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STATE OF WASHINGTON
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NO. 99052-2

**WASHINGTON STATE SUPREME COURT**

In re the Detention of:

DAMON LEE,

Appellant,

v.

THE STATE OF WASHINGTON,

Respondent.

**ANSWER TO PETITION FOR REVIEW**

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## I. INTRODUCTION

Damon Lee is a sexually violent predator (SVP) who was committed to total confinement at the Special Commitment Center in 2004. When he petitioned for conditional release to a less restrictive alternative (LRA) in 2017, he agreed—as required by law—to comply with "all requirements imposed by the treatment provider" and with the "supervision requirements imposed by the department of corrections." CP 428; RCW 71.09.092(4), (5). Thus it was not an unlawful delegation of judicial authority for the court to require Lee, as a condition of his release, to follow the instructions of the "transition team"—a group comprised of the treatment provider, the Department of Corrections community corrections officer, and a representative from the Special Commitment Center. Moreover, the team's authority is appropriately limited by both the conditional release order itself and the statutory framework, which impose and authorize conditions as necessary to protect the community and further treatment. The Court of Appeals properly concluded that Lee's release conditions are consistent with state law and the constitutional separation of powers. *Matter of Det. of: Lee*, No. 52717-1-II (Wash. Ct. App. July 28, 2020).[1]

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[1] For ease of reference, the State cites to the unpublished slip opinion attached to Lee's Petition for Review but notes that publication resulted in renumbering of the pages.

The order also adequately notifies Lee of proscribed conduct and allows for a hearing on contested requirements, satisfying due process. The order is clear that before Lee can engage in conduct implicated by the order that would require an exercise of judgment, he must seek permission from the transition team. If Lee disagrees with any of the transition team's decisions or instructions, the trial court retained "jurisdiction and authority to modify th[e] order on the motion or either party." CP 310. The Court of Appeals properly concluded that the LRA conditions are sufficiently definite and contain adequate procedural safeguards to satisfy due process.

Lee's Petition simply rehashes the arguments he made to the trial court and Court of Appeals, both of which properly rejected them. There is no need for this Court's further review under RAP 13.4(b)(3) and (4).

## II. COUNTERSTATEMENT OF THE ISSUES

1. Where the Legislature has delegated administrative authority to treatment providers and the Department of Corrections to implement and oversee a sexually violent predator's community confinement, did the trial court permissibly condition Lee's release on his compliance with the transition team's requirements?

2. Where Lee can petition the trial court to modify any of the conditions, and Lee would be entitled to a hearing where the State bears the burden of proof if a transition team member petitioned to revoke the LRA, does the LRA order satisfy due process?

3. Does the statutory requirement that the release conditions be in Lee's best interests and ensure that the public is protected provide "ascertainable standards" to guide the transition team's decision-making, thus satisfying due process?

## III. COUNTERSTATEMENT OF THE CASE

### A. Lee's History of Sexual Violence

Damon Lee is an SVP. SVPs comprise a "small but extremely dangerous" subset of the persons convicted or charged with crimes of sexual violence who suffer from mental abnormalities or personality disorders that make them "likely to engage in predatory acts of sexual violence if not confined in a secure facility." RCW 71.09.010, .020(18). Lee's history of sexual violence spans from 1973 to 1990, when he was last arrested and confined. CP 460. His victims are girls and women ranging in age from six to 39 years old. *Id.* At least two victims were strangers, and his offenses employed surprise, weapons, physical restraints, and threats of death. *Id.*

Lee's first arrest for a sexual offense occurred in 1973, when he was 17 years old. CP 489. A 6-year-old girl reported that while she was on her way to school, Lee picked her up and carried her into some brush. *Id.* He placed a knife against her neck and threatened to cut her if she did not stop crying, then unzipped his pants, took out his penis, and put it in her mouth. *Id.* Lee admitted to this offense, and, upon arrest, admitted to three armed robberies. *Id.* He was sentenced to not more than 20 years in prison.[2] *Id.*

[2] While on parole in 1979, Lee committed two non-sexual assaults, and his parole was revoked. He was returned to DOC custody to serve the remainder of his 20-year prison term. CP 489-99.

While on parole in 1990, Lee picked up a hitchhiker in the Tacoma area and raped her. CP 489-91. Following Lee's arrest, a search of his apartment revealed a significant number of guns and knives, a supply of cord, a set of chrome handcuffs, news articles about two rape investigations, and an album labeled "Conquest Book," which contained photos of men and women engaged in sexual activities. CP 492. Lee pled guilty to Rape in the First Degree and was sentenced to 96 months in prison. CP 491.

Lee was identified as a suspect in at least six other violent rape cases, involving weapons and abduction, which occurred in the Tacoma area while he was on parole between 1988 and 1990. CP 491. Lee himself reported forcing approximately 55 women to engage in sexual activity between 1988 and 1990. CP 498. However, Lee was not charged in any of these additional cases as part of his 1990 plea agreement. *Id.*

Lee remained in prison until May 2004, when a jury found him to be an SVP, and he was committed to the custody of the Department of Social and Health Services at the Special Commitment Center. CP 291.

**B. Statutory Framework**

SVPs are committed for control, care, and treatment in a "secure facility." RCW 71.09.060(1). This may be a total confinement facility, a secure community transition facility, or any sufficiently secure residence used as a court-ordered placement. RCW 71.09.020(16). Following an

annual mental health evaluation, a person committed to total confinement can petition for unconditional discharge or for conditional release to a less restrictive alternative. RCW 71.09.090. An LRA is "court ordered treatment in a setting less restrictive than total confinement" that satisfies certain statutory conditions. RCW 71.09.020(6).

A court may order an LRA only if it is in the person's best interests, conditions can be imposed to adequately protect the public, and the court ensures that mental health treatment and supervision requirements are met. RCW 71.09.092, .096(1). To this end, the treatment provider must agree to inform the court of treatment compliance and report violations to the court, the prosecutor, and a community corrections officer. RCW 71.09.092(2), .096(6). And, importantly, the SVP must agree to comply with all treatment requirements and the supervision conditions imposed by the Department of Corrections. RCW 71.09.092(4), (5).

### C. Procedural History

In May 2017, the Department of Social and Health Services submitted an annual review of Lee's mental condition, which opined that while Lee continues to meet the criteria of an SVP, conditional release to an LRA was in his best interest, and conditions could be imposed to adequately protect the community. CP 171, 291. The Chief Executive

Officer of the Special Commitment Center authorized Lee to petition for an LRA. CP 291, 454; *see* RCW 71.09.090(1).

Instead, Lee petitioned for unconditional release, which resulted in two mistrials. CP 291, 454. Following the mistrials, the State stipulated that Lee was eligible for conditional release to an LRA. CP 207. However, the parties disagreed on a number of the release conditions. Relevant here, the State proposed that the order designate a "transition team"—comprised of the sex offender treatment provider, the assigned community corrections officer, and a designated representative of the Special Commitment Center—to oversee and implement the order. CP 214-34. "Transition teams" are an essential tool for monitoring SVPs on conditional release, ensuring they both make progress in treatment and do not pose a threat to the public. They help manage the day-to-day logistics of a person's conditional release, including reviewing trip plans; approving or restricting contact with victims, minors, and others; approving or restricting access to certain media; and considering chaperone requests. CP 164-65. The team members generally meet monthly to review and discuss the person's status and treatment progress. CP 164.

The State's proposed conditional release order required Lee to comply with the verbal and written instructions of the transition team and

its members. CP 298-300.[3] It also required Lee to seek the transition team's approval before participating in employment or educational opportunities (CP 300), accessing the internet (CP 303), obtaining a driver's license or driving (CP 304), or "possess[ing] images of children or view media directed toward or focused on children" (CP 307), among other things. It also specifically prohibited Lee from possessing a firearm (CP 302), entering any adult entertainment establishment where nudity or erotic entertainment or literature are for sale (CP 303), consuming alcohol or controlled substances (CP 303), accessing "chat lines" (CP 308), and more.[4]

Lee objected to, among other things, all of the conditions that involved decision-making and instructions by the transition team.[5] CP 62-66. Following a hearing on the contested LRA conditions, the court entered a conditional release order adopting the State's proposed conditions. CP 290-310. The court also added a provision stating that it retained jurisdiction to modify the order on the motion of either party. CP 310.

Lee appealed to the Court of Appeals. The Court of Appeals rejected all of Lee's arguments, holding that the conditional release order does not

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[3] Here, the State cites to the order the court adopted for ease of reference.

[4] The LRA order contains 14 pages of conditions. Lee does not identify with specificity each of the conditions he challenges.

[5] Lee also objected to a condition requiring him to submit to searches of his person or property at the discretion of the community corrections officer. CP 47-48, 297. He no longer challenges this condition. *See* Pet. for Review.

violate the separation of powers doctrine or statutory scheme, nor does it violate Lee's rights to due process or privacy.

## IV. ARGUMENT WHY REVIEW SHOULD BE DENIED

### A. The LRA Order Does Not Violate the Separation of Powers

The Court of Appeals correctly concluded that the trial court properly delegated to the transition team the authority to implement the conditions of the LRA order. Slip Op. 7-12. This is entirely consistent with the separation of powers, the statutory role of the treatment provider and the Department of Corrections in overseeing the day-to-day administration of an LRA, and this Court's decisions in the criminal sentencing context.

It is the function of the judicial branch to determine whether an SVP can be conditionally released to community confinement. But the Legislature also has the authority to delegate administrative power. *State ex rel. Peninsula Neighborhood Ass'n v. Dep't of Transp.*, 142 Wn.2d 328, 138, 12 P.3d 134 (2000).

Here, while the Legislature placed the authority to order an LRA with the trial court, RCW 71.09.096, it also vested the treatment provider and the Department of Corrections with the administrative authority to oversee the community confinement. RCW 71.09.092. As the Court of Appeals noted, before the trial court can release an SVP to an LRA, it must find, among other things, that the SVP "is willing to comply with the

treatment provider and *all requirements imposed by the treatment provider* and by the courts; and [that] the person will be under the supervision of the department of corrections and *is willing to comply with supervision requirements imposed by the department of corrections*." RCW 71.09.092(4), (5) (emphasis added); *see* Slip Op. 8. To that end, consistent with the court's "explicit authority to 'impose any additional conditions necessary to ensure compliance with treatment and to protect the community,'" it appropriately required Lee to follow the instructions of the transition team, two-thirds of which consist of his treatment provider and community corrections officer. Slip Op. 9 (quoting RCW 71.09.096(2)). Thus Lee's "argument that a trial court cannot delegate any of its authority to create or modify conditions of community placement" is inconsistent with the SVP statutes themselves, which specifically require the day-to-day administration of an LRA to be managed by the treatment provider and Department of Corrections. Slip Op. 8.

Lee's overly narrow argument also "has been rejected by courts in similar contexts." Slip Op. 8 (citing *State v. Sansone*, 127 Wn. App. 630, 642, 111 P.3d 1251 (2005) ("Sentencing courts have the power to delegate some aspects of community placement to DOC."), *State v. McWilliams*, 177 Wn. App. 139, 311 P.3d 584 (2013) (holding that it is appropriate for a trial court to direct DOC to establish additional community custody conditions

based on the risk to the community), and *In re Golden*, 172 Wn. App. 426, 290 P.3d 168 (2012)). While these cases are criminal, and the confinement of SVPs is civil, the analysis applies equally, particularly where Lee remains committed as an SVP. The "court may have the sole authority to grant a conditional release, [but] the management of the day-to-day administration of a[n] LRA order is administrative in nature, and the court can delegate administrative decisions." Slip Op. 9; *see also McWilliams*, 177 Wn. App. at 154. This unremarkable holding is consistent with Washington case law and fails to raise a significant question of law or an issue of substantial public interest to warrant this Court's review. RAP 13.4(b)(3)-(4).

It is also consistent with federal case law. Indeed, the Ninth Circuit has explicitly authorized a condition similar to the one at issue here, requiring, as a condition of supervised release, that a sex offender attend a sex offender treatment program and "follow all other lifestyle restrictions or treatment requirements imposed by [his] therapist." *U.S. v. Fellows*, 157 F.3d 1197, 1204 (9th Cir. 1998). It held that the condition is "simply" a requirement "to comply fully" with the sex offender treatment program. *Id*.

Lee's continued reliance on the Fifth Circuit's decision in *United States v. Morin*, 832 F.3d 513 (5th Cir. 2016), is misplaced. Pet. for Review 5-6. *Morin* is distinguishable from *Fellows* and this case for a number of reasons. First, the criminal sentencing statute at issue in *Morin*

authorized only the court to impose sentences. *See* 18 U.S.C. § 3553. In contrast here, the treatment provider and community corrections officer have specific statutory authority to impose treatment and supervision requirements that is independent from the trial court's authority to order the LRA and impose its own conditions. RCW 71.09.092(4), (5).

Second, *Morin* acknowledged that an identically worded condition would be permissible as long as the court retains ultimate authority over it. *Morin*, 832 F.3d at 518. Here, the conditional release order expressly retains the trial court's authority to modify any condition of release. CP 310.

Third, even the *Morin* court stated that "the court may determine that the manner and means of therapy during a treatment program may be devised by therapists rather than the court." *Morin*, 832 F.3d at 516-17. That is what the superior court did here—determined that the transition team can devise the manner and means of a sexually violent predator's treatment and supervision while on a community placement outside of the Special Commitment Center, subject to the specifications in the conditional release order. Unlike the unspecified "lifestyle restrictions" at issue in *Morin*, here, the court "dictated 14 pages of detailed conditions for Lee to follow, leaving only specific details and a few undefined terms to the transition team, which included Lee's sex offender treatment provider." Slip Op. 10; CP 295-308. For example, Lee may not possess a firearm (CP 302), enter into any adult

entertainment establishment where nudity or erotic entertainment or literature are for sale (CP 303), consume alcohol or controlled substances (CP 303), access “chat lines” (CP 308), and may not, without approval of the transition team, have intentional direct or indirect contact with minors (CP 300), frequent establishments that cater primarily to minors (CP 301), have access to the internet (CP 303), drive (CP 304), and more. On these latter conditions, the court left the specific details of which locations are appropriate to visit, which times or reasons Lee may access the internet, and if or when Lee can drive, to the transition team. These details are more akin to the “manner and means” of treatment and supervision, which the *Morin* court stated was appropriate.[6] *Morin*, 832 F.3d at 517.

Because RCW 71.09.092(4) and (5) require Lee to comply with all requirements imposed by the treatment provider and DOC, and RCW 71.09.096(2) and (4) authorize the trial court to impose any additional conditions it deems necessary to ensure treatment compliance and community safety, the court lawfully authorized the “transition team”

[6] Under Lee’s theory of the SVP statute, every time a person wanted to meet with a family member or friend, he would have to petition the court for approval. Every time he wanted to apply for a job, or access the internet, or seek approval for a new chaperone, the court would have to hold a hearing. And every time the treatment provider, the community corrections officer, or the SVP wanted to amend a list of approved movies to watch, or parks he can visit, or appointments he can attend, all parties and the trial judge would have to convene in court. Such a process would be overly burdensome for all involved. More importantly, it is not the process the legislature envisioned when it required SVPs—in order to be conditionally released to an LRA—to agree to comply with all requirements imposed by the treatment provider and DOC. RCW 71.09.092(4), (5).

members to impose release requirements with which Lee must comply. The LRA order is consistent with the Legislature's delegation of judicial authority to the trial court and administrative authority to the transition team, and, accordingly, the separation of powers. The Court of Appeals properly upheld the order. Further review is unwarranted.

### B. The LRA Order Satisfies Due Process Because It Notifies Lee of the Conduct He Must Avoid and Provides an Opportunity To Be Heard

Lee challenges as impermissibly vague several conditions that restrict his access to specific types of media and require him to seek transition team approval before he engages in specific conduct. Pet. for Review 7-14. He also contends that the order deprives him of an opportunity to challenge conditions imposed by the treatment team or to be heard on allegations that he violated any of the conditions, contravening procedural due process. The Court of Appeals properly rejected these arguments.

"[T]he due process vagueness doctrine under the Fourteenth Amendment and article I, section 3 of the state constitution requires that citizens have fair warning of proscribed conduct." *State v. Bahl*, 164 Wn.2d 739, 752, 193 P.3d 678 (2008). A condition is not unconstitutionally vague "merely because a person cannot predict with certainty the exact point at which conduct would be prohibited." *State v. Riles*, 135 Wn.2d 326, 348, 957 P.2d 655 (1998). If a person "of ordinary intelligence can understand

what the [condition] proscribes, notwithstanding some possible areas of disagreement, the [condition] is sufficiently definite." *City of Spokane v. Douglass*, 115 Wn.2d 171, 179, 795 P.2d 693 (1990).

The Court of Appeals properly concluded that the conditions are sufficiently definite to satisfy the First Amendment and to provide ascertainable standards to satisfy due process. Slip Op. 12-18.

**1. The media restrictions are sufficiently defined and satisfy the First Amendment**

Lee complains that the prohibition on his access to media depicting "consensual sex," "sexual themes," "children's themes," "excessive violence," "images of children," or "media directed toward or focused on children" are unconstitutionally vague. Pet. for Review 8. The Court of Appeals correctly disagreed. Slip Op. 12-16.

The First Amendment limits government from prohibiting protected speech or expressive conduct. *Riles*, 135 Wn.2d at 346. "When considering whether a term is unconstitutionally vague, the terms are not considered in a 'vacuum,'" but rather "in the context in which they are used." *Bahl*, 164 Wn.2d at 754. "[T]he constitution does not require 'impossible standards of specificity' or 'mathematical certainty' because some degree of vagueness is inherent in the use of our language." *Riles*, 135 Wn.2d at 348 (quoting *State v. Halstien*, 122 Wn.2d 109, 118, 857 P.2d 270 (1993)).

Lee is concerned that the language regarding prohibited media "is broad enough to cover a movie such as *Titanic*, the Department of Social and Health Services pamphlet 'Eating Well for Less,' and artwork created in previous centuries." Pet. for Review 8. But, as the Court of Appeals points out, he ignores important qualifying language in the conditions that prohibits viewing materials "intentionally or negligently" and "for the purpose of causing or enhancing sexual arousal." Slip Op. 14-15; *See* CP 302-03, 307 (challenged conditions). If the access is inadvertent, or not for the purpose of sexual arousal, it does not amount to a violation. Viewing the terms "in the context in which they are used," *Bahl*, 164 Wn.2d at 754, they are "sufficiently definite" to provide fair notice. *City of Spokane*, 115 Wn.2d at 179; Slip Op. 15.

Moreover, another provision puts Lee on clear notice of what materials *are* approved: "Prior to Mr. Lee's release from total confinement, the SCC shall provide a list of all approved media (books, movies, video games, CDs, etc.) to the assigned community corrections officer. The transition team may approve or disapprove any of the items on the list." CP 307. If media Lee wishes to access is not identified on the list, then the material "must be preapproved by the Transition Team prior to purchase, rental, and/or possession." *Id.* Accordingly, Lee has received specific notice of the media he is entitled to possess and view. If there is media he wishes

to access that is not on the pre-approved list, he can assume it is proscribed or seek approval from the transition team. "Taken together, there can be little uncertainty in what materials are prohibited and, if Lee wants to purchase or possess a material not on the approved list, he knows he must seek pre-approval from the transition team." Slip Op. 16. Thus the terms restricting Lee's access to media are not unconstitutionally vague because Lee has notice of the media that is prohibited. A "person of ordinary intelligence would be able to view the prohibited materials list and know what materials to avoid." Slip Op. 15.

### 2. The conditions requiring Lee to seek the transition team's approval before engaging in certain conduct satisfy due process

The conditions that allow the transition team to make decisions satisfy due process because they notify Lee of the precise conduct for which he must seek approval. Further, even if Lee were alleged to have violated a condition, he is entitled to a hearing before his LRA can be revoked.

Lee is concerned that the conditions are so vague that the transition team members will arbitrarily deny his requests. But the order merely requires Lee to seek approval before he can, among other things, travel in the community (CP 295), have visitors in his residence (CP 297), get a job (CP 300), have contact with children (CP 300), and access the internet (CP 303). Lee thus has notice of the precise conduct for which he must seek

approval. He does not have to "predict with certainty the exact point at which conduct would be prohibited." *Riles*, 135 Wn.2d at 348. And the order explicitly provides that if Lee "is unsure whether his behavior is prohibited, he shall refrain from engaging in the behavior until he obtains approval from the Transition Team." CP 295. Only if Lee fails to seek permission before engaging in these activities, or if he engages in the activities despite the transition team's denial, will Lee have violated a condition, potentially jeopardizing his release. *See* Slip Op. 18.

Additionally, as the Court of Appeals noted, the transition team's decision-making is guided by—and indeed constrained by—the statute itself. Slip. Op. 16. Under the SVP statute, the LRA is an alternative to total confinement in a secured facility and must be in Lee's best interest and adequate to protect the public from the risk of sexual violence. RCW 71.09.090, .096. The standards that guide the transition team's decision-making do not need to be more precise than that. "[R]equiring the legislature to lay down exact and precise standards for the exercise of administrative authority destroys needed flexibility." *Barry & Barry, Inc. v. Dep't of Motor Vehicles*, 81 Wn.2d 155, 160, 500 P.2d 540 (1972). These standards—and the court's detailed, 14-pages of conditions—satisfy due process while affording the transition team the necessary flexibility to perform the day-to-day management of Lee's community supervision. Lee

simply assumes that permission to engage in certain conduct will be arbitrarily denied. But given the statutory standards, the conditions in the order are not vague on their face. Slip Op. 16.

### 3. The LRA order and SVP statute afford procedural due process

Both the LRA order and SVP statute also protect Lee's procedural due process rights. Slip Op. 18-19. Procedural due process requires notice of a proposed deprivation and an opportunity to be heard at a meaningful time and in a meaningful manner, appropriate to the case. *Amunrud v. Bd. of Appeals*, 158 Wn.2d 208, 216, 143 P.3d 571 (2006) (citing *Mathews v. Eldridge*, 424 U.S. 319, 348, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976)).

Under the LRA order, if the transition team makes a decision with which Lee disagrees, he can seek review of the decision from the trial court, because the court retained "jurisdiction and authority to modify th[e] order on the motion or either party." CP 310; Slip Op. 17.

And the SVP statute itself ensures that for any proposed revocation of the LRA, Lee will be heard at a meaningful time and in a meaningful manner. *Amunrud*, 158 Wn.2d at 216. Under RCW 71.09.098, if a transition team member believes a violation has occurred, he or she "may petition the court for an immediate hearing for the purpose of revoking or modifying the terms of the person's conditional release to a less restrictive alternative."

RCW 71.09.098(1) (allowing the treatment provider, the community corrections officer, the prosecuting agency, or the secretary's designee to petition for revocation or modification). At the hearing, it is the state's burden to prove that the person has violated the conditions of release. RCW 71.09.098(5). Although Lee's movement may be restricted or he may be taken into custody pending a hearing, RCW 71.09.098(2), the court must "promptly schedule a hearing" on the petition if he is taken into custody. RCW 71.09.098(3)(b). And restricting his movement or taking him into custody pending the hearing is appropriate in a case in which an SVP is alleged to have violated a condition of release. *Amunrud*, 158 Wn.2d at 216. Even if Lee were alleged to have violated a condition of his release, he has a right to a prompt hearing before his LRA can be revoked or modified, satisfying due process. Slip. Op. 17-18.

Thus Lee's continued reliance on *Morrissey v. Brewer*, 408 U.S. 471, 92 S. Ct. 2593, 33 L. Ed. 2d 484 (1972), is misplaced, because that case involved the revocation of a criminal defendant's parole *without* a hearing. Pet. for Review 13-14. The Court held that due process requires an informal hearing before parole can be revoked. *Morrissey*, 408 U.S. at 487-88. Here, the SVP statute already provides for a hearing before an LRA can be revoked. RCW 71.09.098. Procedural due process is satisfied, and there is no need for further review.

## V. CONCLUSION

While Lee raises constitutional questions, none of them merit this Court's review, particularly when the Court of Appeals thoroughly addressed and properly disposed of those questions. RAP 13.4(b)(3). Similarly, the routine delegation of administrative authority to transition teams to implement LRA orders does not mean that this case involves an issue of substantial public interest requiring this Court's review, as Lee suggests. Pet. for Review 15; RAP 13.4(b)(4). As discussed, the day-to-day management of the LRA by the transition team is specifically contemplated and authorized by the statutes. The Court of Appeals correctly saw through Lee's attempts to "portray the operation of the transition team as a dramatic departure from the terms the LRA order, but their power is limited to the terms contained in the order, which was imposed by the trial court after a full hearing." Slip Op. 17-18. The Court should deny review.

RESPECTFULLY SUBMITTED this 20th day of November, 2020.

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NO. 99052-2

**WASHINGTON STATE SUPREME COURT**

| In re the Detention of:<br><br>DAMON LEE,<br><br>Appellant. | DECLARATION OF SERVICE |
|---|---|

I, Malia Anfinson, declare as follows:

On November 20, 2020, I sent via electronic mail, per service agreement, a true and correct copy of Answer to Petition for Review and Declaration of Service, addressed as follows:

Jodi Backlund
Backlund & Mistry
backlundmistry@gmail.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 20th day of November, 2020, at Seattle, Washington.

MALIA ANFINSON

## WASHINGTON STATE ATTORNEY GENERAL'S OFFICE - CRIMINAL JUSTICE DIVISION

### November 20, 2020 - 1:11 PM

### Transmittal Information

| | |
|---|---|
| **Filed with Court:** | Supreme Court |
| **Appellate Court Case Number:** | 99052-2 |
| **Appellate Court Case Title:** | In the Matter of the Detention of: Damon Lee |
| **Superior Court Case Number:** | 99-2-13179-2 |

**The following documents have been uploaded:**

- 990522_Answer_Reply_20201120131104SC489894_9030.pdf
  This File Contains:
  Answer/Reply - Answer to Petition for Review
  *The Original File Name was Lee Answer to Petition for Review Final.pdf*

**A copy of the uploaded files will be sent to:**

- backlundmistry1@gmail.com
- backlundmistry@gmail.com
- lalseaef@atg.wa.gov
- leah.harris@atg.wa.gov

**Comments:**

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Sender Name: Malia Anfinson - Email: malia.anfinson@atg.wa.gov
**Filing on Behalf of:** Kelly Paradis - Email: kelly.paradis@atg.wa.gov (Alternate Email: crjsvpef@ATG.WA.GOV)

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800 Fifth Avenue
Suite 2000
Seattle, WA, 98104
Phone: (206) 464-6430

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