

FILED

MAY 13 2015

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

No. 323935

COURT OF APPEALS DIVISION III

The State of Washington,

Respondent,

v.

Wallace Edward SCHNEIDER,

Appellant.

BRIEF OF APPELLANT(S)

**APPEAL FROM THE SUPERIOR COURT FOR
FERRY COUNTY**

Hon. Allen Nielson
Cause No. 6227

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I. ASSIGNMENTS OF ERROR

A. Assignments

Assignment of Error 1: The Trial Court erred in failing to give adequate weight to fact evidence presented. (Information, CP1-4, *Judgment and Sentence*, CP 17, *Order Committing Def to W. State Hospital for Treatment*, CP 11-12, Notice of Release from Western State, CP 18, *Petition For Relief of the Duty to Register*, CP 20-38, Letter from Kathleen Karels in Support, CP 56-59; Motion hearing 1/24/14 VRP 17-23, CP 17, Direct Examination of Edward Schneider VRP 30-38, Cross-examination of Edward Schneider VRP 38-40, Re-direct Examination of Edward Schneider VRP 40, Interrogation of Edward Schneider VRP 42; Direct Examination of Andrew Leeper VRP44, Cross Examination of Andrew Leeper VRP 57, Defendant's Arguments at Petition Hearing, VR59-61, 64-66, Findings VRP 66-73; *Findings, Conclusions & Ruling* CP 63-68)

Assignment of Error 2: In the case of witness Andrew Leeper, the Trial Court gave inadequate weight to expert testimony offered under ER 702. (Motion Hearing 1/27/2014 VRP 24-29, Appendice A: Job Description for Child Care Counselor I -348N. Appendice B: Job Description for Child Care Counselor II 348O, Testimony of Andrew Leeper VRP 44-56, Letter to Judge Kohls From Western State CP 15-16)

Assignment of Error 3: The Trial Court erred in applying the correct standard of review for its ruling under RCW 9A.44.141-2 as currently written. (*Hearing, Finding, Conclusions & Ruling*, CP 63-68)

Assignment of Error 4: The Trial Court erred in giving inadequate weight to an expert risk assessment that it had specifically solicited, and the State made no objection to. VRP-71-72, Sealed Medical & Health Information CP 78-91, Motion Hearing 2/21/2014 VRP 74-80, Order to Deny Motion for Reconsideration, CP 72-75)

Assignment of Error 5: The Trial Court erred in ruling that RCW 9A.44.130 et seq is not ex post facto law vis-a-vis the Appellant in violation of U.S. Const. Art. I § 10 and WA Const. § 23.(Sentence Fixed by Board, CP 19, Judge's Comment VR 66-73, Motion Hearing 12/27/2013, VRP 3-16) Testimony of Edward Schneider, VRP 15-16, 33-35, 39, Judges Ruling VR 67-68, Findings, Conclusions & Ruling CP 63-68))

Assignment of Error 6: The Trial Court erred in its analysis of RCW 9A.44.130 et seq as a bill of attainder prohibited by U.S. Const. Art. I § 10 and WA Const. § 23.(VR 67-68, Findings, Conclusions & Ruling CP 63-68)

B. Issues on Appeal

1. Does the statutory scheme of RCW 9A.44.130 et seq violate State and Federal Constitutional Provisions against Bills of Attainder and Ex post facto punishment under these facts? (Assignments of Error 5-6)
2. Did the Trial Court abuse its discretion by denying the Appellant's *Petition for Relief from the Duty to Register* under RCW 9A.44.142 and 9A.44.130? (Assignments of Error 1-4)

II. STATEMENT OF CASE

This appeal concerns the Court's erroneous denial of the Appellant's petition to be relieved of the overburdensome Duty to Register as a sex offender under RCW 9A.44.130 et seq. in connection with a single conviction by guilty plea of first degree rape of Catherin/e Smith under Ferry County Superior Court Cause No. 6227 in 1976 when he was 19 years old.¹

Washington's RCW 9A.44.142 currently allows someone previously convicted of a sex offense to petition and be relieved of the obligation to register, as long as the offense(s) did not involve kidnapping or children, and the defendant has lived in the community at least 15 years without another offense of that nature. Here, the Appellant was more than eligible, and he submitted adequate evidence to support a finding of being sufficiently rehabilitated to warrant removal from the registry, therefore relief should have been granted. However the Trial Court's abuse of discretion, and cursory rejections of constitutional claims under U.S. Const. Art. I § 10 and WA Const. § 23 resulted in wrongful denial of the Appellants petition.

III. ARGUMENT

A. The statutory scheme of RCW 9A.44.130 et seq violates State and Federal Constitutional Provisions against Bills of Attainder and Ex post facto punishment under these facts.

1. The Trial Court erred in ruling that RCW 9A.44.130 et seq is not ex post facto law vis-a-vis the Appellant in violation of U.S. Const. Art. I § 10 and WA Const. § 23.

¹This case was technically ancient, and having occurred prior to electronic records, was not even listed the handwritten docket archive, and originally couldn't be found until retraced through the Appellant's Certificate of Release from Prison. VRP 10, lines 1-4)

As argued in brief and at hearing, RCW 9A.44.140 provisions for indefinite affirmative duty of participation in a public registry of their private information (the failure to do so a felony which only sex offenders can commit), along with express travel restrictions violate U.S. Constitution Article 1 § 10² and WA Constitution Section 23³ against Bills of Attainder. A bill of attainder is a legislative act which applies to named individuals or to easily ascertained members of a group in such a way as to inflict punishment on them without judicial trial. (*State v. Hennings*, 129 Wn.2d 512, 526-527 (1996) citing *State v. Scheffel*, 82 Wash.2d 872, 881, 514 P.2d 1052 (1973) and *United States v. Brown*, 381 U.S. 437, 442, 445, 85 S.Ct. 1707, 1711, 1713, 14 L.Ed.2d 484 (1965)) The prohibitions on bills of attainder prohibit legislatures from singling out disfavored persons and meting out summary punishment for past conduct. (*State v. Hennings*, 129 Wn.2d 512, 527 citing *Landgraf v. USI Film Prods.*, 511 U.S. 244, ----, 114 S.Ct. 1483, 1497, 128 L.Ed.2d 229 (1994)). This statutory scheme meets the 3-prong test

²"no State shall pass...any bill of attainder,"

³"No bill of attainder, ex post facto law...shall ever be passed."

which has generally been espoused for identifying a Bill of Attainder under both State and Federal clauses: 1. The statute creates an identifiable class attainted⁴ (e.g. "Sex Offenders"); 2) That it denies a right (here, the fundamental civil rights to privacy, travel, and liberty). and, 3) It does so without the benefit of trial.⁵ The 1990 statute, being based on a generalized (and arguably incorrect)⁶ legislative finding, in part, that sex offenders as a class are more highly recidivist than other offenders, presents a bundle of ever-increasing affirmative duties , and infringes on number of civil rights without the benefit of individual trials. The Appellant in particular, having been convicted by guilty plea before the registry

⁴"Attaint"verb (used with object) :1. Law. to condemn by a sentence or a bill or act of attainder. 2. to disgrace. 3. Archaic. to accuse. 4. Obsolete. to prove the guilt of.; noun 5. Obsolete. a stain; disgrace; taint. attainted. Dictionary.com. *Dictionary.com Unabridged*. Random House, Inc.

<http://dictionary.reference.com/browse/attainted> (accessed: May 10, 2015)

"Attaint: verb (transitive) (archaic) 1. to pass judgment of death or outlawry upon (a person); condemn by bill of attainder 2. to dishonour or disgrace 3. to accuse or prove to be guilty. Dictionary.com. *Collins English Dictionary - Complete & Unabridged 10th Edition*. HarperCollins Publishers. <http://dictionary.reference.com/browse/attaint> (accessed: May 10, 2015).

⁵ See also *Selective Serv. Sys. v. Minnesota Pub. Interest Research Group*, 468 U.S. 841, 847, 104 S.Ct. 3348, 3352, 82 L.Ed.2d 632 (1984) "In order for a legislative enactment to be deemed a bill of attainder, it must (1) specify the affected persons, (2) inflict punishment, and (3) lack judicial trial."

⁶See Petitioner's *Memorandum of Fact and Law in Support of Order Granting Relief from the Duty to Register*, CP at 43-45

existed, neither had a trial on the merits of the underlying crime, nor could reasonably contemplate—much less have had the benefit of counsel or trial on the future requirement of registration and accompanying loss of rights. (See Motion Hearing 12/27/2013, VRP 3-16; Sentence Fixed by Board, CP 19; Judge's Comment VR 66-73, Testimony of Edward Schneider, VRP 15-16, 33-35, 39, Judges Ruling VR 67-68, *Findings, Conclusions & Ruling* CP 63-68))

2. The Trial Court erred in its analysis of RCW 9A.44.130 et seq as a bill of attainder prohibited by U.S. Const. Art. I § 10 and WA Const. § 23.

The ex post facto clauses of the state and federal constitutions prohibit the state from enacting any law which imposes punishment for an act which was not punishable when committed, or which increases the quantum of punishment for the offense after the crime was committed. *State v. Hennings*,¹²⁹ Wn.2d 512, 524-525 (1996) citing *State v. Ward*,¹²³ Wash.2d at 496 (1994).

A law violates the ex post facto clause if it: (1) is substantive, as opposed to merely procedural; (2) is retrospective (applies to events which occurred Before its enactment); and (3) disadvantages the person affected by it. *State v. Hennings*, 129 Wn.2d 512, 524-525 (1996), citing *In re Powell*, 117 Wash.2d 175, 185, 814 P.2d 635 (1991), *Weaver v. Graham*, 450 U.S. 24, 29, 101 S.Ct. 960, 964, 67 L.Ed.2d 17 (1981); and *Collins v. Youngblood*, U.S. , 110 S.Ct. 2715, 111 L.Ed.2d 30 (1990)). Washington's sex offender registration laws did not exist at the time of the Appellant's sentencing, (VR 67-68, *Findings, Conclusions & Ruling* CP 63-68). Yet they do presume to retroactively apply to the him and the whole class attained, thus the duty to register represents an ex post facto punishment under these facts. Here the Trial Court, citing *State v. Ward*, 123 Wn2d 488, (1994) in dismissing the statute's effects as a mere "collateral consequence of a plea." (CP at 67) However, as the requirements increasing in complexity over time, and affects more than one fundamental constitutional right of the Appellant, the analysis cannot end here.

3. Criminal Punishment v. Civil "Remediality"

In our courts, the determination of both Bills of Attainder and Ex Post Facto law tends to hinge on whether the "consequence" or measure has the effect of civil "remediality" or criminal punishment. In *State v McClendon*, 131 Wn.2d 853 (1997) the WA State Supreme Court held that under the Double Jeopardy Clause a defendant who already has been punished in a criminal prosecution may not be subjected to an additional civil sanction to the extent that the second sanction may not fairly be characterized as remedial, but only as a deterrent or retribution." In *United States v. Halper*, the U.S. Supreme Court stated that "a civil sanction that cannot fairly be said solely to serve a remedial purpose, but rather can only be explained as also serving either retributive or deterrent purposes, is punishment, as we have come to understand the term." (See *State v. McClendon*, 935 P.2d 1334, 131 Wn.2d 853, 863-864 (1997) qtg *U.S. v. Halper* Halper, 490 U.S. 435, 109 S.Ct. 1892, 104 L.Ed.2d 487 (1989) 490 U.S. at 448-49, 109 S.Ct. at 1902

(emphasis added)). As Justice Sanders related in his dissent,⁷ “The claim that one may be subject to multiple punishments without violating the double jeopardy clause provided only there be at least some nonpunitive sanction imposed in addition to the punishment or, in the alternative, that the punishment might also promote a nonpunitive objective, is double-talk. (*McLendon* at 881-2) RCW 9A.44.130 et seq. meets the plain meaning definition of “criminal” defined as “Pertaining to, or involving, crimes or the administration of penal justice”⁸ and constitutes a bill of attainder implemented ex post facto vis-a-vis the Appellant in violation of his rights against same.

B. The Trial Court abused its discretion by denying the Appellant's *Petition for Relief from the Duty to Register* under RCW 9A.44.142 and 9A.44.130.

This Court reviews a trial court's decision to deny a petition for relief from the duty to register as a sex offender for abuse of

⁷*McLendon* at 880-887

⁸ West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc.

discretion. *State v. Gossage*, 138 Wn.App. 298, 306, 156 P.3d 951 (2007), *rev'd in part on other grounds*, 165 Wn.2d 1, 195 P.3d 525 (2008). A court abuses its discretion when its decision is manifestly unreasonable or exercised on untenable grounds or for untenable reasons. *State v. Powell*. 126 Wn.2d 244, 258, 893 P.2d 615 (1995) ("When a trial court's exercise of its discretion is manifestly unreasonable or based upon untenable grounds or reasons, an abuse of discretion exists. *Davis v. Globe Mach. Mfg. Co.*, 102 Wash.2d 68, 77, 684 P.2d 692 (1984)).

1. The Trial Court erred in failing to give adequate weight to fact evidence presented.

The Appellant, a disabled man of 57, had a single conviction regarding a single adult victim; had received treatment at Western State Mental Health Facility prior to serving out a 14-year sentence at Monroe Prison; had been released at 30 years old and had lived triple the required time period in the community absent any sex offense, and provided witness testimony on his behalf-- was an

exemplary candidate for relief under RCW 9A.44.142. (See *Petition For Relief of the Duty to Register*, CP 20-38, Letter from Kathleen Karels in Support, CP 56-59; Motion hearing 1/24/14 VRP 17-23, CP 17, Direct Examination of Edward Schneider VRP 30-38, Cross-examination of Edward Schneider VRP 38-40, Re-direct Examination of Edward Schneider VRP 40, Interrogation of Edward Schneider VRP 42; Direct Examination of Andrew Leeper VRP44, Cross Examination of Andrew Leeper VRP 57, Defendant's Arguments at Petition Hearing, VR59-61, 64-66, Findings VRP 66-73; *Findings, Conclusions & Ruling* CP 63-68)

2. In the case of witness Andrew Leeper, the Trial Court gave inadequate weight to expert testimony offered under ER 702.

In addition to testimony as to the Appellant's reputation, habit and routine during his time in the community, Andrew Leeper was offered in the capacity of an expert for limited purposes of defining and/or giving context to the letter discharging the Appellant from Western State Hospital (ER 405(a) Reputation (b)

Specific Instances of Conduct, ER 406 Habit; Routine Practice). Leeper testified consistent with biographical and job description information requested by and provided to the State prior to hearing that he had been a Psychiatric Child Care Counselor I⁹ and II¹⁰ over the course of almost 20 years on the same mental health facility campus as the facility the Appellant had originally been committed, working with at-risk and mentally/sexually disturbed children. As part of his job Leeper had also facilitated anger management and communications skills training for at-risk youth there for 5 years, before becoming a DSHS Financial Specialist I and then III in 1998 until he retired in 2007. Yet, the trial court repeatedly sustained the State's objection. (VRP 44-51) (See also Motion Hearing 1/27/2014 VRP 24-29, Appendice A: Job Description for Child Care Counselor I -348N. Appendice B: Job Description for Child Care Counselor II 348O, Letter to Judge Kohls From Western State CP 15-16). Instead, the Court appeared to

⁹Also available at: www.dop.wa.gov/JobClasses/348O.doc

¹⁰Also available at: www.dop.wa.gov/JobClasses/348N.doc

relying solely on the anecdotal lay opinions of the judge and Prosecutor. Specifically, the Prosecutor misrepresented the fact that where Mr. Leeper was employed was “at completely different organization,” and that the field of psychiatry uses completely different terminology for children than adults--despite Mr. Leeper's testimony and subsequent citation in brief to the DSM IV manual stating otherwise. (VRP 46-47, line 21, CP at 44)

Expert testimony is usually admitted under ER 702 if helpful to the jury's understanding of a matter outside the competence of an ordinary layperson. See *State v. Ciskie*, 110 Wash.2d 263, 279, 751 P.2d 1165 (1988); *Riggins v. Bechtel Power Corp.*, 44 Wash.App. 244, 254, 722 P.2d 819, review denied, 107 Wash.2d 1003 (1986) In an inappropriate exercise of judicial notice under ER 201(b)(1) and ER201(b)(2), Whereas, Mr. Leeper had ample technical and other specialized knowledge to qualify him as an expert on the topic--more so, at least, than the Prosecutor or the Judge—and thus should have been given more gravity than the lay opinion of the judge or prosecutor as relative laypersons.

3. The Trial Court erred in applying the correct standard of review for its ruling under RCW 9A.44.141-2 as currently written.

The court cited *State v. McMillan* as the case it relied upon in its evaluation of the Appellant's petition. However, *McMillan* construed a previous version of the statute that required "a showing with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and [217 P.3d 376] 72.09.330." RCW 9A.44.140(3)(a). The court had cited *State v. Pray*, 96 Wn.App. 25 (1999) which states that purpose as "*to assist law enforcement agencies' efforts to protect their communities against reoffense by convicted sex offenders.*" (Pray at 242, citing Laws of 1990, ch. 3, § 401, emphasis added). Successful petition under RCW 9A.44.140, as currently written, hinges upon " whether the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders" Factors

are provided in 9A.44.140(5) "as guidance to assist the court in making its determination, to the extent the factors are applicable considering the age and circumstances of the petitioner." The Appellant's petition addressed each of these in turn and submitted as much evidence as practicable considering the inapplicability of some factors, and the unavailability of certain information due to the passage of time since his offense. The State conceded that the Appellant met the statutory criteria for eligibility, and lodged no written objection to it. In fact, had Mr. Schnieder's crime been committed just one year earlier, he would have qualified as a juvenile offender, in which case he would have been granted relief as an operation of law. The State never submitted a written response or objection to the petition, and cited the seriousness of the crime as their only oral objection¹¹ Yet, the Court rationalized its initial denial of the petition by construing the unavailability of the victim and other participant's in an almost 40-year-old case

¹¹The State had also objected "failure to abstain completely from crime" because of a failure to register in thurston county, which itself was also more than 10 years in the past at time of petition and therefor irrelevant to analysis.

against him, and giving him virtually no credit for having spent almost a year in treatment, nor for his non-recidivism. The report of consensual sex between the Appellant and another inmate during his hospitalization had been embued with non-consensuality. The Court also failed to give adequate weight to evidence of the Appellant's physical disability to reoffend. (*Hearing, Finding, Conclusions & Ruling*, CP 63-68)

4. The Trial Court erred in giving inadequate weight to an expert risk assessment that it had specifically solicited, and the State made no objection to.

In support of his Motion for Reconsideration, the Appellant underwent the expense and indignity of a thorough sexual deviance assessment under polygraph administered by Dr. Marshall Kirkpatrick, M.A., L.M.H.C., C.S.O.T. P., dated 2/16/2014. The report held that Appellant presented a less than 1% risk of re-offending--which, the report stated, is actually a lower risk than that posed by the average member of the general

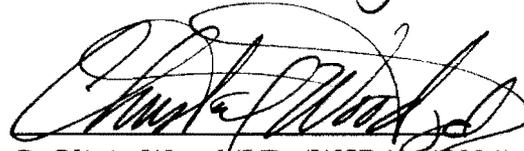
population. (Sealed Medical & Health Information CP 90-91) The State, for its part, conceded that this augmented evidence was sufficient to satisfy its concerns, and stated it would not appeal a decision to grant the petition. VRP-71-72, *Order to Deny Motion for Reconsideration*, footnote at CP 72) However, the Court's subsequent findings/opinion amounted to a bench diagnosis almost wholly incongruous with the evidence on record, the findings of the report, as well as the State's recommendation. (Sealed Medical & Health Information CP 78-91, Motion Hearing 2/21/2014 VRP 74-80, *Order to Deny Motion for Reconsideration*, CP 72-75) This indicates that the Court considered itself more expert than the experts, and apparently had no intention of granting the petition, for reasons other than a fair assessment of fact and law—a circumstance which should be found untenable circumstance upon review.

* * * * *

V. CONCLUSION

RCW 9A.44.130 et seq. constitutes a post fact bill of attainder and should be found as void and/or unenforceable in this case. The Court had articulated, but reneged in it's findings what kind of evidence would be considered sufficient to grant the Appellant's petition to his detriment. The sharp contrast between the record and the court's findings stand as evidence that the grounds of the denial as measured against the fact record and statutory factors was an abuse of discretion that the Appellant prays this Court should reverse.

Respectfully submitted this 11th day of May, 2015



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APPENDICE A
State v. Schneider
No. 6227/Appellate No.323935

Washington State Department of Personnel

Class Specification

PSYCHIATRIC CHILD CARE COUNSELOR 1

348N

Definition:

Provides treatment counseling and supervision for severely emotionally, behaviorally and psychologically disturbed children and adolescents in a psychiatric hospital setting serving mental health and forensic admissions.

Typical Work:

As a member of a multi-disciplinary team, assist in the formulation, coordination and implementation of individual treatment plans and community placements;

Conducts orientation programs for new patients assigned to a cottage;

Facilitates psychoeducational, process groups, and community meetings;

Assists certified staff in facilitating the educational program;

Coordinates all activities/routines for a group of three to five patients daily. Attends case reviews and functions as an advocate for assigned patients;

Communicate with family members weekly providing them with behavioral updates and treatment plan progress;

Participates with clinical staff in therapy with patients and their families;

Participates in the coordination of discharge planning including meeting with representatives of the RSN, community resources, and designated care providers including family members, foster parents and/or group care providers. Participates in follow-up care and patient treatment service;

Assist children, adolescents and parents in the development of appropriate social skills, to include the development of problem-solving and decision-making skills;

Observes ongoing behaviors and prepares treatment plans, written reports, records, charts, per Joint Commission on Accreditation of Healthcare Organizations and Healthcare Finance Administration standards. Monitors, documents and reports patients progress. Provides extensive documentation of incidents involving violence, sexual activity, scopes and injury to residents in accordance with Children Administration's mandate;

Maintains security of cottages through defined monitoring procedures including safety checks and contraband searches. Intervenes in crisis situations to diffuse dangerous and/or assaultive situations utilizing early intervention and de-escalation techniques per Professional Assault Response Training (PART-R). With treatment team members, physically contain/restrain and monitor out of control and violent patients;

Initiates and leads recreational activities on and off campus, teaching group interaction skills and promoting awareness of personal interests and abilities;

Transports patients to and from appointments and activities in the community ensuring patient and public safety;

Assists in training and mentoring of new counseling staff and volunteers;

Performs other duties as required.

Knowledge and Abilities:

Knowledge of: basic child growth and development.

Ability to: relate to a broad spectrum of emotionally, socially and behaviorally disturbed children and adolescents; function as an integral part of a team, deal with stressful situations in a positive and nonpunitive manner; be aware of the possibility of highly volatile situations and be able to intervene in crisis situations quickly and appropriately, plan and supervise both on and off campus activities.

Legal Requirement(s):

There may be instances where individual positions must have additional licenses or certification. It is the employer's responsibility to ensure the appropriate licenses/certifications are obtained for each position.

Desirable Qualifications:

A Bachelor's degree with emphasis in Social Sciences, Education, Recreation, Psychology or related field.

OR

Two years of college with emphasis in Social Sciences, Education, Recreation, Psychology, or related field and two years of social service experience.

OR

Equivalent education/experience.

Class Specification History:

New class: Effective 1-24-75

Revised definition: 6-10-77

Revised definition and minimum qualifications: 7-1-99

Revised minimum qualifications: 2-11-2000

Revised minimum qualifications: 3-12-2004

New class code: (formerly 56070) effective July 1, 2007

APPENDICE B
State v. Schneider
No. 6227/Appellate No.323935

Washington State Department of Personnel
Class Specification

PSYCHIATRIC CHILD CARE COUNSELOR 2
3480

Definition:

As shift charge, directs the staff team and programming for severely emotionally, behaviorally and psychologically disturbed children and adolescents in a psychiatric hospital setting serving mental health and forensic admissions.

Typical Work:

As shift charge directs, assigns, and monitors work of Psychiatric Child Care Counselor 1's (PCCC1), provides input for evaluations, on-shift orientation and trains and monitors staff performance, provides feedback to the cottage supervisor to complete the evaluation and competency assessment tool annually;

Has decision-making authority on shift when the team is not in agreement, consults with administrative and medical staff on-call when needed;

May assume shift charge duties on other cottages in the absence of a shift charge;

Is responsible for ensuring adequate staffing and calling in intermittents if necessary;

Acts as a liaison to other departments, i.e., school staff, and recreation department;

Orients, supervises workstudy students, interns and volunteers;

Provides direction to PCCC's in the management of assaultive behavior, using Physical Assault Response Training (PART-R) specified de-escalation techniques and hands-on interventions;

Check that logs, charting, Incident Reports, and forms are completed;

Approves off-campus activities during shift;

Monitors attendance records for shift staff, collect leave slips and overtime requests;

Assists patients and parents in the development of appropriate communication skills, to include the development of problem-solving and decision-making skills. Conducts an orientation program for new patients assigned to a cottage;

Facilitates psychoeducation, groups, process groups, and community meetings;

Observes ongoing behaviors and prepares treatment plans, written reports, records, charts, per Joint Commission on Accreditation of Healthcare Organizations and federal Healthcare Finance Administration standards. Monitors, documents and reports patients' progress. Provides extensive documentation of incidents involving violence, sexual activity, and injury to residents in accordance with Children Administration's mandate;

Maintains security of cottages through defined monitoring procedures including safety checks and contraband searches. Intervenes in crisis situations to defuse dangerous and/or assaultive situations utilizing early intervention and de-escalation techniques per PART-R. With treatment team members, physically contain/restrain and monitor out of control and violent patients;

Initiates and leads recreational activities on and off campus, teaching group interaction skills and promoting awareness of personal interests and abilities;

Performs other duties as required.

Knowledge and Abilities:

Knowledge of: basic child growth and development and group process.

Ability to: relate to a broad spectrum of emotionally, socially and behaviorally disturbed children and adolescents; function as an integral part of a team, deal with stressful situations in a positive and nonpunitive manner; be aware of the possibility of highly volatile situations and be able to intervene in crisis situations quickly and appropriately, plan and supervise both on and off campus activities.

Legal Requirement(s):

There may be instances where individual positions must have additional licenses or certification. It is the employer's responsibility to ensure the appropriate licenses/certifications are obtained for each position.

Desirable Qualifications:

A Bachelor's degree with a major study in Social Sciences, Education, Recreation, Psychology or related field and one year of social service experience.

OR

Two years as a Psychiatric Child Care Counselor 1.

Class Specification History:

New class: 1-24-75

Revised definition: 6-10-77

Revised definition: 5-28-86

Revised definition: 5-13-94

Revised definition and minimum qualifications: 7-1-99

Revised minimum qualifications: 2-11-2000

Revised minimum qualifications: 3-12-04

New class code: (formerly 56080) effective July 1, 2007