tim Lang, WSBA #21314  
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**CERTIFICATE OF SERVICE**

I certify that I served a copy of the foregoing document on all \_\_\_\_\_ parties or their counsel of record as follows:

- US Mail Postage Prepaid
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- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by \_\_\_\_\_

TO:

KEVIN MITCHELL, DOC #880933  
COYOTE RIDGE CORRECTIONS CENTER  
PO BOX 769  
CONNELL WA 99362

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

EXECUTED this 6<sup>th</sup> day of August, 2010, at Olympia, Washington.

  
\_\_\_\_\_  
KATHY JEREZ  
Legal Assistant

# **APPENDIX A**

JSM007 DISPLAY DOCKET THURSTON SUPERIOR 08-05-10 14:29 1 OF 6  
CASE#: 08-2-00815-8 JUDGMENT# 00 JUDGE ID: 9  
TITLE: KEVIN MICHAEL MITCHELL VS STATE CORRECTIONS

NOTE1:

NOTE2: \*CT APPEAL 10-13-09 39874-5-II

CAUSE: MSC MISCELLANEOUS STATUS: APP DATE: 10/13/2009

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS	DATE
-	04 28 2008	ADM01			SECONDARY
1	04 28 2008	CICS	CASE INFORMATION COVER SHEET		
2	04 28 2008	\$NF	NON FEE		
3	04 28 2008	NTAS	NOTICE OF ASSIGNMENT		07-11-2008M8
		ACTION	STATUS CONFERENCE		
4	04 28 2008	MT	MOTION TO PROCEED INFORMA PAUPERIS		
5	04 28 2008	ORPRFP	ORDER TO PROCEED IN FORMA PAUPERIS		
-	04 28 2008	EXWACT	EX-PARTE ACTION WITH ORDER		
6	04 28 2008	APPS	APPEARANCE PRO SE		
7	04 28 2008	MTSC	MOTION FOR ORDER TO SHOW CAUSE		
8	04 28 2008	MT	MOTION FOR ALTERNATIVE SERVICE		
9	04 28 2008	PROR	PROPOSED ORDER/FINDINGS		
10	04 28 2008	PROR	PROPOSED ORDER/FINDINGS		
11	04 28 2008	NTMTDK	NOTE FOR MOTION DOCKET		05-30-2008M8
		ACTION	MOTION SHOW CAUSE/SERVICE		

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JSM007 DISPLAY DOCKET THURSTON SUPERIOR 08-05-10 14:29 2 OF 6  
CASE#: 08-2-00815-8 JUDGMENT# 00 JUDGE ID: 9

TITLE: KEVIN MICHAEL MITCHELL VS STATE CORRECTIONS

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NOTE2: \*CT APPEAL 10-13-09 39874-5-II

CAUSE: MSC MISCELLANEOUS STATUS: APP DATE: 10/13/2009

SUB#	DATE	CODE	DESCRIPTION/NAME	SECONDARY
12	05 29 2008	CMP	COMPLAINT	
13	05 30 2008	MTHRG	MOTION HEARING	
		JDG08	JUDGE CHRIS WICKHAM	
			CC WILLIAMS CR MESSING	
14	07 02 2008	SM	SUMMONS	
15	07 08 2008	NTCNT	NOTICE OF CONTINUANCE	09-19-2008M8
		ACTION	STATUS CONFERENCE*	
16	07 08 2008	LTR	LETTER FROM PLAINTIFF	
17	07 08 2008	LTR	LETTER FROM PLAINTIFF	
18	07 11 2008	HCNTCC	HEARING CONTINUED:CALENDAR CONFLICT	09-19-2008
		ACTION	STATUS CONFERENCE (PREV NOTED)	
			(WICKHAM) CC WILLIAMS	
19	07 25 2008	NTAPR	NOTICE OF APPEARANCE	
20	08 08 2008	AN	ANSWER	
21	08 12 2008	RTS	RETURN OF SERVICE	

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JSM007 DISPLAY DOCKET THURSTON SUPERIOR 08-05-10 14:29 3 OF 6  
CASE#: 08-2-00815-8 JUDGMENT# 00 JUDGE ID: 9  
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NOTE1:

NOTE2: \*CT APPEAL 10-13-09 39874-5-II

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: APP	DATE: 10/13/2009
22	09 19 2008	HCNTCC ACTION	HEARING CONTINUED:CALENDAR CONFLICT STATUS CONFERENCE** (WICKHAM) CC PITTMAN CR MESSING		10-31-2008M8
23	10 31 2008	STAHRG ACTION JDG08	STATUS CONFERENCE / HEARING SHOW CAUSE 1:30 TELEPHONIC PER JA JUDGE CHRIS WICKHAM CC PITTMAN CR MESSING		01-23-2009M9
24	11 13 2008	NTIS ACTION	NOTICE OF ISSUE SHOW CAUSE		11-21-2008M8
25	11 13 2008	PROR	PROPOSED ORDER/FINDINGS		
26	11 13 2008	MTSC	MOTION FOR ORDER TO SHOW CAUSE		
27	11 21 2008	MTHRG JDG08	MOTION HEARING JUDGE CHRIS WICKHAM CC PITTMAN CR MESSING		
28	11 21 2008	ORTSC	ORDER TO SHOW CAUSE		01-23-2009

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JSM007 DISPLAY DOCKET THURSTON SUPERIOR 08-05-10 14:29 4 OF 6

CASE#: 08-2-00815-8 JUDGMENT# 00 JUDGE ID: 9

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CAUSE: MSC MISCELLANEOUS STATUS: APP DATE: 10/13/2009

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS	DATE
-	11 21 2008	EXWACT	EX-PARTE ACTION WITH ORDER		SECONDARY
29	01 12 2009	NTAS	NOTICE OF ASSIGNMENT HIRSCH		
30	01 23 2009	HSTKCC	HEARING CANCELLED: COURT'S REQUEST HIRSCH CC SCOTT		
31	06 17 2009	RSP	RESPONSE		
32	06 19 2009	MTHRG	MOTION HEARING		07-22-2009N9
		ACTION	SHOW CAUSE-1 TELEPHONIC AT 4:30		
		JDG09	JUDGE ANNE HIRSCH CC SHACKLEY CR DAVIDSON		
33	06 23 2009	AFSRML	AFFIDAVIT OF SERVICE BY MAIL		
34	06 23 2009	BR	BRIEF PLTF REPLY		
35	07 31 2009	MTHRG	MOTION HEARING		
		JDG09	JUDGE ANNE HIRSCH CC SHACKLEY CR DAVIDSON		
36	07 31 2009	ORDSMWP	ORDER OF DISMISSAL WITH PREJUDICE		

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JSM007 DISPLAY DOCKET THURSTON SUPERIOR 08-05-10 14:29 5 OF 6

CASE#: 08-2-00815-8 JUDGMENT# 00 JUDGE ID: 9

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CAUSE: MSC MISCELLANEOUS STATUS: APP DATE: 10/13/2009

SUB#	DATE	CODE	DESCRIPTION/NAME	STATUS: APP	DATE: 10/13/2009
-	07 31 2009	EXWACT	EX-PARTE ACTION WITH ORDER		SECONDARY
37	08 12 2009	MTRC	MOTION FOR RECONSIDERATION		
38	08 24 2009	NTIS	NOTICE OF ISSUE		09-04-2009M9
		ACTION	MOTION TO RECONSIDER		
39	09 01 2009	RSP	RESPONSE TO PLA MOTION		
40	09 04 2009	HSTKCC	HEARING CANCELLED: COURT'S REQUEST		
			HIRSCH CC SHACKLEY		
41	09 04 2009	BR	BRIEF PLAINTIFFS REPLY		
42	09 08 2009	ORDYMT	ORDER DENYING MOTION/PETITION		
-	09 08 2009	EXWACT	EX-PARTE ACTION WITH ORDER		
43	09 08 2009	CTD	COURT'S DECISION LETTER OPINION		
44	10 13 2009	NACA	NOTICE OF APPEAL TO COURT OF APPEAL		
45	10 15 2009	TRLC	TRANSMITTAL LETTER - COPY FILED		
46	10 21 2009	NT	NOTICE OF ADDRESS CHANGE		
47	10 28 2009	\$AFF	APPELLATE FILING FEE		280.00

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