

MAY 21 2014

ELECTRONICALLY FILED

Ronald R. Carpenter
Clerk

NO. 90110-4

SUPREME COURT OF THE STATE OF WASHINGTON

In re Detention of: D.W, G.K., S.B.,
E.S., M.H., S.P., L.W., J.P., D.C., M.P.,

SUPPLEMENTAL
AUTHORITY

Respondents.

With regard to the argument of the State Department of Social and Health Services (DSHS Opening Br. at 16-26), and the argument of the Prosecuting Attorney on behalf of the petitioning Designated Mental Health Professionals (Pierce County DMHP Opening Br. at 11-13), the State provides the following statement of additional authority:

In re Detention of Turay, Richard, 139 Wn.2d 379 (1999)

“Turay contends that the trial court committed reversible error by granting the State’s motion in limine to exclude evidence of the conditions of confinement at the SCC Turay’s arguments in regard to this issue are meritless and demonstrate a fundamental misunderstanding of the purpose of an SVP commitment proceeding. The trier of fact’s role in an SVP commitment proceeding, as the trial judge correctly noted, is to determine whether the defendant constitutes an SVP; *it is not* to evaluate the potential conditions of confinement. *See* RCW 71.09.060(1)”
(pp. 403-04))

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With regard to Respondent and Hospital Intervener reliance on *Oregon Advocacy Center v. Mink*, 322 F.3d 1101, 1121 (9th Cir.2003), the State cites:

***Weiss v. Thompson*, 120 Wn. App. 402, 409-11 (2004)**

(no constitutional violation in a 15 day delay in placement at Western State Hospital, distinguishing the “repeated, lengthy” delays at issue in *Oregon Advocacy Center v. Mink*)

RESPECTFULLY SUBMITTED this 21st day of May 2014.

BOB FERGUSON
Attorney General

//s//

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CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the state of Washington, that on this date I have caused a true and correct copy of the Supplemental Authority to be served on the following via e-mail:

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DATED at Olympia, Washington this 21st day of May 2014.

//s//

Wendy R. Scharber
Legal Assistant

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Rec'd 5-21-14

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In re Detention of: D.W., G.K., S.B., E.S., M.H., S.P., L.W., J.P., D.C., M.P.
Cause No. 90110-4

Supplemental Authority

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