

SUPREME COURT OF THE STATE OF WASHINGTON

SHYANNE COLVIN, et al.,

Petitioners,

v.

JAY INSLEE, et al.,

Respondents.

RESPONDENTS'
SUPPLEMENTAL CITATION
OF AUTHORITY

Respondents Governor Inslee and Secretary Sinclair, through their attorneys, respectfully submit the following citations to authority discovered after submission of Respondents' brief in this matter:

1. *State v. Scott*, 190 Wn.2d 586, 416 P.3d 1182 (2018) (Court denied personal restraint petition under RAP 16.4(d) because petitioner had statutory available remedy of seeking parole under RCW 9.94A.730).
2. *Plata v. Newsom*, No. 01-CV-01351-JST (N.D. Cal. April 17, 2020) (2020 WL 1908776) (denying preliminary injunctive relief after finding Plaintiffs had not proven the California DOC's response to COVID-19 was deliberate indifference under the Eighth Amendment).
3. *Lichtenwalter v. DeWine*, No. 2020-0401 (Ohio April 16, 2020) (2020 WL 1882894) (denying for failure to state a claim a petition for writ of mandamus or habeas corpus concerning COVID-19).

4. *Comm. for Pub. Counsel Servs. v. Chief Justice of Trial Court*, 484 Mass. 431, ___ N.E.3d ___ (2020) (denying request to release prisoner based upon conditions related to COVID-19, concluding the proper avenue was to request clemency from executive branch)
5. *In Matter of Petition Requesting Indiana Supreme Court to Engage in Emergency Rulemaking to Address Issue of Imprisoned Persons & COVID-19 Crisis*, ___ N.E.3d ___ (Ind. April 8, 2020), No. 20S-MS-234 (2020 WL 1698362), at *1 (declining request to direct Indiana DOC to take certain actions related to COVID-19)
6. *Disability Rights Montana v. Montana Judicial Districts 1-22, et al.*, No. OP 20-0189 (Mont. April 14, 2020) (2020 WL 1867123) (denying petition to reduce prison population in Montana jails and prisons in regards to COVID-19)
7. *United States v. Hylander*, No. 18-CR-60017-BLOOM (S.D. Fla. April 20, 2020) (2020 WL 1915950) (denying modification of sentence to home confinement for federal inmate who alleged that he met the CDC criteria for an increased risk of severe illness from COVID-19)
8. *Fields v. Baker*, No. 3:16-CV-00298-MMD-CLB (D. Nev. April 20, 2020) (2020 WL 1914814) (denying emergency habeas petition by inmate who indicated that he was more vulnerable to COVID-19)

9. *Money, et al., v. J.B. Pritzker, et al.*, --- F. Supp. 3d ---, (N.D. Ill. April 10, 2020) (2020 WL 1820660) (denying petitioners' request to release nearly 12,000 inmates by forcing executive branch to start a process for such releases)
10. *People of the State of New York ex rel. Moulter v. Brann, et al.*, No. 260268/2020 (N.Y. Sup. Ct. April 16, 2020) (2020 WL 1917624) (denying habeas petition for immediate release due to allegedly unconstitutional conditions of confinement related to COVID-19)
11. *United States v. Veras*, No. 3:19-CR-010, (M.D. Pa. April 6, 2020) (denying detainee's petition for pretrial release due to COVID-19 because detainee had only established a generalized risk and facility had developed an adequate plan to deal with COVID-19)

RESPECTFULLY SUBMITTED this 22nd day of April 2020.

s/ Tim Lang

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s/John J. Samson

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be electronically filed with the Clerk of the Court, which will send notification of such filing to the following parties and all other attorneys of record not specifically listed below:

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 22nd day of April 2020, at Olympia, Washington.

s/ Kathy Anderson
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