



TABLE OF CONTENTS

I. INTEREST OF *AMICUS CURIAE* ..... 1

II. ISSUE ADDRESSED BY *AMICUS*..... 1

III. STATEMENT OF THE CASE ..... 1

IV. ARGUMENT ..... 3

    A. Sex offender recidivism studies have long established that low-risk sex offenders do not pose the sort of community safety threat that permits the release of this information to the public..... 3

    B. The Legislature has sound policy reasons for limiting the public release for level I sex offender information: Maintaining the stability of level I sex offenders keeps the community safe.. Error! Bookmark not defined.

    C. The current scheme protects the community notification process from future constitutional challenges because the decision to notify the community of a sex offender is one made by a party that considers the offender's risk to reoffend .... Error! Bookmark not defined.

V. CONCLUSION..... 17

**TABLE OF AUTHORITIES**

**WASHINGTON STATE SUPREME COURT CASES**

*State v. Ward*, 123 Wn. 2d 488, 869 P.2d 1062, 1070  
(1994) ..... 1-2, 4, 9-10, 14-16

**STATUTES**

RCW 4.24.550 ..... 1- 3, 9, 10, 15-17  
RCW 9.94A.8673 ..... 7

**OTHER AUTHORITIES**

Association for the Treatment of Sexual Abusers, *The Registration and  
Community Notification of Adult Sex Offenders* (Apr. 5, 2010),  
available at [http://www.atsa.com/registration-and-community-  
notification-adult-sexual-offenders/](http://www.atsa.com/registration-and-community-<br/>notification-adult-sexual-offenders/) ..... 12

Barnowski, *Assessing the Risk of Juvenile Sex Offenders Using the  
Intensive Parole Sex Offender Domain*, Olympia: WSIPP, Doc. No. 08-  
05-1101 ..... 8

Blankinship, Donna Gordon, *Suspect hailed as a hero on the Web*,  
Spokesman-Review, Sept. 9, 2005, available at  
[http://www.spokesman.com/stories/2005/sep/09/suspect-hailed-as-a-  
hero-on-the-web/](http://www.spokesman.com/stories/2005/sep/09/suspect-hailed-as-a-<br/>hero-on-the-web/) ..... 11

Gottlieb, Paul, *Accused double-murderer who allegedly targeted sex  
offenders attacks inmate offender in Clallam County jail*, Peninsula  
Daily News, July 1, 2012, available at  
[http://www.peninsuladailynews.com/article/20120701/NEWS/3070199  
92](http://www.peninsuladailynews.com/article/20120701/NEWS/3070199<br/>92) ..... 11

Levenson et al., *Sensible Crime Policy or Flawed Logic?* 71 Fed.  
Probation 3 (Dec. 2007) ..... 13

Carter, Mike <i>Letter tells killer's reasoning for slaying 2 pedophiles</i> , The Seattle Times, Sept. 15, 2005, available at <a href="http://www.seattletimes.com/seattle-news/letter-tells-killers-reasoning-for-slaying-2-pedophiles/">http://www.seattletimes.com/seattle-news/letter-tells-killers-reasoning-for-slaying-2-pedophiles/</a> .....	10
R. Barnoski, 2005, <i>Sex Offender Sentencing in Washington State: Recidivism Rates</i> , Olympia: Washington State Institute for Public Policy, Document No. 05-08-1203 .....	6
R. Karl Hanson & Kelly Morton-Bourgon, <i>Predictors of sexual recidivism: An updated meta-analysis</i> . (Government of Canada 2004)	4
R. Karl Hanson & Monique Bussiere, <i>Predicting relapse: A meta-analysis of sexual offender recidivism studies</i> , 66 <i>J. Consulting &amp; Clinical Psych.</i> 348 (1998) .....	4
Reitzell & Carbonell, 2006, <i>The Effectiveness of Sexual Offender Treatment as Measured by Recidivism</i> .....	7
See E. Drake and R. Barnoski, 2006, <i>Sex offenders in Washington State: Key findings and trends</i> . Olympia: Washington State Institute for Public Policy, Document No. 06-03- 1201 .....	6
See R. Karl Hanson et al., <i>First report of the collaborative outcome data project on the effectiveness of psychological treatment for sex offenders</i> , 14 <i>Sexual Abuse: J. Res. &amp; Treatment</i> 169 (2002).....	5
Sex Offender Policy Board, <i>Review of the Special Sex Offender Sentencing Alternative (SSOSA)</i> at p. 28, Office of Financial Management (Dec. 2013).....	7
<i>Sex Offenses in Washington State: 1998 Update</i> , Doc. No. 98-08-1101 ....	7
WASCP, <i>Classification of Sex Offenders: Frequently Asked Questions</i> , <a href="http://www.communitynotification.com/cap_safety_1.php?office=54528">http://www.communitynotification.com/cap_safety_1.php?office=54528</a> (accessed 4/19/15 at 2:32 P.M.).....	8

**I.**

**INTEREST OF *AMICUS CURIAE***

The Washington Association of Criminal Defense Lawyers (“WACDL”) is a nonprofit association of over 1,100 attorneys practicing criminal defense law in Washington State. As stated in its bylaws, WACDL was formed “to improve the quality and administration of justice.” The issue for which WACDL submits this amicus brief directly bears on this purpose. WACDL has filed numerous amicus briefs in this Court.

**II.**

**ISSUE ADDRESSED BY *AMICUS***

Whether a government agency’s release of level I sex offender information without adherence to the standards set forth in RCW 4.24.550 contravenes the requirement of *State v. Ward* that such information be released only when “necessary for public protection”? *Ward*, 123 Wn. 2d 488, 503, 869 P.2d 1062, 1070 (1994).

**III.**

**STATEMENT OF THE CASE**

In 1990, Washington enacted the Community Protection Act, which made sweeping changes to managing sex offenders in Washington

State. Among those changes was the creation of a sex offender registration and community notification scheme.

The constitutionality of community notification was challenged in *State v. Ward*, 123 Wn. 2d, 488, 869 P.2d 1062 (1994). This Court authorized community notification so long as the releasing agency could establish that there was a risk of “future dangerousness” on the part of the offender. *Id.* at 503. RCW 4.24.550 strikes that balance in a way that carries out the holding of *Ward*.

The current version of RCW 4.24.550 assigns individuals to either levels I, II, or III based on risk to reoffend, with I being the lowest. The statute also limits community notification to level II and III offenders, with disclosures for level I offenders being authorized only upon request and when certain criteria are met. RCW 4.24.550.

Now, an individual has sought information about level I sex offenders by filing a Public Records Act (PRA) request with the Washington State Patrol and the Washington Association of Sheriffs and Police Chiefs for sex offender registration forms for level I sex offenders whose last names begin with “A” and sex offender registration files for offenders whose last names begin with “B.” CP 632-34 & 1644-45. A class was certified, and the trial court granted summary judgment in favor

of the class of John Does and issued a permanent injunction prohibiting blanket disclosure of these records. CP 561-70.

#### IV.

#### ARGUMENT

Granting the appellant's request would violate RCW 4.24.550's plain language, contravene its policy, and undermine its constitutionality. The Legislature carefully delineated the circumstances under which information may be released to the public about level I sex offenders, and the amount of information that may be disclosed. It established these limits because level I offenders have a very low likelihood of reoffense, and exposing their pasts would only decrease their chances of successful reintegration, thereby harming both them and the community. The petitioner's reading of the statute renders it punitive rather than protective, in violation of the Constitution. This Court should affirm.

**A. Sex offender recidivism studies have long established that low-risk sex offenders do not pose the sort of community safety threat that permits the release of this information to the public.**

For those cases which merit disclosure, the statute requires an agency to have some evidence that the (sex) offender poses a threat to the public or, in other words, some evidence of dangerousness in the future. The release of the registrant information must be "necessary for public protection". We note that the statute, on its face, requires the disclosing agency to have some evidence that the offender poses a threat to the community. Absent evidence of such a threat, disclosure would serve no legitimate purpose. Therefore,

we hold that a public agency must have some evidence of an offender's future dangerousness, likelihood of reoffense, or threat to the community, to justify disclosure to the public in a given case. This statutory limit ensures that disclosure occurs to prevent future harm, not to punish past offenses.

*State v. Ward*, 123 Wn. 2d 488, 503, 869 P.2d 1062, 1070 (1994) (internal citation omitted).

Despite widely-held public beliefs to the contrary, sex offenders recidivate at low rates. A 1998 meta-analysis documented sex offender sexual recidivism at a rate of approximately 15% over a 4 to 5 year period.<sup>1</sup> See R. Karl Hanson & Monique Bussiere, *Predicting relapse: A meta-analysis of sexual offender recidivism studies*, 66 *J. Consulting & Clinical Psych.* 348 (1998). An updated version of this meta-analysis published in 2004 confirmed a similar sexual recidivism rate of 13.7%, again over a 4 to 5 year period.<sup>2</sup> See R. Karl Hanson & Kelly Morton-Bourgon, *Predictors of sexual recidivism: An updated meta-analysis*. (Government of Canada 2004).

When researchers examine rates of recidivism for *treated* sex offenders, those rates drop even further. In a 2002 meta-analysis, Hanson et al. documented a recidivism rate of 12.3% for treated sex offenders

---

<sup>1</sup> The authors examined 61 studies with a combined sample of 28,972 sex offenders.

<sup>2</sup> 95 studies containing a total of 31,216 sex offenders were reviewed.

versus 16.8% for untreated offenders.<sup>3</sup> See R. Karl Hanson et al., *First report of the collaborative outcome data project on the effectiveness of psychological treatment for sex offenders*, 14 *Sexual Abuse: J. Res. & Treatment* 169 (2002). Another meta-analysis compiled sex offender data from the United States, Canada, and several European countries. See Friedrich Loesel & Martin Schmucker, *The effectiveness of treatment for sexual offenders: A comprehensive meta-analysis*, 1 *J. of Experimental Criminology* 117 (2005). The authors found that completion of cognitive-behavioral sex offender treatment reduced recidivism by 37%.<sup>4</sup> *Id.*

The Washington State Institute for Public Policy (WSIPP) has conducted its own examination of recidivism rates for treated sex offenders. Its authors published several reports as part of a series of studies on sex offender sentencing trends and recidivism completed at the direction of the Washington State Legislature. In a study that examined recidivism rates for SSOSAs, the authors determined that out of 1097 offenders who received SSOSAs, only 4.7% went on to commit a new felony offense within a five-year follow-up period, and out of that fraction

---

<sup>3</sup> The authors analyzed 43 sex offender treatment studies (9,454 offenders included; 5,078 treated, 4,376 untreated). *Id.*

<sup>4</sup> The authors reviewed 2039 documents published in five languages, culling 69 studies containing 80 independent comparisons between treated and untreated sex offenders. *Id.* The total number of offenders analyzed was 22,181. *Id.*

of offenses, only 1.4% of those felony offenses were sex offenses. See R. Barnoski, 2005, *Sex Offender Sentencing in Washington State: Recidivism Rates*, Olympia: Washington State Institute for Public Policy, Document No. 05-08-1203. Further, when treated and untreated sex offender recidivism rates were examined together in a different report that was part of this series, those rates remained at 13.7%.<sup>5</sup> See E. Drake and R. Barnoski, 2006, *Sex offenders in Washington State: Key findings and trends*. Olympia: Washington State Institute for Public Policy, Document No. 06-03-1201.

These low rates of recidivism stand in stark contrast to what WSIPP has observed for non-sex offenders. In that same Drake and Barnoski report, non-violent adult offenders recidivated at rates of 33.7%, while violent offenders recidivated at a rate of 31.5% over a five-year period. The recidivism rates of sex offenders, therefore, were nearly *one-third* of those observed for other felony offenders.

These findings were endorsed by the Washington Sex Offender Policy Board. This Board is charged with investigating issues related to sexual offending and making recommendations to the Legislature. RCW

---

<sup>5</sup> The authors define recidivism as “as any offense committed after release to the community resulting in a Washington State conviction.” *Id.* at 11.

9.94A.8673. Stakeholders from DOC, WASPC, JRA, DSHS, WAPA, and WACDL, among others, participate in its meetings and participated in the drafting of this report. In a 2013 report it prepared to the Legislature, the SOPB wrote that:

“[s]ex offenders who complete SSOSA have the lowest recidivism rate of sex offenders across sex offense categories (felony and misdemeanor). Additionally, offenders who complete a SSOSA have lower recidivism rates than otherwise SSOSA eligible incarcerated offenders. This reduced recidivism rate is demonstrated across felony, felony sex, violent felony and felony sex crime charges (Barnoski, 2006, Doc No. 06-01-1205). The efficacy of the SSOSA program is demonstrated in reduced recidivism rates, low revocation frequency, and significant cost savings to the state.”

Sex Offender Policy Board, *Review of the Special Sex Offender Sentencing Alternative (SSOSA)* at p. 28, Office of Financial Management (Dec. 2013). Sex offenders, treated or not, have recidivism rates that are significantly lower than sex offenders of all other groups of convicted felons.

Sex offender recidivism rates for juvenile offenders are even lower than those for adults. A meta-analysis placed those rates between 3-14%. See Reitzell & Carbonell, 2006, *The Effectiveness of Sexual Offender Treatment as Measured by Recidivism*. WSIPP studies have shown recidivism rates of 9% and 10% respectively. See WSIPP, 1998, *Sex Offenses in Washington State: 1998 Update*, Doc. No. 98-08-1101 and

Barnowski, *Assessing the Risk of Juvenile Sex Offenders Using the Intensive Parole Sex Offender Domain*, Olympia: WSIPP, Doc. No. 08-05-1101. Notably, the WSIPP studies included level II and III sex offenders as well; if only level I offenders were evaluated, it is likely the rates would be lower.

Level I sex offenders are those offenders who are identified as the least likely to reoffend. The Washington Association of Sheriffs and Police Chiefs, one of the repositories for information about sex offenders, notes on its website that most level I sex offenders “have successfully participated or are participating in approved sex offender treatment programs.” WASCP, Classification of Sex Offenders: Frequently Asked Questions, [http://www.communitynotification.com/cap\\_safety\\_1.php?office=54528](http://www.communitynotification.com/cap_safety_1.php?office=54528) (accessed 4/19/15 at 2:32 P.M.). Most of the individuals covered under this lawsuit are therefore treated sex offenders, and the recidivism rate for treated sex offenders is among the lowest for all offenders, whether violent, non-violent, or sex.

**B. The Legislature has sound policy reasons for limiting the public release for level I sex offender information: Maintaining the stability of level I sex offenders keeps the community safe.**

Information about Level I sex offenders, unlike level II and III sex offenders, is not publicized on the Internet nor subject to community

notification. Instead, RCW 4.24.550 only authorizes disclosure of “relevant and necessary information” when it is “rationally related to (a) the level of risk posed by the offender to the community; (b) the locations where the offenders resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.” The Washington Legislature has carefully delineated the amount of information that may be released to the public about a level I sex offender, and with good reason. This Court, in *Ward*, found that this statute was not punitive (and thus survived an ex post facto challenge) because the scope of information subject to disclosure was tied directly to the risk that person posed to the public. 123 Wn.2d at 502-04.

Now, a citizen is attempting to use the Washington Public Records Act to obtain these records to establish a website that will publish this information, cutting law enforcement and their review and consideration of those factors out of the process entirely. Notably, the individual will have access to *more* information than the public currently is entitled to receive for level II and III offenders: the registration files contain the complete addresses (past and present), school, and employment information for level I offenders. CP 1645. Aside from the many legal arguments in favor of placing agencies, and not citizens, in charge of the

dissemination of this information, studies on sex offender housing and stability provide dispositive public policy ones. Keeping the housing, employment, schooling, and relationships of low-risk sex offenders stable keeps the public safe. Exposing their history to employers, neighbors, friends, schoolmates, and housing providers only ostracizes them, increases their risk to reoffend, and jeopardizes their safety. Using RCW 4.24.550, and not the Public Records Act, to determine the release of sex offender information is in keeping with the holding of *Ward* and is also the best way to keep Washingtonians safe.

The stigma sex offenders face in Washington State is well-documented in a series of tragic events. Four sex offenders have been executed by vigilantes who were able to locate them through information found on the Internet. First, in 2005, Michael Mullen of Whatcom County obtained the address information of two sex offenders who lived at a group home. Mr. Mullen posed as an FBI agent and went to a Bellingham home shared by three convicted sex offenders. *See Carter, Mike Letter tells killer's reasoning for slaying 2 pedophiles*, The Seattle Times, Sept. 15, 2005, available at <http://www.seattletimes.com/seattle-news/letter-tells-killers-reasoning-for-slaying-2-pedophiles/>. He executed only two of them because the third "showed remorse." *Id.* Mr. Mullen used the Whatcom County Sheriff's Sex Offender Notification website to locate the

address of the men and to create a hit list of Level III sex offenders. *Id.* Further, public response to the incident made plain the serious safety concerns level II and III sex offenders continued to face after these murders.

Shortly after the killer was arrested, the Spokesman-Review published an article titled "Suspect hailed as a hero on the Web." Blankinship, Donna Gordon, *Suspect hailed as a hero on the Web*, Spokesman-Review, Sept. 9, 2005, available at <http://www.spokesman.com/stories/2005/sep/09/suspect-hailed-as-a-hero-on-the-web/>. In the article, the paper noted that "notes of congratulations" appeared in Web logs as soon as news accounts were published that he had turned himself in, and that there were calls for "leniency" for him.

Finally, in July of 2012, Patrick Drum murdered two registered sex offenders "because they were sex offenders." *See* Gottlieb, Paul, *Accused double-murderer who allegedly targeted sex offenders attacks inmate offender in Clallam County jail*, Peninsula Daily News, July 1, 2012, available at <http://www.peninsuladailynews.com/article/20120701/NEWS/307019992>. Mr. Drum had plans to execute a third sex offender in Quilcene, but was arrested before that could happen. *Id.* In under ten years, four level II and III sex offenders have been murdered in this state because of their status as

sex offenders, and in both cases, the murderers were able to use information published online to attack their victims.

Additionally, outing low-risk sex offenders will increase the harm to the community, not reduce it. Former sex offenders already struggle to secure housing, employment, schooling, and maintain relationships, and have legitimate reason to fear for their safety. Studies that examine what reduces recidivism show that stability across these areas for sex offenders makes communities safer. It is well-documented that sex offenders who have housing and employment instability have higher rates of recidivism, as well as those who have housing instability and difficulty finding supportive relationships. *See, e.g., Association for the Treatment of Sexual Abusers, The Registration and Community Notification of Adult Sex Offenders (Apr. 5, 2010), available at* <http://www.atsa.com/registration-and-community-notification-adult-sexual-offenders/>. For example, as to housing instability, a paper by Levenson et al. finds:

Housing instability and criminal recidivism are clearly linked, and numerous studies have documented the relationship. Residential instability was found to be a robust predictor of reoffending among Georgia criminals; the likelihood of re-arrest increased by 25 percent each time a parolee moved (Meredith, Speir, Johnson, & Hull, 2003). Released offenders temporarily residing in New York shelters were at increased risk for drug and alcohol abuse, unemployment, and absconding from probation or

parole (Nelson, Deess, & Allen, 1999). Unstable living arrangements were identified as the strongest predictor of absconding in a sample of over 4,000 parolees in California (Williams, McShane, & Dolny, 2000), and in a national sample (n = 2,030), probationers who moved multiple times during their period of supervision were almost twice as likely to have had a disciplinary hearing (Schulenberg, 2007). Offenders themselves have identified housing as the most essential factor in their community adjustment and reintegration (La Vigne et al., 2004).

Levenson et al., *Sensible Crime Policy or Flawed Logic?* 71 Fed. Probation 3 (Dec. 2007). Publicizing low-risk sex offender information will not protect the public; it will create more risk for the public.

The release of this information is particularly damaging for juveniles, and consequently, the instability that results similarly creates a higher risk of reoffending. John Clayton, Assistant Secretary for DSHS/JJRA identifies the following consequences:

- Additional barriers to admission in school programs at all levels impacting employability,
- Increased victimization,
- Significant barriers for peer-appropriate relationships,
- Employment and housing barriers,
- Inability to maintain family relationships.

*See* Declaration of John Clayton, Assistant Secretary of the Juvenile Justice and Rehabilitation Administration, DSHS, CP 295-302). It is hard to imagine anything more tragic than a juvenile sex offender, who may have been victimized himself, attending well to treatment and probation, only to have that all destroyed by his registration status made public, and setting up a potential relapse into offending.

Because destabilizing low-risk sex offenders will only increase recidivism, releasing this information will not protect the public and is not necessary to counteract the minimal danger low-risk sex offenders pose to the public. There are strong policy reasons, in addition to the *Ward* mandate, why the Legislature has adopted a risk-related approach to community notification.

**C. The current scheme protects the community notification process from future constitutional challenges because the decision to notify the community of a sex offender is one made by a party that considers the offender's risk to reoffend.**

As the Legislature indicated, however, we leave to the appropriate agencies the specific decisions of whether, what, and where to disclose within the parameters outlined above. We find that the statutory limits on disclosure ensure that the potential burdens placed on registered offenders fit the threat posed to public safety. Any publicity or other burdens which may result from disclosure arise from the offender's future dangerousness, and not as punishment for past crimes. We conclude, therefore, that registration and limited public disclosure does not alter the standard of punishment which existed under prior law.

*Ward*, 123 Wn.2d at 504.

The Community Protection Act came into effect in 1990. RCW 4.24.550, and not the PRA, has been the statute which governs the release of information to the public since its inception. This statute is structured in a way to address the *Ward* requirement that the level of community notification be tailored to risk. Now, 25 years after its enactment, for the first time, a citizen is attempting to circumvent this statute, and essentially overrule the *Ward* factors.

There can be no question that allowing citizens to create their own regulatory scheme for the release of information of low-risk sex offenders to the public runs entirely contrary to the holding of *Ward* and calls the constitutionality of sex offender registration into question. *Ward* ties the release of information to the risk the offender poses to the public and makes clear that the notifying body is the government, not the general public.

Level I sex offenders simply do not pose the threat to public safety that other groups of sex offenders pose. They do not pose the threat of recidivating that other groups of felony offenders pose. And, the risk of reoffense—low to begin with—is further reduced through stability in housing, school, employment, and relationships. That stability will be lost

should citizens be permitted to take decision-making away from the government, which has been given clear guidelines to follow under RCW 4.24.550, and make their own decisions about how this information should be disseminated, without any adherence to those standards. Those standards are informed by good, thorough social science. This Court correctly determined that local government agencies are the appropriate body to decide how and when to publicize this information in *Ward*. This Court should continue to ensure that the release and publication of this information, which can have such serious consequences for the offender and the public, be filtered through an agency who understands this science, how to apply it to the decision-making process, and is bound by the parameters that the Legislature has taken great care to develop in RCW 4.24.550.

Should the decision of how to release information about level I sex offenders be taken away from the government and given to citizens instead, the unfettered release of level I sex offender information will call the constitutionality of sex offender registration into question. *Ward* found that the limits in RCW 4.24.550 are what made the statute regulatory and not punitive (and therefore constitutional). *Id.* at 503. The decision to subject offenders to community notification only passed constitutional muster if that decision was tied to risk to reoffend. Thus,

registration and “*limited* public disclosure” did not alter the standard of punishment. *Id.* at 504. Subjecting level I offenders, who pose minimal risk to reoffend, to a system of community notification created ad-hoc by citizens who request that information would no longer pass constitutional muster because the release of this information is not tied to risk to reoffend and therefore substantially alters the punishment for sex offenders.

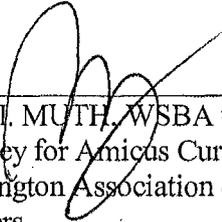
## V.

### CONCLUSION

RCW 4.24.550 has been in existence for 25 years. The Legislature has had ample opportunity to review the community notification process set forth in this statute and has not changed the provisions related to level I sex offenders. This is an indication that the system is working. Level I sex offenders simply do not present enough risk of reoffense to warrant an ad hoc system of public notification that turns on the whims of the individual citizens who request the information. Community notification has serious consequences for both the sex offender and the public, as destabilizing a low-risk sex offender increases the risk that the individual will recidivate. This is exactly the sort of decision that should be made by a government agency with the knowledge of sex offender recidivism and guidance of RCW 4.24.550. The statutory scheme currently in effect

works. Altering this scheme calls its constitutionality into question and jeopardizes the safety of the public. This Court should find that the Public Records Act does not apply to these requests.

DATED this 23rd day of April, 2015.

  
\_\_\_\_\_  
AMY I. MUTH, WSBA #31862  
Attorney for Amicus Curiae,  
Washington Association of Criminal Defense  
Lawyers

**CERTIFICATE OF SERVICE**

I CERTIFY under penalty of perjury of the laws of the State of Washington that on this 23<sup>rd</sup> day of April, 2015, I served true and correct copies of the attached BRIEF OF AMICUS CURIAE, and this Certificate of Service, on the persons hereinafter named via the method so described:

Shelly Williams  
Office of the Attorney General  
800 5<sup>th</sup> Ave, Ste 2000  
Seattle, WA 98104-3188  
Email: shelleyw1@atg.gov

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

John C. Hillman  
Office of the Attorney General  
800 5<sup>th</sup> Ave, Ste 2000  
Seattle, WA 98104-3188  
Email: Johnh5@atg.wa.gov

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

//

//

//

//

Michael E. McAleenan Jr.  
Smith Alling P.S.  
1102 Broadway, Ste 403  
Tacoma, WA 98402-3526  
Email: mmc@smithalling.com

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

Julie Perez  
Smith Alling P.S.  
1102 Broadway, Ste 403  
Tacoma, WA 98402-3526  
Email: julie@smithalling.com

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

Donna Zink  
PO Box 263  
Mesa, WA 99343  
Email: dzink@centurytel.net

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

//

//

//

Jeff Zink  
PO Box 263  
Mesa, WA 99343  
Email: jeffzink@centurytel.net

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

Vanessa Hernandez  
ACLU of Washington  
901 5th Ave Ste 630  
Seattle, WA 98164-2086  
Email: vhernandez@aclu-wa.org

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

Steven W. Fogg  
Corr Cronin Michelson Baumgardner & Preece LLP  
1001 4<sup>th</sup> Ave, Ste 3900  
Seattle, WA 98154-1051  
Email: sfogg@corrchronin.com

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

//

//

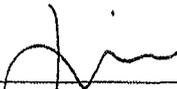
//

David B. Edwards  
Corr Cronin Michelson Baumgardner & Preece LLP  
1001 4<sup>th</sup> Ave, Ste 3900  
Seattle, WA 98154-1051  
Email: dedwards@corrchronin.com

- via facsimile
- via first class U.S. mail, postage prepaid
- via certified mail, return receipt requested
- via hand delivery
- via e-mail

DATED this 23<sup>rd</sup> day of April, 2015 in Seattle, WA.

Law Office of Amy Muth, PLLC

  
\_\_\_\_\_  
Ian D. Saling  
Senior Paralegal

## OFFICE RECEPTIONIST, CLERK

---

**To:** Ian Saling  
**Cc:** Amy Muth; Lila@washapp.org  
**Subject:** RE: John Doe A et al. v. Washington State Patrol, et al., #90413-8 Amicus Brief of WACDL

Received 4-23-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Ian Saling [mailto:ian@amymuthlaw.com]  
**Sent:** Thursday, April 23, 2015 3:21 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Cc:** Amy Muth; Lila@washapp.org  
**Subject:** John Doe A et al. v. Washington State Patrol, et al., #90413-8 Amicus Brief of WACDL

Dear Clerk of the Court,

Please file the attached Brief of Amicus Curiae of the Washington Association of Criminal Defense Lawyers and Motion to Permit Filing of Amicus Brief in John Doe A et al. v. Washington State Patrol, et al., #90413-8.

Thank you for your assistance, and please do not hesitate to contact me if you have any questions.

Sincerely,

Ian D. Saling  
Senior Paralegal  
Law Office of Amy Muth  
1111 3rd Ave., Ste. 2220  
Seattle, WA 98101  
(206) 682-3222 (Office)  
(206) 682-3746 (Fax)  
[www.amymuthlaw.com](http://www.amymuthlaw.com)