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No. 95319-8

IN THE SUPREME COURT OF WASHINGTON

(Thurston County Superior Court No. 16-2-02530-34)

IN THE MATTER OF THE WRONGFUL CONVICTION OF
TED LOUIS BRADFORD,

Appellant,

v.

STATE OF WASHINGTON

Respondent.

APPELLANT'S OPENING BRIEF

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I. INTRODUCTION AND SUMMARY OF ARGUMENT

The State admitted in the trial court – and the trial court found – that Appellant Ted Bradford was wrongly convicted and served over nine years in prison for a crime he did not commit. The Washington Legislature provided a limited remedy for such individuals when it enacted the Wrongly Convicted Persons Act (WCPA) in 2013. Under the WCPA, wrongly convicted persons can recover $50,000 for each year of wrongful confinement and $25,000 for each year served on parole. RCW 4.100.060(5). The legislature also explained that its intent in enacting this remedy was "to provide an avenue for those who have been wrongly convicted in Washington state to redress the lost years of their lives, and help to address the unique challenges faced by the wrongly convicted after exoneration." RCW 4.100.010. As noted, there is no dispute that Mr. Bradford is entitled to compensation under the statute.

The parties' dispute centers instead on the release that a wrongly convicted person must execute prior to payment of compensation under the WCPA. In the trial court, Mr. Bradford agreed to execute a legal release that included the State and its political subdivisions, but the State argued – and the trial court agreed – that in order to receive compensation under the WCPA Mr. Bradford was also required to release his claims against *agents and employees* of political subdivisions of the State, which in this case

would include his federal claims against the Yakima Police Department detective whose unlawful conduct led to his wrongful conviction and incarceration. Because Mr. Bradford would not sign the State's release, the trial court denied his motion for entry of judgment under the WCPA.

The WCPA *expressly* and *specifically* addresses this issue: it states that "[t]he claimant must execute a legal release prior to the payment of any compensation under this chapter." RCW 4.100.080(1). Contrary to the trial court's ruling, the plain language of the statute does not require claimants to release their claims against agents and employees of political subdivisions of the State. Instead, it requires only that claimants execute a legal release, which Mr. Bradford agreed to do. Equally troubling, the trial court's erroneous interpretation of the WCPA raises serious federalism issues because it requires Mr. Bradford to release his *federal claims* against a culpable individual as a precondition to payment under state law. The constitutional infirmity of the ruling is another reason to reject the trial court's interpretation of the statute.

In sum, Mr. Bradford respectfully requests that this Court reverse the trial court's ruling and remand for entry of judgment under the WCPA because, contrary to the court's ruling, Mr. Bradford has agreed to tender a legal release – which is all the statute requires.

II. ASSIGNMENT OF ERROR

The trial court erred in denying Mr. Bradford's motion for entry of judgment under the WCPA. CP 436-37.

III. ISSUE PRESENTED

Does RCW 4.100.080(1) require claimants who have established the elements of a claim under the WCPA to release their claims against agents and employees of the State's political subdivisions as a precondition to payment of compensation under the act?

IV. STATEMENT OF THE CASE

The Court of Appeals stated many of the pertinent facts in its 2007 opinion regarding Mr. Bradford's wrongful conviction. *See In re Bradford,* 140 Wn. App. 124, 165 P.3d 31 (2007). Relevant here, the Court of Appeals stated as follows:

> In 1996, a jury convicted Ted Louis Bradford of first degree rape and first degree burglary, finding he was the man in a nylon stocking mask who broke into the victim's house and sexually assaulted her….
>
> In 2005, after Mr. Bradford completed serving his confinement time, the Washington State Patrol Crime Lab tested the mask the assailant had placed on the victim's face during the rape. The lab used DNA testing procedures not available in 1995. Philip Hodge is the scientist who conducted the test. He described the testing procedure and the results. The DNA tests excluded Mr. Bradford as a contributor; however, the DNA of another man, only identified as contributor B, was found on the face of the

> mask and on the sticky side of the tape placed over the mask's eye openings before the assault.

Id. at 126-27 (internal citations and footnote omitted). The Court of Appeals also summarized the reference court findings that were relevant to its analysis as follows:

- The victim was not able to identify Mr. Bradford as the perpetrator. No other eyewitnesses to the crime exist. No scientific analysis established the perpetrator's identity.

- The assault occurred at 9:30 a.m. when Mr. Bradford was normally at work. At trial, evidence conflicted as to whether Mr. Bradford was at work that day. Mr. Bradford's co-employee witnesses keyed the crime date to the date of Mr. Bradford's vasectomy scheduled later that same day, and remembered joking with Mr. Bradford about the vasectomy.

- The State's primary evidence was Mr. Bradford's confession that began, "I probably did it." But his statement varied substantially with the details given by the victim and required consideration of its reliability and weight in light of numerous disagreements between the description and details given by Mr. Bradford and the victim.

…

- Philip Hodge, a forensic scientist at the Washington State Patrol Crime Lab, conducted DNA testing on evidence collected at the crime scene, including a mask the perpetrator put on the victim at the time of the assault. The mask had eyeholes over which tape had been placed, against the inside of the mask. The perpetrator brought the mask with him. The tape had not been disturbed. Mr. Hodge processed the tape in three parts. The sticky side was referenced as Tape A, the shiny side was referenced as Tape B, and the area of the tape exposed through the eyeholes was referenced as Tape C.

> …
>
> - On Tape A, Mr. Hodge's analysis revealed the presence of DNA from an unidentified male, contributor B. DNA from the same male was found on Tape C. Only the victim's DNA was found on Tape B, the shiny side of the tape that rested against the victim's face. Mr. Bradford's DNA was not present on any of the tape's surfaces….

Id. at 127-28 (citation omitted). Based on these findings and its analysis regarding the so-called "contributor B," the Court of Appeals concluded: "We grant the personal restraint petition of Ted Louis Bradford and reverse his 1996 rape and burglary convictions based upon newly discovered DNA (deoxyribonucleic acid) evidence." *Id.* at 126.

Sadly, despite the Court of Appeals' reversal and the newly discovered DNA evidence, the Yakima County prosecutor decided to retry Mr. Bradford, this time for *aggravated* rape and burglary. CP172. But this time the jury, presented with the newly discovered DNA evidence, acquitted Mr. Bradford of all charges. CP 262. Following his acquittal, Mr. Bradford filed the compensation claim in this case. CP 4-7.

One of the elements of a WCPA claim is that "[t]he claimant did not engage in any illegal conduct alleged in the charging documents." RCW 4.100.060(1)(d). Here, that could be established by eliminating Mr. Bradford as the perpetrator or by identifying the individual who actually

committed the rape and burglary. Mr. Bradford's counsel hired an investigator to assist them in establishing these facts. CP 264.

The investigation began with an obvious lead. When police interviewed the victim after the rape, she mentioned *several times* that the rapist matched the physical description of her brother-in-law, but she could not definitively identify the rapist because he disguised his appearance and voice. CP 264-65, 272-73, 277-78, 283-84, 286. Based on those repeated statements, Mr. Bradford's counsel directed their investigator to obtain the brother-in-law's DNA so that it could be compared to the DNA of "contributor B" as identified in the Court of Appeals' opinion – something the police had not bothered to do after the DNA evidence on the mask excluded Mr. Bradford. CP 264-65.

The investigator obtained the brother-in-law's DNA in May of 2017 from a plastic bottle that he placed in his trash and left by the side of the road for pickup. CP 265. On July 19, 2017, a DNA analyst from Bode Cellmark produced a report stating that the DNA sample taken from the bottle in Mr. Sellers' trash matched the DNA obtained from the rapist's mask. CP 265, 290-91. The report further indicates that the "probability of randomly selecting an unrelated individual with this DNA profile" is approximately "1 in 45 million in the US Caucasian population." CP 290.

Based on this DNA evidence, Mr. Bradford filed a motion for summary judgment in which he argued that he is entitled to prevail on his WCPA claim as a matter of law because there is no genuine issue of material fact as to any of the elements of that claim, including actual innocence. CP 155-61. Both the State and the trial court agreed that Mr. Bradford had established the elements of his WCPA claim. CP 167, 318. The trial court's October 10, 2017 Order thus states: "the State of Washington has agreed, and the Court therefore finds, that there is no genuine issue of material fact that Mr. Bradford can establish by clear and convincing evidence each of the five elements of a claim for compensation under the [WCPA]." CP 318. The parties further agreed that $608,416.04 is the amount of compensation due under the WCPA. CP 364.

Despite agreeing that Mr. Bradford is entitled to compensation under the WCPA and reaching agreement with Mr. Bradford's counsel regarding the amount of that compensation, the State did not agree that Mr. Bradford was entitled to entry of judgment under the statute. Instead, the State asserted that the trial court "should not enter judgment for compensation under the WCPA unless Bradford tenders a written release which conforms to the requirements of RCW 4.100.080." CP 355. And it took the further position that the WCPA requires claimants to release all claims – under both state and federal law – against the State, its political

subdivisions, and their agents and employees before they can receive compensation under the act. CP 352, 355, 372-73.

Mr. Bradford was willing to release his claims against the State and its political subdivisions – and agreed to execute a legal release so stating – but he was not willing to release his claims against agents and employees of the State's political subdivisions. CP 359, 367. That is because, before filing this action for compensation under the WCPA, Mr. Bradford filed a lawsuit in federal court asserting federal claims against Yakima Police Department Detective Joseph Scherschligt. CP 328. Mr. Bradford alleges in that lawsuit that Detective Scherschligt violated his due process rights under the United States Constitution by failing to disclose exculpatory evidence and fabricating inculpatory evidence and that this unlawful conduct led to his wrongful conviction. *Id.*[1] These are serious violations of federal law, and Mr. Bradford was not willing to release his claims against Detective Scherschligt to obtain compensation from the State under the WCPA. CP 236-37.

[1] As noted previously, the Court of Appeals specifically noted that "[t]he State's primary evidence" was a confession that began with "I probably did it" followed by statements that "varied substantially with the details given by the victim." 140 Wn. App. at 127. Like the Washington Court of Appeals, whose opinion is quoted in the text above, the Ninth Circuit has recognized in a published opinion that Detective Scherschligt obtained this purported confession "after many hours" of interrogation and "the details of his confession were inconsistent with many of the facts K.S. [the victim] had reported." *Bradford v. Scherschligt*, 803 F.3d 382, 384 (9th Cir. 2015).

The State and Mr. Bradford prepared competing releases and asked the trial court to decide between them: the State's proposed release included all state and federal claims against the State, its political subdivisions, and their agents and employees (CP 372-73) whereas Mr. Bradford's proposed release included claims against the State and its political subdivisions but did not include claims against agents and employees of the State's political subdivisions (CP 367). Interpreting the WCPA as the State argued, the trial court concluded that Mr. Bradford "is not entitled to judgment as a matter of law because [he] has not submitted the release which is required under RCW 4.100.080(1) before [he] can receive compensation." CP 436. This timely appeal followed. CP 434-37.

V. ARGUMENT

A. The Plain Language Of The WCPA Does Not Require Claimants To Release Their Claims Against Agents And Employees Of The State's Political Subdivisions As A Precondition To Payment Of Compensation Under The Act.

As noted above, the trial court denied Mr. Bradford's motion for entry of judgment "because [he] has not submitted the release which is required under RCW 4.100.080(1)." CP 436. That statute addresses the required release in a single sentence, which provides that "[t]he claimant must execute a legal release prior to the payment of any compensation under this chapter." RCW 4.100.080(1). Thus, contrary to the trial court's ruling,

the *only requirement* of RCW 4.100.080(1) is that claimants must execute a legal release prior to the payment of compensation under the act. Here, as noted above, Mr. Bradford tendered a legal release and agreed that he would sign it. CP 236-37, 359, 367. Because that is all that the WCPA requires, the trial court erred when it refused to enter judgment for compensation under the WCPA as Mr. Bradford requested. CP 436-37.

Wright v. Lyft, Inc., __ Wn.2d __, 406 P.3d 1149 (2017), is instructive on this point. One of the issues in *Wright* was whether the recipient of a text message that violates the Consumer Electronic Mail Act, Chapter 19.190 RCW, has a private right of action for damages under the statute. The Court noted that the Washington legislature created a *limited* cause of action in 2005, which "shows the legislature knew how to institute a cause of action and how to circumscribe its scope." *Id.* at 1152. But the 2005 amendment to the statute "did not alter CEMA's text message provision to recognize a cause of action therein, nor did it contain language including text message violations in a phishing claim." *Id.* at 1152–53. The Court thus refused to recognize such a cause of action, noting that "the legislature means exactly what it says" and "[o]missions are deemed to be exclusions." *Id*. at 1153.

The same reasoning applies here. The Washington legislature clearly knew how to reference and include claims against agents and

employees of the State's political subdivisions. It did precisely that in the portion of RCW 4.100.080(1) that addresses *waiver*, which expressly refers to "the state, any political subdivision of the state, and *their officers, employees, agents, and volunteers*." RCW 4.100.080(1) (emphasis added). But that provision addresses a different issue – waiver of claims – which is not presented here.[2] Here, in contrast, the sole issue is the scope of the required *release*. Critical here, the legislature did not include the italicized language or anything like it in the portion of RCW 4.100.080(1) that addresses the required release. Applying *Wright* and other similar cases, that omission is deemed to be an exclusion and thus *precludes* trial courts from requiring a claimant to release claims against those individuals as a precondition to payment of compensation under the WCPA.

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[2] The waiver provision in the WCPA states in full: "As a requirement to making a request for relief under this chapter, the claimant waives any and all other remedies, causes of action, and other forms of relief or compensation against the state, any political subdivision of the state, and their officers, employees, agents, and volunteers related to the claimant's wrongful conviction and imprisonment. This waiver shall also include all state, common law, and federal claims for relief, including claims pursuant to 42 U.S.C. Sec. 1983." RCW 4.100.080(1). Any argument regarding the legality and effect of this waiver provision would necessarily be asserted by the beneficiary of the waiver in another proceeding where a claimant presents a claim that has purportedly been waived. Here, that would be Detective Scherschligt. But he made a strategic choice to waive that protection under RCW 4.100.080(1) so that he could obtain a needed continuance in the federal lawsuit, as evidenced by the parties' stipulated motion in federal court. CP 328-30, 336-37. Moreover, even if Detective Scherschligt had not made that choice and filed that stipulated waiver in federal court, the waiver provision of RCW 4.100.080(1) violates the Supremacy Clause of the United States Constitution because it purportedly requires individuals to waive *federal* claims against employees and agents of the State and its political subdivisions solely as a requirement to *making a request for relief* under the WCPA (regardless of whether that request is successful). *See* discussion of federal law on pages 17-19 below.

In short, the WCPA addresses the required release in a single sentence, and that sentence *does not require* claimants to release their claims against agents and employees of the State's political subdivisions as a precondition to payment of compensation under the act. Instead, all it requires is a legal release, and Mr. Bradford submitted a legal release in the trial court and agreed that he would execute it. CP 236-37, 359, 367. The trial court thus erred as a matter of law when it concluded that Mr. Bradford "is not entitled to judgment as a matter of law because [he] has not submitted the release which is required under RCW 4.100.080(1) before [he] can receive compensation." CP 436. This Court should reverse the trial court's erroneous ruling and remand for entry of judgment under the WCPA.

B. The Trial Court's Interpretation Of The WCPA Is Contrary To The Plain Language Of The Statute And Raises Serious Federalism Issues.

When the trial court denied Mr. Bradford's motion for entry of judgment under the WCPA, it explained its reasoning as follows:

> The court is going to deny the motion for summary judgment. The ultimate ruling of this court is based upon the court's ruling and belief that all of the sentences contained in the statute, RCW 4.100.080(1), must be read in harmony. And it is the opinion of this court that it was the clear intent of the Legislature that there be exclusive remedy to any claimant. And absent a release that is consistent with or includes most if not all of the language contained within the state's proposed release, more specifically, absent that

> language at paragraph 2 [releasing claims against agents and employees of the State's political subdivisions], the claimant, Mr. Bradford, could and probably would continue to litigate his action in federal court. And this court believes that that would be contrary to the intent of the Legislature.

RP 41-42. As set forth below, the trial court's reasoning is contrary to the plain language of the WCPA, misapplies Washington case law regarding statutory interpretation, and is constitutionally infirm.

To begin with, the trial court's reliance on legislative intent is flawed. The Supreme Court addressed this issue in *State v. J.P.*, 149 Wn.2d 444, 69 P.3d 318 (2003), as follows:

> Our starting point must always be the statute's plain language and ordinary meaning. When the plain language is unambiguous – that is, when the statutory language admits of only one meaning – the legislative intent is apparent, and we will not construe the statute otherwise. Just as we cannot add words or clauses to an unambiguous statute when the legislature has chosen not to include that language, we may not delete language from an unambiguous statute ….

Id. at 450 (quotation marks and citation omitted). As *J.P.* confirms, legislative intent does not allow courts to construe a statute contrary to its plain language or add words to a statute that the legislature did not include – as the trial court did here.

Even if legislative intent could control over the plain language of a statute, the trial court also erred by ignoring the legislature's express statement of legislative intent in the WCPA itself. In RCW 4.100.010, the

legislature stated its intent in enacting the WCPA and providing a remedy for wrongly convicted persons:

> **Intent**.
>
> The legislature recognizes that persons convicted and imprisoned for crimes they did not commit have been uniquely victimized. Having suffered tremendous injustice by being stripped of their lives and liberty, they are forced to endure imprisonment and are later stigmatized as felons. A majority of those wrongly convicted in Washington state have no remedy available under the law for the destruction of their personal lives resulting from errors in our criminal justice system. The legislature intends to provide an avenue for those who have been wrongly convicted in Washington state to redress the lost years of their lives, and help to address the unique challenges faced by the wrongly convicted after exoneration.

Then, in RCW 4.100.080(1), the legislature further stated its intent regarding remedies under the WCPA and the exclusivity of that remedy against the State and its political subdivisions:

> It is the intent of the legislature that the remedies and compensation provided under this chapter shall be exclusive to all other remedies at law and in equity against the state or any political subdivision of the state.

If legislative intent is relevant here, the legislature clearly stated that intent in the WCPA and this Court can now determine whether the trial court's interpretation of the statute is consistent with that intent.

Neither statement of legislative intent supports the trial court's ruling. In RCW 4.100.010, the legislature indicated that wrongly convicted individuals like Mr. Bradford *should be compensated under the statute*

because they have suffered tremendous injustice, have lost years of their lives, and face unique challenges. Citing RCW 4.100.010, the Court of Appeals in *Larson v. State*, 194 Wn. App. 722, 375 P.3d 1096 (2016), held that the WCPA "is remedial in nature, and remedial statutes are liberally construed to suppress the evil and advance the remedy." *Id*. at 735 (internal quotation marks and citation omitted). The trial court's ruling here is *contrary* to this statement of legislative intent because it injects a precondition to payment of compensation under the WCPA – release of claims against agents and employees of the State's political subdivisions – that the legislature chose not to include. The trial court's interpretation of the WCPA thus suppresses the remedy and advances the evil – the opposite of what the legislature intended and Washington case law requires.

In RCW 4.100.080(1), in turn, the legislature specifically stated its intent regarding exclusivity. As noted above, the trial court here stated that "it is the opinion of this court that it was the clear intent of the Legislature that there be exclusive remedy to any claimant." RP 41. If that had been the legislature's intent, it would have stated that the remedies provided by the statute shall be exclusive of all other remedies against the state, any political subdivision of the state, *and their officers, employees, agents, and volunteers* – the language it used in the waiver portion of the statute. *See supra* at 11 & n.2. The legislature did not write the statute that way; instead,

it specifically stated that the remedies and compensation provided by the WCPA shall be exclusive "*against the state or any political subdivision of the state*." (Emphasis added.) Mr. Bradford expressly agreed to release his claims against those parties. CP 236-37, 359, 367. The trial court erred by demanding more than the legislature required.

The trial court's ruling also cannot be justified by any purported need to read the various portions of RCW 4.100.080(1) "in harmony" as the trial court indicated. RP 41. Washington courts have harmonized statutory provisions in two principal circumstances. First, when a statute is ambiguous or unclear, courts may "adopt the sense of the words which best harmonizes with the context." *State v. Barnes*, 189 Wn.2d 492, 503, 403 P.3d 72 (2017) (internal quotation marks omitted). Second, when a statute conflicts with another statute or a court rule, courts will "interpret statutes to harmonize with each other instead of conflict." *State v. Bunker*, 169 Wn.2d 571, 580, 238 P.3d 487 (2010). In such circumstances, there is something about the statute – a lack of clarity, a potential conflict without another statute, and the like – which prompts the court to harmonize it with another legislative or judicial pronouncement.

Here, the various provisions of the WCPA operate harmoniously without adding words to the statute: there is a statement of legislative intent that applies to the State and its political subdivisions, a waiver provision

that adds agents and employees of political subdivisions, and a final requirement of a "release." RCW 4.100.080(1). Both legally and logically, the only party that merits or requires such a release is the State, which is the sole defendant and the only party obligated to pay any judgment entered under the WCPA. Contrary to the trial court's ruling, there is no reason to require claimants to release their claims (let alone their federal claims) against non-parties under the guise of harmonization.

The trial court's interpretation of the release provision in RCW 4.100.080(1) also raises serious federalism issues because it requires claimants to release *federal claims* against non-parties in order to obtain compensation under state law. As noted previously, Mr. Bradford has sued Detective Scherschligt under 42 U.S.C. § 1983 for failing to disclose exculpatory evidence and fabricating inculpatory evidence. CP 328. If claimants like Mr. Bradford are required under RCW 4.100.080(1) to release federal claims against culpable individuals as a precondition to payment of compensation under the WCPA, then the individuals who perpetrate such wrongful convictions will not be punished or deterred as federal law mandates. *See Owen v. City of Indep., Mo.*, 445 U.S. 622, 651, 100 S. Ct. 1398 (1980) ("§ 1983 was intended not only to provide compensation to the victims of past abuses, but to serve as a deterrent against future constitutional deprivations.").

Additionally, federal courts have repeatedly held that "[c]onduct by persons acting under color of state law which is wrongful under 42 U.S.C. § 1983 or § 1985(3) *cannot be immunized by state law*." *Martinez v. State of Cal.*, 444 U.S. 277, 284 n.8 (1980) (internal quotation marks omitted; emphasis added). The trial court had a "duty to construe [the WCPA] so as to avoid constitutional infirmities." *State v. Robinson*, 153 Wn.2d 689, 703, 107 P.3d 90 (2005). Instead, it did the opposite: it interpreted the release provision in the WCPA to require claimants to release their claims against non-parties who have violated federal law even though the Washington legislature did not require such a release in the portion of the WCPA that expressly addresses this issue. The constitutional infirmity of the trial court's ruling is another reason to reject its interpretation of the statute.

In response to this federalism issue, the State has suggested that litigants can "choose" not to pursue a claim under the WCPA and thus avoid releasing their federal claims. This argument misses the mark for at least two reasons. First, the amount of compensation under the WCPA is substantial; in Mr. Bradford's case, the parties agree that the amount due upon entry of judgment is $608,416.04. CP 364. A wrongly convicted person like Mr. Bradford – having spent many years in prison for a crime he did not commit – is generally unable to forego such compensation. The State's position, and the trial court's corresponding interpretation of the

WCPA, is highly coercive. Second, under *Robinson* and similar cases, courts have a duty to *construe* state statutes to avoid constitutional infirmities. A claimant's purported "choice" to pursue or forego an available remedy under state law does not alter this bedrock rule of statutory interpretation. The trial court's ruling, in contrast, creates a constitutional infirmity that the Washington legislature avoided when it did not include agents and employees of the State's political subdivisions in the portion of the WCPA addressing the required release.

Lastly, the trial court's ruling also cannot be justified by any purported need to avoid double recovery. Mr. Bradford has agreed to *reimburse* the State for the amount of compensation paid to him under the WCPA if he receives a tort award related to his wrongful conviction. CP 367 (proposed release, stating that "[c]laimant further agrees to reimburse the State for the amount of compensation paid to him in accordance with the reimbursement provision in RCW 4.100.080(1)[3] if he receives a tort award related to his wrongful conviction"). Requiring Mr. Bradford to release his claims against agents and employees of the State's political

[3] The reimbursement provision in RCW 4.100.080(1) states that if a claimant "is awarded compensation under this chapter and receives a tort award related to his or her wrongful conviction and incarceration, the claimant must reimburse the state for the lesser of: (a) The amount of the compensation award, excluding the portion awarded pursuant to RCW 4.100.060(5) (c) through (e); or (b) The amount received by the claimant under the tort award."

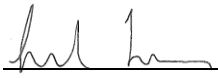
subdivisions as a precondition to payment of compensation under the WCPA is thus unnecessary as well as legally impermissible.

VI. CONCLUSION

For the foregoing reasons, the Court should direct the trial court on remand to enter judgment under the WPCA so that Mr. Bradford can finally obtain *some* compensation for the enormous harm he has suffered while serving nine years in prison for a crime that he did not commit.

DATED: February 27, 2018.

PETERSON | WAMPOLD
ROSATO | FELDMAN | LUNA



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CERTIFICATE OF SERVICE

I certify that on the date shown below a copy of this document was sent as stated below.

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SIGNED in Seattle, Washington this 27th day of February, 2018.

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Dana Vizzare

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