

NO. 42185-2-II

**COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

STEVEN WHITCHER, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Bryan Chushcoff

No. 09-1-02856-9

Brief of Respondent

MARK LINDQUIST
Prosecuting Attorney

By
MELODY CRICK
Deputy Prosecuting Attorney
WSB # 35453

930 Tacoma Avenue South
Room 946
Tacoma, WA 98402
PH: (253) 798-7400

Table of Contents

A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR. 1

 1. Was defendant provided with sufficient notice of the grounds for revocation of his SSOSA where the state alleged he had been terminated from sex offender treatment, and the accompanying documents stated defendant was not amenable to treatment? 1

 2. Did the trial court correctly revoke defendant's SSOSA when defendant demonstrated that he was not amenable to treatment, and had violated the terms of his suspended sentence? 1

 3. Did defendant receive effective assistance where defense counsel found another therapist willing to take defendant as a patient, and successfully argued that defendant's SSOSA should not be revoked for 3 out of the 4 alleged violations? 1

B. STATEMENT OF THE CASE..... 1

 1. Procedure 1

 2. Facts 3

C. ARGUMENT..... 7

 1. THE COURT DID NOT VIOLATE DEFENDANT'S DUE PROCESS RIGHTS BY REVOKING DEFENDANT'S SSOSA FOR BEING TERMINATED FROM SEX OFFENDER TREATMENT AND NOT BEING AMENABLE TO TREATMENT WHEN DEFENDANT HAD PROPER NOTICE AND THE OPPORTUNITY TO PREPARE A DEFENSE..... 7

2. THE COURT DID NOT ABUSE ITS DISCRETION IN REVOKING DEFENDANT'S SSOSA UNDER RCW 9.94A.670 WHERE THE STATUTE PERMITS SUCH REVOCATION WHERE DEFENDANT IS NOT AMENDABLE TO TREATMENT AND HAS BEEN TERMINATED FROM TREATMENT..... 11

3. DEFENSE COUNSEL WAS NOT INEFFECTIVE FOR DECLINING TO REQUEST A SANCTION WHICH THERE WAS NO REASONABLE PROBABILITY DEFENDANT WOULD HAVE RECEIVED. 13

D. CONCLUSION..... 17

Table of Authorities

State Cases

<i>State ex rel. Carroll v. Junker</i> , 79 Wn.2d 12, 26, 482 P.2d 775 (1971)..	11
<i>State v. Benn</i> , 120 Wn.2d 631, 633, 845 P.2d 289 (1993).....	15
<i>State v. Carpenter</i> , 52 Wn. App. 680, 684-685, 763 P.2d 455 (1988).....	15
<i>State v. Ciskie</i> , 110 Wn.2d 263, 751 P.2d 1165 (1988).....	14
<i>State v. Dahl</i> , 139 Wn.2d 678, 683, 990 P.2d 396 (1999).....	7, 8, 11
<i>State v. Garrett</i> , 124 Wn.2d 504, 520, 881 P.2d 185 (1994).....	14
<i>State v. Hendrickson</i> , 129 Wn.2d 61, 77-78, 917 P.2d 563 (1996)	14
<i>State v. Miller</i> , 159 Wn. App. 911, 918, 247 P.3d 457 (2011).....	11
<i>State v. Partee</i> , 141 Wn. App. 355, 361, 170 P.3d 60 (2007)	11
<i>State v. Thomas</i> , 109 Wn.2d 222, 226, 743 P.2d 816 (1987)	14, 16
<i>State v. White</i> , 81 Wn.2d 223, 225, 500 P.2d 964 (1993), <i>review denied</i> , 123 Wn.2d 1004 (1994)	14

Federal and Other Jurisdictions

<i>Harrington v. Richter</i> , 562 U.S. _____, 131 S. Ct. 770, 778, 178 L.Ed.2d 624 (2011).....	15
<i>Kimmelman v. Morrison</i> , 477 U.S. 365, 374, 91 L.Ed.2d 305, 106 S. Ct. 2574, 2582 (1986).....	14
<i>Morrissey v. Brewer</i> , 408 U.S. 471, 484, 92 S. Ct. 2593, 33 L.Ed.2d 484 (1972).....	7
<i>Premo v. Moore</i> , 562 U.S. _____, 131 S. Ct. 733, 740, 178 L.Ed.2d. 649 (2011).....	15

Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052,
80 L.Ed.2d 674 (1984)..... 14, 15, 16

Statutes

RCW 9.94A.670..... 11
RCW 9.94A.670(11)..... 11, 13
RCW 9.94A.670(4)..... 12

A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Was defendant provided with sufficient notice of the grounds for revocation of his SSOSA where the State alleged he had been terminated from sex offender treatment, and the accompanying documents stated defendant was not amenable to treatment?

2. Did the trial court correctly revoke defendant's SSOSA when defendant demonstrated that he was not amenable to treatment, and had violated the terms of his suspended sentence?

3. Did defendant receive effective assistance where defense counsel found another therapist willing to take defendant as a patient, and successfully argued that defendant's SSOSA should not be revoked for 3 out of the 4 alleged violations?

B. STATEMENT OF THE CASE.

1. Procedure

On May 14, 2010, defendant, Steven Whitcher, pleaded guilty to one count of rape of a child and one count of child molestation in the first degree. CP 1-2, 17-19. The honorable Bryan Chushcoff sentenced defendant to 131 months to life for the rape count, and 89 months to life for the molestation charge, and suspended all but 6 months under the

Special Sex Offender Sentencing Alternative (SSOSA). CP 9-10. Defendant was released to community custody on September 28, 2010. RP1 11. On December 22, 2010, the State filed a petition to determine non-compliance with condition or requirement of sentence. CP 21-24. The State alleged that defendant had failed to maintain law abiding behavior by being arrested on a charge of theft in the third degree. CP 21-24, RP1 25. On January 12, 2011, the State filed an amended petition, adding defendant's termination from sex offender treatment, termination from the DOC "Getting It Right" program, and unauthorized contact with a minor. CP 25-26. On January 14, 2011, at a hearing before Judge Chushcoff, defense counsel requested a continuance. CP 104-105. The court ordered that a SSOSA revocation hearing would be held on February 11, 2011. CP 104-105, 106.

On April 15, 2011, a SSOSA revocation hearing began before Judge Chushcoff. RP1 1. The court found a technical violation for defendant being terminated from the "Getting It Right" program. The court also found the State had failed to prove defendant had not maintained law abiding behavior, and failed to prove that defendant had unauthorized contact with a minor. CP 93-95. The court did not impose any sanction for defendant's technical violation. *Id.* The also court found defendant had been terminated from sex offender treatment, and that defendant was not amendable to treatment. *Id.* The court revoked

defendant's SSOSA, and ordered that defendant serve the time remaining on his sentence. *Id.*

On June 1, 2011 defendant filed a timely notice of appeal. CP 96-99.

2. Facts¹

Defendant was released from prison on September 28, 2010, and was added to Community Corrections Officer Lynne Hudson's case load. RP 10. Comte and Associates provided a sexual deviance evaluation, and so was prevented from conducting defendant's treatment under the SSOSA rules. RP 12. Comte and Associates referred defendant to Jeanglee Tracer for his treatment. RP 12. Defendant did not want to go to treatment with Ms. Tracer, or with Comte and Associates. RP12. Defendant told CCO Hudson that he wanted to have his treatment provided by Lane Taylor. RP 13. CCO Hudson informed defendant that he would have to attend his treatment with Ms. Tracer. RP 13.

On October 27, 2010, defendant had his first individual session with Ms. Tracer. RP 64. About a week prior to this first session, defendant had called Ms. Tracer to inquire about the costs of services, and what the expectations for payment were. RP 64. Ms. Tracer explained

¹ The facts of the underlying crime are not relevant to defendant's issues on appeal. The State will therefore restrict its statement to the facts related to defendant's SSOSA revocation hearing.

that defendant was required to pay for services in full and at each appointment. RP 64. At the first individual session, defendant stated that he did not realize he had to pay for the first session. RP 65. After reminding defendant of the payment requirements, Ms. Tracer explained the requirements for the treatment program. RP 64. Defendant missed his next scheduled appointment because he had been arrested for theft. RP 65. On November 8th, defendant brought \$100 of the \$325 balance he carried with Ms. Tracer to his appointment. RP 66. Defendant did not participate during the group counseling sessions he attended. RP 66. On December 20th, Ms. Tracer terminated defendant from her treatment program because he had had unapproved contact with an infant child at his mother's house, had opened a Facebook account under a false name and posed as a female, and had failed to maintain his payment responsibilities. RP67-70, 76. Ms. Tracer stated that defendant's deceptive behavior, and his inability to comprehend why his deception was an issue was a "great concern to [her]." RP 70. Defendant continued to "play the victim more than [Ms. Tracer] had seen in any of [her] clients," and he did not take responsibility for his actions. RP 71.

On October 29, 2010, defendant was arrested for theft in the third degree and criminal trespass in the second degree by the Fife Police Department. RP 25. Defendant and an acquaintance, Robbin Smith, were

removing scrap metal and wood from the Great American RV Center in Fife, Washington. RP 90, 95, 164, 208. The RV center had previously shut down, and the property was sold to Larson Automotive, who had not given defendant or Mr. Smith permission to be on the property. RP 97-98. Defendant and Mr. Smith both testified that they believed they had permission to collect the scraps. RP 175, 181, 186.

Defendant was described as “defiant” by CCO Hudson and CCO Joe Sophia. RP 13, 28, 51, 136, 149. Defendant was completely unwilling to heed authority according to CCO Sophia. RP 53. Defendant’s sex offender treatment provider, Ms. Tracer, stated that defendant’s inability to take responsibility for his actions and the consequences, and his problems with authority made him not amenable to treatment. RP 85. Ms. Tracer testified that at a time in treatment when most offenders are so afraid of doing something to jeopardize their SSOSA sentence that they tread on eggshells, defendant was thwarting the rules, and had been caught in dishonest behavior. RP 83-84.

An example that the community corrections officers gave of defendant’s deceptive behavior was that defendant had opened a Facebook account under the name “Eve Whitcher.” RP 39, 203. The account had a profile photo of a woman under the age of 30. RP 41. Defendant was not permitted by DOC to have online social networking accounts, and was

prevented by the Facebook user agreement from using the site as a registered sex offender and with inaccurate information. RP 44, 134-35. When confronted with his use of the site, defendant initially said he did not have an account. RP 129. He then changed his story to say that he “vaguely remembered that he had an account.” RP 129. Defendant claimed to have mistakenly written “Eve” rather than Steve as the name on the profile, but later stated that he had intentionally posed as a woman to meet men. RP 129.

Defendant called Larry Arnolt, a psychologist who is also a certified sex offender treatment provider in Washington. RP 221. Mr. Arnolt testified that he interviewed defendant, and reviewed the psychosexual evaluation done on January 22, 2010, the sex offender treatment contract, the polygraph assessment, the court notice of violation and the amended petition for hearing. RP 222-23. Mr. Arnolt testified that “with some rather strict reservations, [he] accepted [defendant] into treatment as long as [defendant] would resolve his financial obligations and comply with all of the expectations of SSOSA.” RP 222. Mr. Arnolt also testified that “even though [defendant] may be aware that something is not appropriate... he might try to get by with things until he is actually caught.” RP 232. He also testified that defendant engaged in manipulative behavior. RP 233.

C. ARGUMENT.

1. THE COURT DID NOT VIOLATE DEFENDANT'S DUE PROCESS RIGHTS BY REVOKING DEFENDANT'S SSOSA FOR BEING TERMINATED FROM SEX OFFENDER TREATMENT AND NOT BEING AMENABLE TO TREATMENT WHEN DEFENDANT HAD PROPER NOTICE AND THE OPPORTUNITY TO PREPARE A DEFENSE.

The revocation of a suspended sentence is not a criminal proceeding, and the defendant is entitled to only minimal due process rights. *State v. Dahl*, 139 Wn.2d 678, 683, 990 P.2d 396 (1999). Among these due process rights is a right to proper notice. *Id.* Proper notice sets forth the alleged parole violations of defendant's suspended sentence, and allows defendant an "opportunity to marshal the facts in his defense." *Id.* at 684. "These requirements exist to ensure that the finding of a violation of a term of a suspended sentence will be based upon verified facts. *Id.* at 683, quoting *Morrissey v. Brewer*, 408 U.S. 471, 484, 92 S. Ct. 2593, 33 L.Ed.2d 484 (1972).

In *Dahl*, the State alleged that defendant had failed to make reasonable progress in treatment. 139 Wn.2d at 684. The court based much of its decision to revoke defendant's SSOSA on two individual incidents, one where Dahl had exposed himself to two young girls, and one where he had sent a note to a young bank teller detailing his fantasies and obsession with the JonBenet Ramsey case. *Id.* at 681, 684. The court

found that sufficient notice had been provided because defendant was informed of the State's contention that he had failed to make reasonable progress, and had been provided with his therapist's treatment reported. *Id.* at 685-86.

Similarly, here the State alleged defendant had violated his SSOSA conditions by being terminated from treatment and provided the details on which this allegation was made. CP 25-88. In its amended petition for a hearing, the State listed four violations. *Id.* The last of these was that defendant had been terminated from SSOSA treatment. *Id.* Along with the petition, defendant received the Department of Corrections court notice form. *Id.* This listed each of the violations, and the evidence supporting that violation. *Id.* This evidence included statements from defendant's CCO about his failure to report to the office when required, his maintenance of a Facebook account under a female's name, his deliberate deceptions, and his refusal to take responsibility for his actions. *Id.* In addition, the court notice form had a section on "adjustment" which detailed defendant's poor performance in treatment, and the defendant's resistance to submitting to the authority of his counselors and DOC officers. *Id.* Specifically, the notice stated that defendant had been terminated from treatment by his therapist due to missing appointments, being arrested on theft charges, having unauthorized contact with minors and for failing to meet his financial obligations. *Id.* The court notice additionally put defendant on notice that the DOC officer's

recommendation was that defendant's SSOSA be revoked, and the original sentence imposed. *Id.* In making this recommendation, the community corrections officer stated, "Mr. Witcher is not a good candidate for the SSOSA program." CP 25-88. This was all a part of the notice defendant received prior to the hearing, and placed defendant on notice that the State was seeking to have his SSOSA revoked because he had been terminated from treatment, and was not amenable to further treatment.

At the trial level, defendant never claimed that he did not have notice that the State was seeking revocation of his SSOSA because he was not amenable to treatment. Defendant did object to the testimony about defendant's desire to receive treatment from another therapist, and his discussions with his CCO about the matter, claiming they were not relevant because the State had not alleged that to be a violation. RP 13. In response to the objection, the State argued that the evidence was relevant to his termination from treatment because it demonstrated whether or not defendant was amenable to further treatment. RP 13. Defense counsel responded that defendant appears to have been confused about which providers he was permitted to receive treatment from. RP 14. The court agreed that defendant was amendable to treatment with another provider. RP 14. This discussion turned entirely on whether evidence of defendant's reluctance to attend treatment with Ms. Tracer was relevant to his termination from her treatment program. Defendant's amenability to treatment was discussed by all parties. *Id.* No argument was ever made

that defendant had not been put on notice that defendant's future ability to make progress in treatment was at issue.

Moreover, defendant's preparedness to mount a defense that defendant was amenable to treatment is evidenced by his counsel finding a therapist to evaluate whether or not defendant could be treated. RP4 220-1. During the revocation hearing the court referenced previous "meetings we've had here." RP 13. One such hearing was held on January 14, 2011. CP 102-103. Defendant has not provided a transcript of this proceeding, however, the journal entry indicated defendant asked for additional time to prepare his case. *Id.* Defense counsel arranged for defendant to be evaluated for his amenability to future treatment by another provider during the three full months after the State filed its amended petition to revoke defendant's SSOSA. CP 25-26; RP 1, 221-22. Defendant clearly anticipated that the State was seeking to revoke defendant's SSOSA because defendant had been terminated from treatment. In defense to this, defendant presented a sexual deviancy therapist who had agreed to take defendant on as a patient. RP4 220-231. Defendant's minimal due process rights were met by the petition and its accompanying documents.

2. THE COURT DID NOT ABUSE ITS DISCRETION IN REVOKING DEFENDANT'S SSOSA UNDER RCW 9.94A.670 WHERE THE STATUTE PERMITS SUCH REVOCATION WHERE DEFENDANT IS NOT AMENDABLE TO TREATMENT AND HAS BEEN TERMINATED FROM TREATMENT.

On appeal, the revocation of a SSOSA sentence is reviewed for abuse of discretion. *State v. Partee*, 141 Wn. App. 355, 361, 170 P.3d 60 (2007). A court abuses its discretion if its decision is manifestly unreasonable or arbitrary, or is based on untenable grounds. *State v. Miller*, 159 Wn. App. 911, 918, 247 P.3d 457 (2011) *citing State ex rel. Carroll v. Junker*, 79 Wn.2d 12, 26, 482 P.2d 775 (1971). "A court may revoke an offender's SSOSA at any time if it is reasonably satisfied the offender violated a condition of the suspended sentence." *Partee*, 141 Wn. App. at 361, *citing State v. Dahl*, 139 Wn.2d 678, 683, 990 P.2d 396 (1999).

Defendant contends that the plain language of RCW 9.94A.670(11) does not allow a court to revoke defendant's SSOSA for not being amendable to treatment. Brief of appellant at 27. RCW 9.94A.670 allows the court to revoke a defendant's suspended sentence under the SSOSA program if:

- (a) The offender violates the conditions of the suspended sentence, or
- (b) the court finds that the offender is failing to make satisfactory progress in treatment.

Here, the suspended sentence imposed on defendant required that he remain in treatment, and comply with all of the requirements of the treatment provider. CP25-88. Defendant's termination from treatment is the quintessential example of a failure to comply with the requirements of his suspended sentence. Moreover, by demonstrating that he was not amenable to treatment during the two and a half months that he was in the community on his suspended sentence, defendant not only failed to maintain satisfactory progress in treatment, he demonstrated that he would not be able to maintain progress in the program. Defendant demonstrated that he could not comply with the requirements of the suspended sentence. The court did not err in revoking defendant's suspended sentence where the plain language of the statute includes defendant's conduct as reason for termination.

Defendant argues that by revoking defendant's SSOSA because he was not amendable to treatment, the court was reconsidering its initial decision of whether or not a defendant was eligible for a SSOSA sentence under RCW 9.94A.670(4). Brief of appellant at 27. Here, defendant had been terminated from sex offender treatment, but had presented evidence

that another therapist was willing to take him on as a patient. RP 67-70, 76, 222. The court was not considering a motion for reconsideration *de novo*, but rather it was considering a petition to revoke defendant's SSOSA because he had failed to meet its requirements. The court's consideration of whether or not to revoke defendant's SSOSA sentence therefore required it to determine whether defendant was likely to make any progress with the new treatment provider. Mr. Arnolt, the new treatment provider, testified that defendant would require "strict reservations" in order to be accepted into the treatment program. RP 222. The court was thus considering whether defendant, who thus far had been unable to maintain satisfactory progress in treatment, would be able to maintain such progress in the future. This is a valid exercise of the court's discretion in revoking defendant's SSOSA sentence under RCW 9.94A.670(11).

3. DEFENSE COUNSEL WAS NOT INEFFECTIVE FOR DECLINING TO REQUEST A SANCTION WHICH THERE WAS NO REASONABLE PROBABILITY DEFENDANT WOULD HAVE RECEIVED.

"The essence of an ineffective-assistance claim is that counsel's unprofessional errors so upset the adversarial balance between defense and prosecution that the [proceeding] was rendered unfair and the verdict

rendered suspect." *Kimmelman v. Morrison*, 477 U.S. 365, 374, 91 L.Ed.2d 305, 106 S. Ct. 2574, 2582 (1986). A defendant who raises a claim of ineffective assistance of counsel must demonstrate that: (1) his or her attorney's performance was deficient, and (2) the deficiency was prejudicial. *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L.Ed.2d 674 (1984); *State v. Hendrickson*, 129 Wn.2d 61, 77-78, 917 P.2d 563 (1996). Under the first prong, matters that go to strategy or tactics do not show deficient performance. *State v. Garrett*, 124 Wn.2d 504, 520, 881 P.2d 185 (1994). Under the second prong, defendant must show that a reasonable probability exists that the result would have been different, but for counsel's errors. *State v. Thomas*, 109 Wn.2d 222, 226, 743 P.2d 816 (1987).

The standard of review for effective assistance of counsel is whether the court can conclude, after examining the record as a whole, that defendant received effective representation and a fair trial. *State v. Ciskie*, 110 Wn.2d 263, 751 P.2d 1165 (1988), *see also State v. White*, 81 Wn.2d 223, 225, 500 P.2d 964 (1993), *review denied*, 123 Wn.2d 1004 (1994). "The question is whether an attorney's representation amounted to incompetence under 'prevailing professional norms,' not whether it

deviated from best practices or most common custom.” *Premo v. Moore*, 562 U.S. ____, 131 S. Ct. 733, 740, 178 L.Ed.2d. 649 (2011), quoting *Strickland*, 466 U.S. at 690, see also *Harrington v. Richter*, 562 U.S. ____, 131 S. Ct. 770, 778, 178 L.Ed.2d 624 (2011). Judicial scrutiny of an attorney’s performance must be “highly deferential in order to eliminate the distorting effects of hindsight.” *Strickland*, 466 U.S. at 689. The reviewing court must judge the reasonableness of counsel’s actions “on the facts of the particular case, viewed as of the time of counsel’s conduct.” *Id.* at 690; *State v. Benn*, 120 Wn.2d 631, 633, 845 P.2d 289 (1993). A presumption of counsel’s competence can be overcome by showing counsel failed to conduct appropriate investigations, adequately prepare for trial, or subpoena necessary witnesses. *Id.* An appellate court is unlikely to find ineffective assistance on the basis of one alleged mistake. *State v. Carpenter*, 52 Wn. App. 680, 684-685, 763 P.2d 455 (1988).

Here, defense counsel conducted investigations, and presented witnesses and exhibits on defendant’s behalf, including a therapist willing to accept defendant as a patient. RP 76, 163- 231. Defense counsel cross examined the witnesses presented by the State, and made objections during the hearing. RP 30-31, 36, 44, 48, 54, 73, 145. Moreover, defense counsel is not expected to ask for a reduced sanction when the court is unlikely to grant it. Defendant cannot show that defense counsel was not deficient under the first prong of the *Strickland* test.

Under the second prong of the *Strickland* test, defendant must show that he was prejudiced by defense counsel's representation. 466 U.S. 668. Prejudice can be shown where there is a reasonable probability that the outcome would have been different if defense counsel had requested the 60 day sanction. *Thomas*, 109 Wn.2d at 26. The court found that, although defendant presented a therapist willing to take him as a patient, that defendant was not amendable to treatment. CP 93-95; RP 268. There is no reasonable probability that the court would have imposed a 60 day sanction and permitted defendant to reenter the community and resume treatment where defendant was not amendable to treatment. Defendant demonstrated an unwillingness to conform to the requirements of treatment, despite spending six months in prison prior to his release to community custody. RP 255-57. It is unlikely that the court would have determined that 60 days in jail would have solved the evident attitude problem preventing defendant from making progress in treatment when 6 months did not. Defendant cannot meet his burden to show that he was prejudiced by defense counsel's representation.

D. CONCLUSION.

For the aforementioned reasons, the State respectfully requests that this Court affirm the trial court's revocation of defendant's SSOSA sentence.

DATED: March 1, 2012.

MARK LINDQUIST
Pierce County
Prosecuting Attorney

Melody Crick by K. Horton
MELODY CRICK *14811*
Deputy Prosecuting Attorney
WSB # 35453

MARGO MARTIN
Rule 9 Intern

Certificate of Service:

The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

3.1.12 *Theresa*
Date Signature

PIERCE COUNTY PROSECUTOR

March 01, 2012 - 4:05 PM

Transmittal Letter

Document Uploaded: 421852-Respondent's Brief.pdf

Case Name: St. v. Witcher

Court of Appeals Case Number: 42185-2

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: Respondent's

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Other: _____

Sender Name: Therese M Kahn - Email: tnichol@co.pierce.wa.us

A copy of this document has been emailed to the following addresses:

celewski@yahoo.com