

W. Gordon Edgar
Douglas County Prosecuting Attorney



Julia Hartnell
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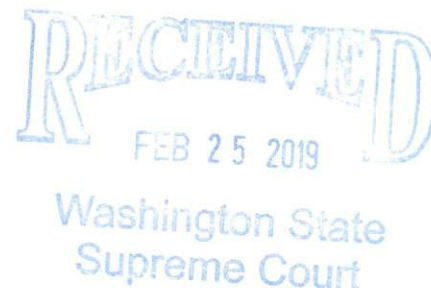
James T. Mitchell
Civil Deputy

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February 20, 2019

Erin Lennon
Deputy Clerk/Chief Staff Attorney
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929



Re: Supreme Court No. 96716-4, Tye Sheats v. City of East Wenatchee, et al.
Court of Appeals No. 35555-1-III

Dear Ms. Lennon,

This letter serves to notify the Court that Douglas County stands by its previously filed Respondent's Brief submitted on March 14, 2018, and agrees with the Court of Appeals Opinion of December 11, 2018, which correctly found that the public has an interest in viewing potentially exempt materials where a polygraph showed numerous instances of theft and dishonesty by a law enforcement officer.

Furthermore, in his petition for review, Sheats asserts that the Court of Appeals erred by refusing to enjoin the polygraph results to "anyone" making a public disclosure request, and that the court further erred by permitting dissemination of an exempt record for "all" law enforcement personnel upon request.

The Court's discretionary review is not warranted. The Court of Appeals published decision is fact-specific to Sheats' circumstances, entirely consistent with settled Washington law, and establishes no precedent. Sheats provides no factually-based argument to support his contention that the issues in this case qualify as issues of substantial public interest requiring further guidance by this Court.

Accordingly, the Court should deny review.

Sincerely,

James T. Mitchell, WSBA #31031

Douglas County Civil Deputy Prosecutor

cc: Kenneth Kato, Attorney for Appellant
Doug Shae, Attorney for Chelan County
Devin Poulson, Attorney for City of East Wenatchee
Danielle Marchant, Attorney for City of Wenatchee
Erin McCool, Attorney for Wenatchee World