

THE SUPREME COURT OF WASHINGTON

CAL COBURN BROWN,

PETITIONER,

v.

ELDON VAIL, SECRETARY OF
DEPARTMENT OF CORRECTIONS,
STEPHEN SINCLAIR, SUPERINTENDENT
OF THE WASHINGTON STATE
PENITENTIARY and CHERYL STRANGE,
DEPUTY SECRETARY OF
CORRECTIONAL OPERATIONS,

RESPONDENTS.

ORDER

Supreme Court No.
82742-7

FILED
SUPREME COURT
STATE OF WASHINGTON
2009 MAR -9 P 1:17
BY RONALD D. CARPENTER
CLEN

This matter came before the Court on its March 5, 2009, En Banc Conference for consideration of Petitioner's "PETITION AGAINST STATE OFFICERS PURSUANT TO RAP 16.2(b)" and "EMERGENCY MOTION TO STAY BROWN'S MARCH 13, 2009, EXECUTION PENDING CONSIDERATION OF HIS PETITION AGAINST STATE OFFICERS PURSUANT TO RAP 16.2(b)", and the Court having unanimously determined that the following order should be entered:

Now, therefore, it is hereby

ORDERED:

The Petitioner's "PETITION AGAINST STATE OFFICERS PURSUANT TO RAP 16.2(b)", which requests the Court to grant a writ of mandamus against Eldon Vail, Secretary of the Department of Corrections, Stephen Sinclair, Superintendent of the Washington State Penitentiary and Cheryl Strange, Deputy Secretary of Correctional Operations, arguing that RCW 10.95.180(1)

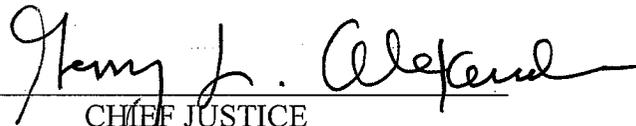
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is an unconstitutional delegation of legislative authority that violates Cont. Art 1, Sec 2., is denied because the Petitioner has not established that grounds for extraordinary relief exist. The "PETITION AGAINST STATE OFFICERS PURSUANT TO RAP 16.2(b)" is dismissed. The "EMERGENCY MOTION TO STAY BROWN'S MARCH 13, 2009, EXECUTION PENDING CONSIDERATION OF HIS PETITION AGAINST STATE OFFICERS PURSUANT TO RAP 16.2(b)" is also denied.

DATED at Olympia, Washington this 9th day of March, 2009.

For the Court,



CHIEF JUSTICE