

FILED
Court of Appeals
Division II
State of Washington
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NO. 49525-2-II

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

IN RE THE PERSONAL RESTRAINT OF:

MARK GOSSETT,
Petitioner.

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

Thurston County Cause No. 08-1-02102-9

The Honorable Carol A. Murphy, Judge

REPLY BRIEF OF PETITIONER

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under DOC’s new system. 1**

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Appendix B: Declaration of Lauren Gossett

TABLE OF AUTHORITIES

WASHINGTON CASE

Matter of Dependency of LS, 200 Wn. App. 680, 402 P.3d 937 (2017)..... 2

ADDITIONAL FACTS

Mr. Gossett's 19-year-old daughter, Lauren Gossett, re-applied for permission to visit her father in late February 2018 through the Department of Corrections (DOC) new online system. Appendix B.

On March 9, 2018, Ms. Gossett received a letter from DOC stating that her application had been denied, giving the following as the only reason for the denial: "There is a DOC Imposed Prohibited Contact order in place at this time." Appendix A.

The only DOC-imposed order prohibiting contact between Ms. Gossett and her father is the department's prior denials of her applications for permission to visit Mr. Gossett. Appendix B.

ARGUMENT

MR. GOSSETT'S CLAIMS REGARDING THE PROHIBITION ON VISITATION WITH HIS ADULT CHILDREN ARE NOT MOOT BECAUSE THEY CONTINUE TO BE PROHIBITED FROM VISITING THEIR FATHER UNDER DOC'S NEW SYSTEM.

Citing to no legal authority, DOC claims that the "dramatic changes" in the department's management of visitation applications render Mr. Gossett's claims regarding visitation with his adult children moot because those applications would be approved if submitted today, so long as the adult children met the requirements of all applicants such as a criminal background check. Supplemental Response of DOC, pp. 34-36.

DOC asserts that the concerns regarding visitation with Mr. Gossett's adult children that existed before "simply do not exist today given the significant changes to the visitation program." Supplemental Response of DOC, p. 36.

But Mr. Gossett's adult child, Lauren Gossett, was denied permission to visit even after the "dramatic changes" took place. Appendix A; Appendix B. This is true even though she appears to have met the other requirements for visitation, such as completion of a criminal background check. *See* Appendix A (citing a DOC-imposed prohibited contact order as the only reason for denial of her application). As demonstrated by Lauren's experience, DOC continues to rely on its prior decision prohibiting contact between Mr. Gossett and his adult children to justify continued denial of permission for those adults to visit their father. Appendix A; Appendix B.

DOC's contention that Mr. Gossett's adult children would be approved for visitation if they applied through the new system is incorrect. Mr. Gossett's claims regarding his adult children are not moot. *See Matter of Dependency of LS*, 200 Wn. App. 680, 685, 402 P.3d 937 (2017) (an issue is not moot if the court can still provide effective relief).

CONCLUSION

For these reasons and the reasons set forth in Mr. Gossett's Supplemental Brief, this Court should grant his personal restraint petition and permit him to visit with his children.

Respectfully submitted on March 28, 2018,



Skylar T. Brett, WSBA No. 45475
Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that on today's date:

I mailed a copy of Petitioner's Reply Brief, postage prepaid, to:

Mark Gossett/DOC#317246
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

With the permission of the recipient(s), I delivered an electronic version of the brief, using the Court's filing portal, to:

Office of the Attorney General
aaronw@atg.wa.gov

I filed the Petitioner's Reply Brief electronically with the Court of Appeals, Division II, through the Court's online filing system.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Seattle, Washington on March 28, 2018.



Skylar T. Brett, WSBA No. 45475
Attorney for Petitioner

APPENDIX A



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

March 9, 2018

Lauren Gossett
6058 61st Avenue Southeast
Lacey, Washington 98513

Dear Ms. Gossett:

Thank you for submitting an application to participate in the Visit program with Mark Gossett, DOC 317246. Unfortunately, at this time we are unable to approve your application for the following reason:

Other: There is a DOC Imposed Prohibited Contact order in place at this time.

If you believe this denial is in error, you may submit a written appeal to the Statewide Visit Specialist explaining the circumstances. Forward your appeal using either mail via USPS or email address listed below:

Statewide Visit Specialist
Post Office Box 41118
Olympia, Washington 98504-1118

Email: docvisitappeals@doc1.wa.gov

Sincerely,
Visiting Unit
Prisons Division

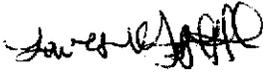
sm

cc: Individual File DOC 317246

APPENDIX B

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed March 27, 2017 Lacey, Washington.
(date) (city)



Lauren Gossett

Declaration of Lauren Gossett-2

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The following documents have been uploaded:

- 495252_Briefs_20180328123248D2201204_6821.pdf
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