

FILED
COURT OF APPEALS
DIVISION II

2016 OCT -5 PM 1:53

STATE OF WASHINGTON

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
BY _____
DEPUTY

DIVISION II

In re Personal Restraint Petition of)
)
MARK JONATHAN GOSSETT,) NO. _____
Petitioner)
) PERSONAL RESTRAINT PETITION
_____)

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of the form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

I, Mark Jonathan Gossett, am now in custody at Stafford Creek Corrections Center, 191 Constantine Way, Aberdeen, WA, 98520, serving a sentence upon conviction of a crime.

1. The court in which I was sentenced is: Thurston County Superior Court.
2. I was convicted of the crime of: Rape of a Child in the Second Degree (9A.44.076) and Child Molestation in the Second Degree (9A.44.086).
3. I was sentenced after (check one) Trial Plea of Guilty on June 10, 2010.
4. The Judge who imposed sentence was Carol Murphy.
5. My lawyer at trial court was Rick Cordes, 2625 B Parkmont Lane SW, Olympia, WA, 98502.
6. I did did not appeal from the decision of the trial court. (If the answer is that I did), I appealed to: Washington State Court of Appeals, Division 2.

7. My lawyer for my appeal was: Thomas Doyle.
PO Box 510
Hansville, WA 98340-0510

The decision of the appellate court was _____ was not published.

8. Since my conviction I have have not asked a court for some relief from my sentence other than I have already written above. The court I asked was the Washington Court of

Appeals Division I, where relief was denied on March 31, 2014; the name of my lawyer in the proceedings was: Wayne Fricke, 1008 South Yakima Ave., Suite 302, Tacoma, WA 98405.

9. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: _____

B. GROUNDS FOR RELIEF:

1. I claim that I have one reason for this court to grant me relief from the conditions or manner of my restraint described in Part A. My children have been denied any and all visitation rights during my incarceration at Stafford Creek Correctional Center. Said denial is in direct violation of DOC's regulatory guidelines found in DOC 450.050 and .300, and unnecessarily denies me the fundamental liberty I have to see my children, all without due process of law. I should be given relief from the conditions of my restraint which prevent my children from visiting me, because those conditions "...are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington..." RAP 16.4(c)(6).

2. The following facts are important when considering my case.
(See the "Statement of the Case" in Brief of Petitioner)

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case.

Mendoza v. Blodgett, 960 F.2d 1425, *certiorari denied* 506 U.S. 1063, 113 S.Ct. 1005, 122 L.Ed.2d 154, *certiorari denied* 506 U.S. 1071, 113 S.Ct. 1027, 122 L.Ed. 2d 173 (9th Cir. 1992)

4. The following statutes and constitutional provisions should be considered by the court.

DOC 450.050 – "Prohibited Contact" (*in pertinent part*)
POLICY:

I. Consistent with legitimate penological objectives and public safety, the Department will restrict incarcerated offender contact in any form (e.g., visits, correspondence, telephone) with specific individuals or classes of individuals.

DIRECTIVE

I. Criteria

A. An offender's contact with specific individuals or classes of individuals will be restricted or prohibited when:

1. His/her Judgment and Sentence prohibits contact with the individual or class of individuals during incarceration or upon release.
 2. The individual, or parent/legal guardian of a minor being contacted, has requested in writing that the contact be stopped or restricted, and/or
 3. There is an active No Contact Order with the individual.
- B. An offender's contact with specific individuals or classes of individuals may be denied or restricted for reasons including, but not limited to:
1. The person was a participant in a crime of conviction with the offender.
 2. A current Pre-Sentence Investigation recommends no contact.
 3. The nature of a specific treatment program requires prohibited contact with the individual or class of individuals.
 4. The individual or class of individuals has been victimized by the offender.
 5. Facility management has reason to believe that allowing contact would conflict with sound correctional practices or legitimate penological objectives.
- C. An offender may be prohibited from contact with his/her own child(ren) only if the offender's Judgment and Sentence and/or a No Contact Order prohibits contact, or if necessary to protect the child(ren) from any specific and documented threat of harm. Documentation includes, but is not limited to:
1. A written opinion from a mental health professional or Child Protective Services, and
 2. Specific verified incidents of harm to the child(ren) resulting from contact with the offender while s/he was incarcerated in a Department facility.

DOC 450.300 – “Visits for Prison Offenders” (*in pertinent part*)
POLICY

- I. The Department recognizes the vital role families play in the re-entry process and will support offenders in maintaining ties with family, friends, and the community by setting reasonable criteria for personal visits.

The Department recognizes the need to engage community stakeholders, partners, and offender families in the re-entry process.

United States Constitution, 1st Amendment

Congress shall make no law ... abridging the freedom of speech, ... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

United States Constitution, 5th Amendment

No person shall be ... deprived of life, liberty, or property, without due process of law....

United States Constitution, 14th Amendment, Section 1

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Washington State Constitution, Article I, Section 3

PERSONAL RIGHTS. No person shall be deprived of life, liberty, or property, without due process of law.

Washington State Constitution, Article XIII, Section 1
EDUCATIONAL, REFORMATORY, AND PENAL INSTITUTIONS. Educational, reformatory, and penal institutions; those for the benefit of youth who are blind or deaf or otherwise disabled; for persons who are mentally ill or developmentally disabled; and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law....

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: I have exhausted my remedy of appeal with DOC.

C. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

1. I do do not ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$0 in my prison or institution account.

3. I do do not ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a lawyer.

4. I am am not employed.

5. During the past 12 months I did did not get any money from a business, profession or other form of self-employment.
And the total income I received was \$0 .

6. During the past 12 months I:

Did Did Not Receive any rent payments. If so, the total I received was \$ _____

Did Did Not Receive any interest. If so, the total I received was \$ _____

Did Did Not Receive any dividends. If so, the total I received was \$ _____

Did Did Not Receive any other money. If so the total I received was \$ _____

Do ___ Do Not x Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ _____.

Do ___ Do Not x Have any savings or checking accounts. If so, the total amount in all accounts is \$ _____.

Do ___ Do Not x Own stocks, bonds or notes. If so, their total value is: \$ _____.

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
Family residence	\$210,000 (owe \$151,000)

8. I am x am not _____ married. If I am married, my wife or husband's name and address is:

Linda Gossett, 6058 - 61st Ave. SE, Lacey, WA 98513

9. All of the persons who need me to support them are listed below:

Name & Address	Relationship	Age

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount

D. REQUEST FOR RELIEF:

I want this court to:

_____ Vacate my conviction and give me a new trial

_____ Vacate my conviction and dismiss the criminal charges against me without a new trial

X Other: Allow my children to have visitation rights to see me during my restraint

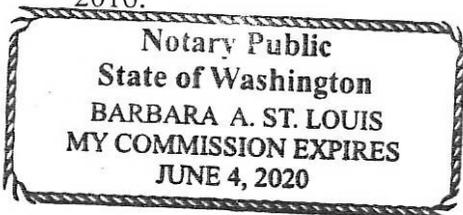
E. OATH OF PETITIONER

STATE OF WASHINGTON)
) ss.
COUNTY OF GRAYS HARBOR)

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

Mark Jonathan Gossett
Mark Jonathan Gossett

SUBSCRIBED AND SWORN to before me this 23rd day of August 2016.



Barbara A. St. Louis
Notary Public in and for the State of Washington
Residing at Aberdeen

If a notary is not available, explain why none is available and indicate who can be contacted to help you find a Notary: _____

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

DATED This _____ day of _____, 2016.

Mark Jonathan Gossett

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

)
In re Personal Restraint Petition of)
) NO. _____
MARK JONATHAN GOSSETT,) BRIEF OF PETITIONER
Petitioner)
_____)

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Assignments of Error

The Department of Corrections (DOC) has wrongfully denied any and all visitation rights to the children of Mark Gossett during his incarceration at Stafford Creek Correctional Center. Said denial is in direct violation of DOC's regulatory guidelines found in DOC 450.050 and .300, and unnecessarily denies Gossett the fundamental liberty he has to see his children, all without due process of law. Gossett should be given relief from those conditions of his restraint which prevent his children from visiting him, because those conditions "...are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington..." RAP 16.4(c)(6).

Statement of the Case

In April of 2010, Mark Gossett was convicted in Thurston County Superior Court of Rape of a Child in the Second Degree (9A.44.076) and Child Molestation in the Second Degree (9A.44.086).

During Gossett's initial processing at Washington Corrections Center, his wife Linda Gossett applied for visitation for all of Gossett's children. The children were not allowed to visit due to restrictions stated in Gossett's Judgment and Sentence dated June 10, 2010. (Appendix, Exhibit 1.)

Gossett asked the Thurston County Superior Court for an order amending the original Judgment and Sentence to allow visitation by his children.

That request was granted. On August 4, 2010, a revised "Order Amending and Clarifying Judgment and Sentence" was signed by Judge Carol

Murphy. (Appendix, Exhibit 2) The Order stated as follows:

"ORDERED that the Judgment and Sentence entered by the above entitled Court on June 10, 2010 be and the same hereby is modified and clarified to allow for the Defendant to have visitation with his children at any Department of Corrections facility in which Defendant is housed;

That the children will not have visitation alone with the Defendant and such visitation shall be supervised by Department of Corrections personnel in the normal course of the visitation process followed by the Department of Correction's facility the Defendant is in;

That the normal supervision of visitation by two or more correctional officers in an open room where numerous other inmates may be exercising visitation privileges is sufficient supervision for the Defendant to have visitation with his children.”

Later in August, Defendant’s wife Linda Gossett submitted to the staff of Stafford Creek Corrections Center, to where Gossett had been moved, visitation applications on behalf of Defendant’s children. Permission to visit for the children was denied by a “Prohibited Contact Notice” signed by Correctional Program Manager Liza Rohrer on October 14, 2010. (Appendix, Exhibit 3) Said Notice cited the following reasons for the denial:

“The Judgment and Sentence prohibits contact with an individual or class of individuals during or upon release from incarceration.

The individual or class of individuals has/have been victimized by the offender.

A No Contact order has been rescinded or does not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives.”

Further insight into the Department of Corrections rationale for denying visitation may be found in an e-mail dated October 12 (Appendix, Exhibit 4) two days before the Prohibited Contact Notice, from Rohrer to Linda Gossett, wherein Rohrer states in pertinent part:

The initial judgment and sentence shows that Mark (Gossett) was to have no contact with any minor, including his own adopted or biological children. The Judgment and Sentence was later modified on August 10, 2010 allowing visitation with children as supervised by the Department of Corrections, during normal visitation in accordance with the rules and regulations of the Department of Corrections. According to our policies, DOC 450.300 Visits for Prison Offenders, Section VII: Who May Not Visit, A.3. "Persons restricted per the Judgment and Sentence. While supervised visits may be allowed per the Judgment and Sentence, supervision by facility visiting staff does not constitute as supervised visitation."

Further attempts to get the Prohibited Contact Notice reversed by the facility superintendent, Pat Glebe, were unsuccessful. Linda Gossett was finally informed by letter signed by Dan Pacholke, Assistant Secretary, Prisons Division, dated October 23, 2012, that all appeal opportunities with respect to the denial of visitation had been exhausted. (Appendix, Exhibit 5)

Argument

A. THIS COURT SHOULD REACH THE MERITS OF GOSSETT'S CONSTITUTIONAL CLAIM

Bringing a successful claim in a Personal Restraint Petition requires “a showing of restraint and an unlawful aspect of the restraint.” *In re Personal Restraint of Metcalf*, 92 Wash.App. 165, 172, 963 P.2d 911 (1998) (citing RAP 16.4). The restraint must be unlawful for one of the reasons set forth in RAP 16.4(c). One of those reasons is that “[t]he conditions or manner of the restraint of petitioner are in violation of the Constitution of the United States.” RAP 16.4(c)(6). Here, Gossett is restrained – he is currently incarcerated. The prohibition preventing him from receiving visits from his children is one of the “conditions” of his incarceration, which implicates his First Amendment rights to free speech and freedom of association, and his due process rights under the Fifth and Fourteenth Amendments. [In *Stanley v. Illinois*, 405 U.S. 645, 651(1972), the United States Supreme Court recognized a parent’s fundamental right to the companionship and society of his or her child through the due process clause of the Fourteenth Amendment.] Thus, the plain language of RAP 16.4(c)(6) does not per se prevent this court from considering Gossett's claim, even though it is unrelated to the validity of his

incarceration. The prohibition that Gossett challenges implicates constitutional rights of significant importance. Prison inmates retain constitutional rights that are not inconsistent with their status as prisoners or with the legitimate penological objectives of the corrections system. *Pell v. Procunier*, 417 U.S. 817, 822, 94 S.Ct. 2800, 41 L.Ed.2d 495 (1974). Prison officials may not limit those rights without sufficient justification. This court should thus reach the merits of Gossett's constitutional claims.

B. THE TURNER TEST FOR CONSTITUTIONALITY OF PRISON REGULATIONS DOES NOT APPLY IN THIS CASE

In examining the rights of an incarcerated parent, it is important to keep in mind that prisoners do not forfeit all constitutional rights while incarcerated. *See Turner v. Safley*, 482 U.S. 78, 84, 107 S. Ct. 2254, 2259 (1987) (“Prison walls do not form a barrier separating prison inmates from the protections of the Constitution.”). It is also true that, in order to ensure appropriate deference to prison officials, a prison regulation alleged to infringe an inmate’s constitutional rights is valid only if the regulation is reasonably related to legitimate penological interests. *Turner*, 482 U.S. at 89, 107 S. Ct. at 2261. When determining whether a prison regulation is reasonable, several relevant factors are to be considered: (1) whether the

regulation is rationally related to a legitimate and neutral government objective; (2) whether alternative means of exercising the asserted right remain open to prison inmates; (3) the impact of accommodating the asserted constitutional right on prison officers, inmates, and resources; and (4) whether alternatives to the regulation are readily available. *Id.* at 89-90; 107 S. Ct. at 2262. The *Turner* factors have been considered in case after case challenging the constitutionality of prison regulations placing restrictions on prisoners' constitutional rights.

This, however, is a different sort of case. Gossett is not challenging the constitutionality of a regulation. He is challenging the constitutionality of the Department's disregard of its own regulatory directives in denying him visitation with any of his children, and thus denying him the 14th Amendment due process liberty interest created by those rules. This disregard is on its face so unreasonable that analysis under the *Turner* test is unnecessary.

C. THE STATE HAS RECOGNIZED A PROTECTED LIBERTY INTEREST IN THIS CASE

In a Ninth Circuit case out of Washington, the court held that the State of Washington's prison visitation regulations did operate to create a 14th Amendment due process liberty interest in the prisoner. Mendoza v.

Blodgett, 960 F.2d 1425, *certiorari denied* 506 U.S. 1063, 113 S.Ct. 1005, 122 L.Ed.2d 154, *certiorari denied* 506 U.S. 1071, 113 S.Ct. 1027, 122 L.Ed. 2d 173 (9th Cir. 1992). In that case the court stated:

A state creates a protected liberty interest when it places substantive limitations on official discretion. Kentucky Dep't of Corrections v. Thompson, 490 U.S. 454,462, 109 S.Ct. 1904,1909, 104 L.Ed.2d 506 (1989). The most common way a state creates such an interest is by adopting regulations which establish "substantive predicates" to govern official decision making and by mandating the outcome to be reached upon a finding that the relevant criteria have been met. *Id.* There must be particularized standards or criteria to guide the state's decisionmakers, and the criteria must serve to limit discretion.... The regulations also must contain "explicitly mandatory language,' *i.e.*, specific directives to the decisionmaker that if the regulations' substantive predicates are present, a particular outcome must follow, in order to create a liberty interest." Kentucky Dep't of Corrections v. Thompson, 490 U.S. at 463, 109 S.Ct. at 1910.... [T]he search is for "relevant mandatory language that expressly requires the decisionmaker to apply certain substantive predicates in determining whether an inmate may be deprived of the particular interest in question."

Kentucky Dep't of Corrections v. Thompson, 490 U.S. at 464 n.4,
109 S.Ct. at 1910 n.4.

Mendoza, 960 F.2d at 1428-29. The rules at issue in Mendoza stated that visiting rights could be suspended under an enumerated list of circumstances “only after a finding of guilt pursuant to a regular disciplinary hearing.” *Id.* At 1432. In explaining its ruling that the State of Washington’s prison visitation regulations did operate to create a 14th Amendment due process liberty interest in the prisoner, the court stated:

[T]he regulations in this case contain explicit mandatory language....The regulations do not provide that the administrative staff “reserves the right” to allow or disallow visits. Thus, an inmate may reasonably form an objective expectation that visiting privileges will not be suspended without compliance with the applicable rules.

Mendoza at 1432-33. *Cf.* Kentucky Dep't of Corrections, 490 U.S. at 464-64, 109 S.Ct. at 1910-11.

D. THE DEPARTMENT HAS VIOLATED GOSSETT'S
PROTECTED LIBERTY INTEREST CREATED BY ITS OWN
DIRECTIVES CONCERNING VISITATION

This case is similar to the Mendoza case, in that the rules at issue create an objective expectation that visits by an inmate's children will not be prohibited unless specified circumstances are present. The Department's own guidelines regarding visits for prison offenders are clear. In DOC 450.300, "Visits for Prison Offenders," it states, in pertinent part:

"POLICY

- I. The Department recognizes the vital role families play in the re-entry process and will support offenders in maintaining ties with family, friends, and the community by setting reasonable criteria for personal visits.
- II. The Department recognizes the need to engage community stakeholders, partners, and offender families in the re-entry process."

The Department's rules regarding prohibitions on certain contact for inmates are also clear. The Department's "Prohibited Contact" criteria, set forth in DOC 450.050, are as follows:

"DIRECTIVE

- I. Criteria
 - A. An offender's contact with specific individuals or classes of individuals will be restricted or prohibited when:

1. His/her Judgment and Sentence prohibits contact with the individual or class of individuals during incarceration or upon release.
 2. The individual, or parent/legal guardian of a minor being contacted, has requested in writing that the contact be stopped or restricted, and/or
 3. There is an active No Contact Order with the individual.
- B. An offender's contact with specific individuals or classes of individuals may be denied or restricted for reasons including, but not limited to:
1. The person was a participant in a crime of conviction with the offender.
 2. A current Pre-Sentence Investigation recommends no contact.
 3. The nature of a specific treatment program requires prohibited contact with the individual or class of individuals.
 4. The individual or class of individuals has been victimized by the offender.
 5. Facility management has reason to believe that allowing contact would conflict with sound correctional practices or legitimate penological objectives.
- C. An offender may be prohibited from contact with his/her own child(ren) only if the offender's Judgment and Sentence and/or a No Contact Order prohibits contact, or if necessary to protect the child(ren) from any specific and documented threat of harm. [emphasis added.] Documentation includes, but is not limited to:
1. A written opinion from a mental health professional or Child Protective Services, and
 2. Specific verified incidents of harm to the child(ren) resulting from contact with the offender while s/he was incarcerated in a Department facility."

In denying Gossett visitation from his children, the Department has disregarded the criteria listed in its own regulation. None of the three factors listed above in "A." are present: there is not a No Contact Order or request from a parent or guardian to restrict contact. Indeed, the children's mother has done everything she can to seek permission for contact between Gossett and his children. Nor does Gossett's Judgment and Sentence prohibit contact. In fact, it does just the opposite, expressly allowing normal visiting room contact between Gossett and his children. This makes the Department's finding that "The Judgment and Sentence prohibits contact with an individual or class of individuals during or upon release from incarceration" incomprehensible.

In denying visitation, the Department has also cited the fifth of the five criteria listed in 450.050(B.), which states, in pertinent part: "An offender's contact with specific individuals or classes of individuals may be denied or restricted for reasons including5. Facility management has reason to believe that allowing contact would conflict with sound correctional practices or legitimate penological objectives." In citing this language, however, the Department has failed to even try and identify what "sound correctional practices or legitimate penological objectives" would be threatened by allowing Gossett to see his teenage and adult children for the first time in five years. More should be required when

placing such severe restriction on a parent's fundamental right to associate with his children than merely regurgitating the words of a regulation.

Moreover, it is clear from reading DOC 450.050 that the Department's reliance upon the language of 450.050(B.) is misguided at best. While sections "A" and "B" state the general criteria to be referred to when prohibiting visits from the general public, section "C" is the more specific section which is to be used when considering whether to prohibit contact between an offender and his children. Thus, in this case, it is section "C" that controls, not section "B" with its reference to "sound correctional practices or legitimate penological objectives." This is also true with respect to the Department's attempt to rely upon the fourth criterion of 450.050(B), which states "An offender's contact with specific individuals or classes of individuals may be denied or restricted for reasons including....4. The individual or class of individuals has been victimized by the offender." The Department has, essentially, "cherry-picked" the vague language from DOC 450.050(B) that suited its undeclared purpose while ignoring the more specific controlling criteria of 450.050(C). That section clearly states:

“DIRECTIVE

I. Criteria

....

- C. An offender may be prohibited from contact with his/her own child(ren) only if [*emphasis added*] the offender’s Judgment and Sentence and/or a No Contact Order prohibits contact, or if necessary to protect the child(ren) from any specific and documented threat of harm. Documentation includes, but is not limited to:
1. A written opinion from a mental health professional or Child Protective Services, and
 2. Specific verified incidents of harm to the child(ren) resulting from contact with the offender while s/he was incarcerated in a Department facility.”

In this case, there is not a No Contact Order prohibiting contact between Gossett and his children. Nor does the Judgment and Sentence prohibit contact. Far from it – it specifically allows such contact, having been modified and clarified “...to allow for the Defendant to have visitation with his children at any Department of Correction’s facility in which the Defendant is housed.” Nor is this a case where the court has ordered some sort of special supervised visitation, thus increasing the burden on Department employees -- the modified Judgment and Sentence explicitly states “That the normal supervision of visitation by two or more

correctional officers in an open room where numerous other inmates may be exercising visitation privileges, is sufficient supervision from the Defendant to have visitation with his children.” (Order Amending and Clarifying Judgment and Sentence, p.2.) Finally, prohibiting contact between Gossett and his children is not “necessary to protect the children from any specific and documented threat of harm” under 450.050(C). No such threat has been specified or documented by the Department or any other agency. Indeed, the Superior Court that sentenced Gossett has formalized its conclusion that there is no such threat by issuing the Order allowing the children to visit with no special supervision or restriction other than the normal supervision provided in all visits to correctional facilities by the general public.

The Department’s attempt to characterize the amended Judgment and Sentence as somehow requiring special supervised visitation ignores the plain language of that Order. Correctional Program Manager Liza Rohrer, in her e-mail to Linda Gossett on October 12, 2010, stated:

“The initial judgment and sentence shows that Mark (Gossett) was to have no contact with any minor, including his own adopted or biological children. The Judgment and Sentence was later modified on August 10, 2010 allowing visitation with children as supervised by the Department of Corrections, during normal visitation in accordance with the rules and regulations of the Department of Corrections. According to our policies, DOC 450.300 Visits for

Prison Offenders, Section VII: Who May Not Visit, A.3. “Persons restricted per the Judgment and Sentence. While supervised visits may be allowed per the Judgment and Sentence, supervision by facility visiting staff does not constitute as supervised visitation.”

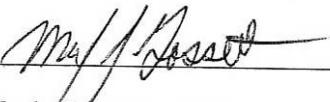
The amended Judgment and Sentence did not require a special “supervised visit” – it states that the children may visit “in the normal course of the visitation process followed by the Department of Correction’s facility the Defendant is in.” Again, to make it even clearer that no special supervision is required, the amended Judgment and Sentence states “[t]hat the normal supervision of visitation by two or more correctional officers in an open room where numerous other inmates may be exercising visitation privileges is sufficient supervision for the Defendant to have visitation with his children.” The Department’s contention that it cannot provide the “supervised visits” required by the amended Judgment and Sentence is without merit.

In light of the above, the Department’s denial of visitation to Gossett’s children is unsupportable. It is the height of irony that the Department claims that its denial of visitation was based upon “sound correctional practices or legitimate penological objectives,” when that denial contravenes the very regulations that spell out and govern those sound practices and legitimate objectives.

Conclusion

In short, the Department has violated its own codified guidelines in denying Gossett visits from his children. In so doing, it has denied Gossett his First Amendment rights to free speech and freedom of association, and his due process rights under the Fifth and Fourteenth Amendments. Gossett's children should be allowed to visit him pursuant to the terms of the "Order Amending and Clarifying Judgment and Sentence" entered by the trial court.

Respectfully submitted this 23 day of August, 2016.



Mark Gossett, Petitioner

Appendix

BRIEF OF PETITIONER

EXHIBIT 1

FILED
SUPERIOR COURT
THURSTON COUNTY WA

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

'10 JUN 10 05:31

STATE OF WASHINGTON, Plaintiff,

No. 08-1-02102-9

vs.

FELONY JUDGMENT AND SENTENCE (FJS)

Prison RCW 9.94A.712 Prison Confinement

Jail One Year or Less RCW 9.94A.712 Prison Confinement

MARK JONATHAN GOSSETT,

Defendant.

First-Time Offender

Special Sexual Offender Sentencing Alternative

Special Drug Offender Sentencing Alternative

Clerk's Action Required, para 4.5 (SDOSA), 4.15.2, 5.3, 5.6 and 5.8

SID: WA24064146

If no SID, use DOB: 03/22/1969

PCN: 766981062 BOOKING NO. C0154740

I. HEARING

1.1 A sentencing hearing was held on June 10, 2010 and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on ~~June 10, 2010~~ *April 19, 2010* by plea jury-verdict bench trial of:

COUNT	CRIME	RCW	DATE OF CRIME
I	RAPE OF A CHILD IN THE SECOND DEGREE	9A.44.076	JANUARY 1, 2003-NOV. 25, 2003
II	RAPE OF A CHILD IN THE SECOND DEGREE	9A.44.076	JANUARY 1, 2003-NOV. 25, 2003
III	CHILD MOLESTATION IN THE SECOND DEGREE.	9A.44.086	JANUARY 1, 2003-NOV. 25, 2003
IV	CHILD MOLESTATION IN THE SECOND DEGREE	9A.44.086	JANUARY 1, 2003-NOV. 25, 2003

(If the crime is a drug offense, include the type of drug in the second column.) as charged in the (SECOND AMENDED) Information.

Additional current offenses are attached in Appendix 2.1.

A special verdict/finding that the offense was predatory was returned on Count(s) _____ RCW 9.94A. _____

A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) _____ RCW 9.94A. _____

A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) _____ RCW 9.94A. _____, 9A.44.010.

A special verdict/finding of sexual motivation was returned on Count(s) _____ RCW 9.94A.835.

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FELONY JUDGMENT AND SENTENCE (FJS)

- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding for use of firearm was returned on Count(s) _____, RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) _____, RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) _____, RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) _____ involve(s) domestic violence.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- None of the current offenses constitute same criminal conduct.
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J Adult, Juv.	TYPE OF CRIME
1 ASSAULT 4 TH / DV	4/2/08	THURSTON	5/5/07	A	GM
2					
3					
4					
5					

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- None of the prior convictions constitutes same criminal conduct.
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

FELONY JUDGMENT AND SENTENCE (FJS)

RTN/RJN

\$ _____ Restitution to: _____

\$ _____ Restitution to: _____

(Name and Address--address may be withheld and provided confidentially to Clerk of the Court's office.)

PCV \$ 500.00 Victim assessment RCW 7.68.035

\$ _____ Domestic Violence assessment RCW 10.99.080

CRC \$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ 200 FRC

Witness costs \$ _____ WFR

Sheriff service fees \$ _____ SFR/SFS/SFW/WRF

Jury demand fee \$ _____ JFR

Extradition costs \$ _____ EXT

Other \$ _____

PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760

WFR \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ _____ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW, [] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCD NTF/SAD/SDI \$ _____ Drug enforcement fund of _____ RCW 9.94A.760

CLF \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee [] not imposed due to hardship RCW 43.43.7541

RTN/RJN \$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ 6361.10 Other costs for: JURY COSTS (\$5305.10-JURORS/\$1056-BAILIFF)

\$ 1033.45 WITNESS COSTS

\$ 800 - TOTAL RCW 9.94A.760

[X] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[X] shall be set by the prosecutor.

[] is scheduled for _____

[] RESTITUTION. Schedule attached.

[] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant CAUSE NUMBER (Victim's name) (Amount-\$)

RJN

[X] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____ RCW 9.94A.760.

FELONY JUDGMENT AND SENTENCE (FJS)

_____ days of jail are suspended on Count _____.

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, or sexual motivation, UVCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

(b) CONFINEMENT. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count 1, 2 minimum term 245 MO. maximum term LIFE
Count 3, 4 minimum term 116 MO. maximum term LIFE

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: _____

4.6 COMMUNITY PLACEMENT is ordered as follows: Count _____ for _____ months; Count _____ for _____ months.

COMMUNITY CUSTODY for count(s) I, II, III, IV, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered as follows:

Count I, II for a range from 36-48 MO to LIFE months;
Count III, IV for a range from 36-38 MO to LIFE months;
Count _____ for a range from _____ to _____ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.] STATUTORY LIMIT ON SENTENCE. Notwithstanding the length of confinement plus any community custody imposed on any individual charge, in no event will the combined confinement and community custody exceed the statutory maximum for that charge. Those maximums are: Class A felony--life in prison; Class B felony--ten (10) years in prison; Class C felony--5 (5) years in prison.

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)	v) Residential burglary offense	
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers.		
vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)		

FELONY JUDGMENT AND SENTENCE (FJS)
RCW 9.94A.500, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

- b) the conditions of community placement or community custody include chemical dependency treatment.
- c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; and (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: _____ 89)- FOR LIFE _____
- Defendant shall remain within outside of a specified geographical boundary, to wit: _____ AS PRESCRIBED BY CCO AND/OR SEXUAL DEVIANCY TREATMENT PROVIDER _____
- Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).
- The defendant shall participate in the following crime-related treatment or counseling services: _____ CERTIFIED SEXUAL DEVIANCY TREATMENT _____
- The defendant shall undergo an evaluation for treatment for domestic violence substance abuse mental health anger management and fully comply with all recommended treatment. SEXUAL DEVIANCY TREATMENT
- The defendant shall comply with the following crime-related prohibitions: SEE APPENDIX "H"
ATTACHED AND INCORPORATED BY REFERENCE TO THIS J AND S
- Other conditions: _____ FOLLOW ALL RULES OF TREATMENT WITH SEXUAL DEVIANCY TREATMENT _____
- For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.
- 4.7 WORK ETHIC CAMP. RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.
- 4.8 OFF LIMITS ORDER (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____ PER CCO _____

V. NOTICES AND SIGNATURES

- 5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.
- 5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1,

FELONY JUDGMENT AND SENTENCE (FJS)
RCW 9A.02.020, 9A.02.030, 9A.02.040, 9A.02.050, 9A.02.060, 9A.02.070, 9A.02.080, 9A.02.090, 9A.02.100, 9A.02.110, 9A.02.120, 9A.02.130, 9A.02.140, 9A.02.150, 9A.02.160, 9A.02.170, 9A.02.180, 9A.02.190, 9A.02.200, 9A.02.210, 9A.02.220, 9A.02.230, 9A.02.240, 9A.02.250, 9A.02.260, 9A.02.270, 9A.02.280, 9A.02.290, 9A.02.300, 9A.02.310, 9A.02.320, 9A.02.330, 9A.02.340, 9A.02.350, 9A.02.360, 9A.02.370, 9A.02.380, 9A.02.390, 9A.02.400, 9A.02.410, 9A.02.420, 9A.02.430, 9A.02.440, 9A.02.450, 9A.02.460, 9A.02.470, 9A.02.480, 9A.02.490, 9A.02.500, 9A.02.510, 9A.02.520, 9A.02.530, 9A.02.540, 9A.02.550, 9A.02.560, 9A.02.570, 9A.02.580, 9A.02.590, 9A.02.600, 9A.02.610, 9A.02.620, 9A.02.630, 9A.02.640, 9A.02.650, 9A.02.660, 9A.02.670, 9A.02.680, 9A.02.690, 9A.02.700, 9A.02.710, 9A.02.720, 9A.02.730, 9A.02.740, 9A.02.750, 9A.02.760, 9A.02.770, 9A.02.780, 9A.02.790, 9A.02.800, 9A.02.810, 9A.02.820, 9A.02.830, 9A.02.840, 9A.02.850, 9A.02.860, 9A.02.870, 9A.02.880, 9A.02.890, 9A.02.900, 9A.02.910, 9A.02.920, 9A.02.930, 9A.02.940, 9A.02.950, 9A.02.960, 9A.02.970, 9A.02.980, 9A.02.990, 9A.02.1000

2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.
- 5.4 **RESTITUTION HEARING.**
[] Defendant waives any right to be present at any restitution hearing (sign initials): _____
- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634.
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

Cross off if not applicable:

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200.

1. **General Applicability and Requirements:** Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.130, you are required to register with the sheriff of the county of the state of Washington where you reside.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

2. **Offenders Who Leave the State and Return:** If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

3. **Change of Residence Within State and Leaving the State:** If you change your residence within a county, you must send signed written notice of your change of residence to the sheriff within 72 hours of moving. If you change your residence to a new county within this state, you must send signed written notice of your change of residence to the sheriff of your new county of residence at least 14 days before moving, register with that sheriff within 24 hours of moving. You must also give signed written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

4. **Additional Requirements Upon Moving to Another State:** If you move out of Washington State, you must also send written notice within 10 days of moving to the county sheriff with whom you last registered in Washington State.

5. **Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If you are a resident of Washington and you are admitted to a public or private institution of higher education, you are required to notify the sheriff of the county of your residence of your intent to attend the institution within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier. If you become employed at a public or private institution of higher education, you are required to notify the sheriff for the county of your residence of your employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If your enrollment or employment at a public or private institution of higher education is terminated, you are required to notify the sheriff for the county of your residence of your termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If you attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40

FELONY JUDGMENT AND SENTENCE (FJS)
RCW 9.94A.500, 505(1)(b) OR 9.94A.500(1)(b)

RCW, you are required to notify the sheriff of the county of your residence of your intent to attend the school. You must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If you are enrolled on September 1, 2006, you must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within 24 hours of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within 48 hours excluding weekends and holidays after losing your residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register in the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You may be required to provide a list the locations where you have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

7. Reporting Requirements for Persons Who Are Risk Level II or III: If you have a fixed residence and you are designated as a risk level II or III, you must report, in person, every 90 days to the sheriff of the county where you are registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If you comply with the 90-day reporting requirement with no violations for at least five years in the community, you may petition the superior court to be relieved of the duty to report every 90 days.

8. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

5.8 The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: Bail previously posted, if any, is hereby exonerated and shall be returned to the posting party.

DONE in Open Court and in the presence of the defendant this date: 6/10/10

Carol Murphy
Judge/Print name:

[Signature]
Deputy Prosecuting Attorney
WSBA No. 28293
Print name: DOMINIQUE JINHONG

[Signature]
Attorney for Defendant
WSBA No 5582
Print name: RICK CORDES

[Signature]
Defendant
Print name: MARK JONATHAN GOSSETT

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.060.

Defendant's signature: *Miguel Hernandez*

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.
 Interpreter signature/Print name: _____

I, _____, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____
 Clerk of the Court of said county and state, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. WA24064146 Date of Birth 03/22/1969
 (If no SID take fingerprint card for State Patrol)

FBI No. _____ Local ID No. _____

PCN No. 766981062 Other _____

Alias name, DOB: _____

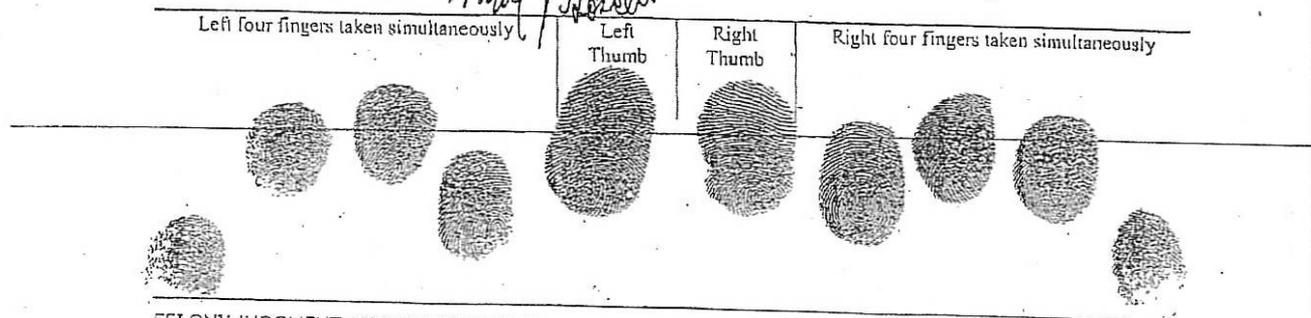
Race: Asian/Pacific Islander Black/African-American Caucasian Native American Other: _____

Ethnicity: Hispanic Non-Hispanic Female

Sex: Male

FINGERPRINTS: I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk *Debra Johnson* Dated: 6/10/10

DEFENDANT'S SIGNATURE: *Miguel Hernandez*



FELONY JUDGMENT AND SENTENCE (FJS)
 (RCW 9A.04.020 - 905X/1000 CR 04 0100 1/10005)

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON] Cause No.: 08-1-002102-9
]]
Plaintiff]
v.] JUDGEMENT AND SENTENCE (FELONY)
Mark J. Gossett] APPENDIX H
Defendant] COMMUNITY CUSTODY
]]
DOC No.: 317246]

The court having found the defendant guilty of offense(s) qualifying for community custody under the Offender Accountability Act, it is further ordered as set forth below.

COMMUNITY CUSTODY:

Community custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

- (a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community custody:
- (1) Report to and be available for contact with the assigned community corrections officer as directed;
 - (2) Work at Department of Corrections' approved education, employment, and/or community service;
 - (3) Defendant shall not consume controlled substances except pursuant to lawfully issued prescriptions;
 - (4) Defendant shall not unlawfully possess controlled substances;
 - (5) ~~Pay supervision fees as determined by the Department of Corrections;~~
 - (6) Perform affirmative acts necessary to monitor compliance with the orders of the Court as required by the Department of Corrections;

- (7) Residence location and living arrangements are subject to the prior approval of the Department of Corrections;
- (8) Notify community corrections officer in advance of any change in address or employment;
- (9) Remain within geographic boundary, as set forth in writing by the community corrections officer.
- (10) Not own, use, or possess a firearm or ammunition while under supervision with the Department of Corrections; and
- (11) Comply with the instructions, rules and regulations of the Department of Corrections and any other conditions imposed by the Court or the Department of Corrections during community custody.
- (12) Do not reside in a community protection zone: the area within eight hundred and eighty (880') feet of the facilities and grounds of a public or private school.

WAIVER: The following above-listed mandatory conditions are waived by the Court: None

- (b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

Obtain a mental health evaluation from a state certified provider and complete all recommended treatment;

- 1) Obtain a sex offender evaluation from a state certified provider and complete all recommended treatment; submit to Psychosexual Evaluation.
- 2) Obey all municipal, county, state, tribal, and federal laws;
- 3) Obey all rules of the Department of Corrections;
- 4) Submit to random urinalysis as directed by assigned community corrections officer;
- 5) Mandatory HIV test;
- 6) Mandatory DNA test;
- 7) Maintain lawful Sex Offender Registration;
- 8) Pay legal financial obligations to the court clerk's office as directed by assigned community corrections officer;
- 9) Abide by any other conditions imposed by the Court and your assigned community corrections officer;
- 10) Do not initiate or prolong physical contact with minor children unless supervised by an adult who has been approved by assigned community corrections officer and treatment provider;
- 11) Do not have access to a computer/internet unless approved by CCO and/or Therapist.
- 12) Do not enter into a relationship with any person who has minors in their care or custody without approval of your assigned community corrections officer and sex offender treatment provider;
- 13) Hold no position of authority or trust involving minors or participate in any youth programs;
- 14) Do not purchase, consume or possess alcohol;
- 15) Submit to random breath testing as required by assigned community corrections officer;
- 16) Submit to polygraph and/or plethysmograph as requested by sex offender treatment provider and/or assigned community corrections officer;
- 17) Avoid places where minors are known to congregate without the prior specific permission of the assigned community corrections officer;
- 18) Do not possess or peruse pornographic materials unless given prior approval by your sexual deviancy treatment specialist and/or community corrections officer. Pornographic materials are to be defined by the therapist and/or assigned community corrections officer;

05/27/2010
Page 2 of 2

- 19) Do not attend X-rated movies, peep show or adult bookstores without the prior approval of the sexual deviancy treatment specialist or assigned community corrections officer;
- 20) Do not change therapist without prior approval of your assigned community corrections officer and certified provider;
- 21) Abide by any conditions suggested by sex offender treatment provider.
- 24) Must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of residence in which the offender lives or has exclusive/joint control/access.

23 Comply w/ GPS if ordered by CCO.

6/10/10

DATE

Carol Murphy

JUDGE

THURSTON COUNTY SUPERIOR COURT

RECEIVED
 THURSTON COUNTY SUPERIOR COURT
 CLERK OF COURT
 05/27/2010

FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

10 AUG -4 PM 3:27

BETTY J. GOULD, CLERK

BY _____
DEPUTY

BRIEF OF PETITIONER
EXHIBIT 2

SUPERIOR COURT OF WASHINGTON
COUNTY OF THURSTON

STATE OF WASHINGTON,

Plaintiff,

vs.

MARK JONATHAN GOSSETT

Defendant.

NO. 08-1-02102-9

ORDER AMENDING AND
CLARIFYING JUDGMENT AND
SENTENCE

THIS MATTER having come on regularly on the agreement of the parties, the Defendant, MARK J. GOSSETT, appearing by and through his attorney, RICK CORDES of CORDES BRANDT, PLLC, and the State appearing by and through Thurston County Deputy Prosecuting Attorney, DOMINIQUE JINHONG, for an Order modifying and clarifying the Judgment and Sentence to make sure the Defendant, MARK GOSSETT is allowed to have visitation with his children, as supervised by the Department of Corrections, during normal visitation in accordance with the rules and regulations of the Department of Correction's; that the Court having reviewed the files and records contained herein and being otherwise fully advised in the premises, now, therefore, it is hereby

///

ORDER AMENDING AND CLARIFYING
JUDGMENT AND SENTENCE - 1

CORDES BRANDT, PLLC
ATTORNEYS AT LAW
2625 B PARKMONT LANE SW
OLYMPIA WASHINGTON 98507
FACSIMILE (360) 753-7075
(360) 357-7793

ORDERED that the Judgment and Sentence entered by the above entitled Court on June 10, 2010 be and the same hereby is modified and clarified to allow for the Defendant to have visitation with his children at any Department of Correction's facility in which the Defendant is housed:

That the children will not have visitation alone with the Defendant and such visitation shall be supervised by Department of Correction's personnel in the normal course of the visitation process followed by the Department of Correction's facility the Defendant is in:

That the normal supervision of visitation by two or more correctional officers in an open room where numerous other inmates may be exercising visitation privileges. is sufficient supervision for the Defendant to have visitation with his children.

DATED this 4th day of August, 2010, at Olympia, Washington.

Carol Murphy
JUDGE

Presented by:

Rick Cordes

RICK CORDES WSBA #5582
Attorney for Defendant

Approved as to form and for Entry:

Dominique Jinhong
DOMINIQUE JINHONG, WSBA#28293
Deputy Prosecuting Attorney

STATE OF WASHINGTON
County of Thurston
I, Betty J. Gould, County Clerk and Ex-officio Clerk of the Superior Court of the State of Washington, for Thurston County holding session at Olympia, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on the seal of the said court. FILED
IN WITNESS WHEREOF, I have hereunto set my hand and official seal of said court Aug 4, 2010
DALED: Aug 4, 2010
BETTY J. GOULD
County Clerk, Thurston County, WA

CORDES BRANDT, PLLC
ATTORNEYS AT LAW
2025 B PARKMONT LANE SW
OLYMPIA, WASHINGTON 98501
FACSIMILE (360) 706-7077
(360) 357-7793

BRIEF OF PETITIONER

EXHIBIT 3



RECEIVED
OCT 15 2010
SCCC RECORDS

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
STAFFORD CREEK CORRECTIONS CENTER
191 Constantina Way • MS: WA-39 • Aberdeen, Washington 98520 • (360) 637-1800
FAX (360) 537-1807

RE: Prohibited Contact Notice

Dear Ms. Gossett

Our records show that you are a visitor or the parent/guardian of Mark Gossett Offender Name

DOC 450.050 Prohibited Contact limits contact by offenders with certain individuals or classes of individuals to further legitimate penological objectives and to ensure that public safety is maintained. The Judgment and Sentence and related file material have been reviewed. Based on this review, [REDACTED]

permission to visit Mark Gossett #317246 Name of Visitor(s)

Offender Name/ DOC Number
has been denied/terminated for the reason(s) checked below:

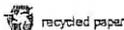
- The Judgment and Sentence prohibits contact with an individual or class of individuals during or upon release from incarceration.
- The person, or parent/legal guardian of the person is a minor, has requested in writing that the contact be stopped or restricted.
- There is an active No Contact order with an individual.
- The person is/was a participant in a crime of conviction with the offender.
- A current Pre-Sentence Investigation (PSI) recommends no contact.
- The nature of a specific treatment program requires prohibiting contact with an individual or class of individuals.
- The individual or class of individuals has/have been victimized by the offender.
- A No Contact order has been rescinded or does not exist, but facility management has reason to believe that allowing contact would be counter to sound correctional practices or legitimate penological objectives.

This notice includes a prohibition against visits, correspondence, telephone calls, and use of third party to communicate. This prohibited contact decision may be appealed to the Superintendent.

[Signature]
Correctional Program Manager

10-14-10
Date

cc: Offender, Central File, Visit Sergeant, Counselor, Mail Room



"Working Together for SAFE Communities"
"Working Together for SAFE Communities"

DOC 21750 (Rev. 12/10/08)

DOC 450.300

BRIEF OF PETITIONER

Schave, Gaylene R. (DOC)

EXHIBIT 4

From: Rohrer, Liza A. (DOC)
Sent: Wednesday, October 13, 2010 8:07 AM
To: 'Linda Gossett'
Cc: Glebe, Patrick R. (DOC); Burke, Andrew S. (DOC); Jones, Gregory F. (DOC)
Subject: RE: Help Needed...

Ms. Gossett,

I realize that this situation must be extremely difficult for you and for your children. We hope to resolve the situation as quickly as possible. I will submit your email to our classification staff, so they can consider the information that you provided during the Facility Risk Management Team Meeting. If you have any addition information or questions, please feel free to contact me.

Liza Rohrer
Correctional Program Manager

From: Linda Gossett [mailto:ljgossett@yahoo.com]
Sent: Tuesday, October 12, 2010 7:59 PM
To: Rohrer, Liza A. (DOC)
Cc: Glebe, Patrick R. (DOC); Burke, Andrew S. (DOC)
Subject: Re: Help Needed...

Dear Liza,

Thank you so much for your informative response.... I am grateful that my email can serve as an appeal, and that nothing else is needed. Our children have been devastated at not being allowed to visit their dad... Would I be allowed to have any input to the Classification Team?... I would tell them that there has never been anything inappropriate in Marks relationship with his children. Mark lived at home during the last year prior to trial, with no supervision at all.

On a side note, we know that Mark is innocent, and his conviction is on appeal. This false allegation, and wrongful conviction was brought about by a revenge seeking [REDACTED]. We hope and pray that the appeal will free Mark, and exonerate him fully. In the meanwhile, we ask that you do not deny our children from seeing their father. If this is denied, could the children, at the very least, visit him in a booth with glass between? At least they could "see" him....

I await your decision....

Respectfully,
Linda Gossett
360/561-7094

From: "Rohrer, Liza A. (DOC)" <larohrer@DOC1.WA.GOV>
To: ljgossett@yahoo.com
Cc: "Glebe, Patrick R. (DOC)" <prglebe@DOC1.WA.GOV>; "Burke, Andrew S. (DOC)" <asburke@DOC1.WA.GOV>
Sent: Tue, October 12, 2010 2:16:47 PM
Subject: FW: Help Needed...

Dear Ms. Gossett,

I have received a copy of your email addressed to Superintendent Glebe regarding the visitation of your children. In your email you note that you made several calls to Andy Burke, the visitation coordinator and he responded that he was waiting for 'letters from the Superintendent and Mark's counselor'. You further report that Mark's Judgment and Sentence has been amended to allow visits with minor children. Superintendent Glebe has asked that I look into the matter and provide information to you regarding the status of the applications.

DOC Policy 450.300 Visits for Prison Offenders notes that once a visitor is denied visiting they may appeal the decision to the facility Superintendent. Mr. Burke generally will receive a response from the Superintendent's office once you submit an appeal and the decision is made regarding the applications. Currently our records in visiting do not show that you appealed the matter to the facility superintendent and this may be one of the 'letters' that Visitation Coordinator was waiting on prior to taking action on the visiting applications. For the purposes of the policy we can accept your email below as your request to appeal the initial denial of the children's visiting applications. The second thing that visiting was waiting upon is a review by the classification team on the suitability of allowing the children to visit.

The initial judgment and sentence shows that Mark was to have no contact with any minor, including his own adopted or biological children. The Judgment and Sentence was later modified on August 10, 2010 allowing visitation with children as supervised by the Department of Corrections, during normal visitation in accordance with the rules and regulations of the Department of Corrections. According to our policies, "DOC 450.300 Visits for Prison Offenders, Section VII: Who May Not Visit, A. 3. *Persons restricted per the Judgment and Sentence. While supervised visits may be allowed per the Judgment and Sentence, supervision by facility visiting staff does not constitute as supervised visitation.*"

Generally when we have a situation where the Judgment and Sentence has been modified or a No Contact Order lifted, we refer the matter to the facility classification team to review. They will make a recommendation to allow visiting or share concerns about allowing the visitation to take place. These recommendations are forwarded to the facility Superintendent for his review. Currently the Classification Team has been contacted to review your request to allow Mr. Gossett's children to visit. We should have a recommendation submitted to the facility Superintendent by Monday October 18th in order for him to consider your appeal. The Superintendent's Office will mail out a decision within 10 working days after they have received the recommendations from the classification staff.

I apologize for the delay in response and the confusion regarding the visitation appeal process. Hopefully, this email has answered some of your questions. If you had additional questions or need further assistance, please feel free to contact me directly.

Sincerely,

Liza Rohrer
Correctional Program Manager
360-537-1863

From: Glebe, Patrick R. (DOC)
Sent: Tuesday, October 12, 2010 8:45 AM
To: Rohrer, Liza A. (DOC)
Subject: FW: Help Needed...

Liza,

Could you look into this a bit and let me know what you find out?

Pat Glebe
Superintendent
Stafford Creek Corrections Center
360-537-1810

From: Glebe, Patrick R. (DOC)
Sent: Tuesday, October 12, 2010 8:45 AM
To: 'Linda Gossett'
Subject: RE: Help Needed...

Let me see what I can find out. Sometimes a Judge may amend a previous order limiting contact but it may not meet our policy as far as contact in the visiting room. I'm not sure if that is the case here but let me see what I can find out.

Pat Glebe
Superintendent
Stafford Creek Corrections Center
360-537-1810

From: Linda Gossett [mailto:ljgossett@yahoo.com]
Sent: Sunday, October 10, 2010 8:51 PM
To: Glebe, Patrick R. (DOC)
Subject: Help Needed...

Dear Mr. Glebe,

I would like your continued help regarding a previous issue that I brought to your attention. I would also like you to know that I do not wish to abuse the privilege of being able to address these issues with you.

I previously asked your help regarding the approval process of visitation for our children with their dad, Mark Gossett #317246....

If you'll recall, the Prosecutor and Judge allowed an amended Court Order giving their permission for our children to visit their father. I resubmitted a Certified Copy of the Amended Sentence and Judgment along with our children's certified Birth Certificates for approval the first week of August. I began calling the Visit Coordinator and finally was able to speak directly with him in mid September. Since that time, I have spoken with him several more times, with him telling me each time that he is awaiting the "letters" to be returned from yourself and Marks' counselor. Mark has recently had "open door" with his counselor 2 times in the last week and a half. Each time his counselor has told Mark that he has never seen any "letter", nor the copy of the Amended Sentence and Judgment from the Visit Coordinator. I am not sure where communications may be breaking down, but I would ask for your assistance with this.

Our children have a great relationship with their dad, and each week when I leave them to come visit him, they get very upset and the younger ones cry, not being able to understand why they cannot come also... Obviously our family is very fractured at this point, so I would ask that they be approved to visit along with me. There has never been anything inappropriate their relationships, and I would like to be able to have at least this minimal time as a family, during visits and the holiday events for families there at the center.

I will await your response, and will be ready to help in any way that I can... I will be visiting tomorrow (monday 10/11) from 11 to 3... So I will not be avail by phone during visiting....

Sincerely,
Linda Gossett
360/561-7094

BRIEF OF PETITIONER

EXHIBIT 5



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

October 23, 2012

Mrs. Linda Gossett
6058 – 61st Ave SE
Lacey, Washington 98513

Dear Ms. Gossett:

Thank you for your letter requesting that visiting privileges be authorized for your children.

In your letter, you point out that there was a modification to the original Judgment and Sentence that allows you to participate in visiting with your children. The modification does not mandate visitation.

Further, the Judgment and Sentence in this case mandates that Mr. Gossett must obtain a sex offender evaluation from a state certified provider and complete recommended treatment, as well as submit to a psychosexual evaluation. The Sex Offender Treatment Program does not provide these kinds of evaluations. Should you or Mr. Gossett choose to hire a private provider, we would be willing to review the denial of visiting privileges with documentation from the provider.

At this time, due to the conviction history, nature of the crime, no participation in treatment opportunities and having no evaluation completed as outlined in the Judgment and Sentence, the denial of visiting privileges with your children is being upheld. All of your appeal opportunities have been exhausted.

Respectfully,

A handwritten signature in black ink, appearing to read "Dan Pacholke".

Dan Pacholke, Assistant Secretary
Prisons Division

DP:bs:ew:nd: DEP-19368

cc: Pat Glebe, Superintendent
Gynger Steele, Sex Offender Treatment Program Manager
Kendra Wakefield, Classification Counselor
Visit Program
Mr. Mark Gossett, DOC 317246, Stafford Creek Corrections Center, H6 / H611U
191 Constantine Way, Aberdeen, WA 98520
Offender File

"Working Together for SAFE Communities"