

**FILED**  
SEP 14, 2015  
Court of Appeals  
Division III  
State of Washington

**NO. 32899-6-III**  
**COURT OF APPEALS**  
**STATE OF WASHINGTON**  
**DIVISION III**

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**STATE OF WASHINGTON,**

Plaintiff/Respondent,

V.

**GREGORY E. DICKERSON,**

Defendant/Appellant.

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**REPLY BRIEF OF APPELLANT,**

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Dennis W. Morgan    WSBA #5286  
Attorney for Defendant/Appellant  
PO Box 1019  
Republic, Washington 99166  
(509) 775-0777

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## ARGUMENT

Gregory Dickerson has no argument that RCW 9.94A.703 applies to the Judgment and Sentence in his case.

RCW 9.94A.703 provides, in part:

When a court sentences a person to a term of community custody, the court shall impose conditions of community custody as provided in this section.

...

(3) **Discretionary conditions.** As part of any term of community custody, the court may order an offender to:

...

(b) **Refrain from direct or indirect contact with the victim of the crime or a specified class of individuals; ...**

(Emphasis supplied.)

Condition 18 of the Judgment and Sentence requires Mr. Dickerson to obtain prior approval for any romantic relationship. In effect, this provides his community correction officer with authority to choose his romantic interest.

The State relies upon cases where the underlying offense involved a child. The prohibition of no contact with an adult who has children is a reasonable condition to impose under those facts and circumstances.

Mr. Dickerson has no history of prior sexual offenses. The underlying basis for his offense was his partner's refusal to allow him to see his children.

Mr. Dickerson was previously married. There was no issue with regard to domestic violence or assaultive conduct presented to the Court in connection with that prior marriage.

The phrase "a specified class of individuals" as contained in RCW 9.94A.703(3)(b) would generally be interpreted to include convicted felons, known drug addicts, minor children, dealers in pornographic materials or elderly and/or vulnerable adults.

Mr. Dickerson has been unable to locate a case that prevents an individual from forming a romantic relationship while on community custody.

Mr. Dickerson otherwise relies upon the argument contained in his original brief.

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DATED this 14th day of September, 2015.

Respectfully submitted,

s/Dennis W. Morgan

DENNIS W. MORGAN WSBA #5286  
Attorney for Defendant/Appellant  
P.O. Box 1019  
Republic, Washington 99166  
Phone: (509) 775-0777/Fax: (509) 775-0776  
[nodblspk@rcabletv.com](mailto:nodblspk@rcabletv.com)

**NO. 32899-6-III**

**COURT OF APPEALS**

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**STATE OF WASHINGTON**

|                       |   |                    |
|-----------------------|---|--------------------|
| STATE OF WASHINGTON,  | ) |                    |
|                       | ) | SPOKANE COUNTY     |
| Plaintiff,            | ) | NO. 13 1 00284 2   |
| Respondent,           | ) |                    |
|                       | ) | <b>CERTIFICATE</b> |
| v.                    | ) | <b>OF SERVICE</b>  |
|                       | ) |                    |
| GREGORY E. DICKERSON, | ) |                    |
|                       | ) |                    |
| Defendant,            | ) |                    |
| Appellant.            | ) |                    |
|                       | ) |                    |

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I certify under penalty of perjury under the laws of the State of Washington that on this 14<sup>th</sup> day of September, 2015, I caused a true and correct copy of the *REPLY BRIEF OF APPELLANT*, to be served on:

RENEE S. TOWNSLEY, CLERK  
Court of Appeals, Division III  
500 North Cedar Street  
Spokane, Washington 99201

E-FILE

CERTIFICATE OF SERVICE

SPOKANE COUNTY PROSECUTOR'S OFFICE

E-FILE

Attn: Brian O'Brien

[SCPAAppeals@spokanecounty.org](mailto:SCPAAppeals@spokanecounty.org)

GREGORY E. DICKERSON #375022

U.S. MAIL

Washington State Penitentiary

1313 North 13<sup>th</sup> Avenue

Walla Walla, Washington 99362

s/Dennis W. Morgan

Dennis W. Morgan, Attorney at Law  
DENNIS W. MORGAN LAW OFFICE

PO Box 1019

Republic, WA 99166

(509) 775-0777

(509) 775-0776

[nodblspk@rcabletv.com](mailto:nodblspk@rcabletv.com)

CERTIFICATE OF SERVICE