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Washington State Supreme Court

NOV - 6 2014

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Ronald R. Carpenter
Clerk

SUPREME COURT No. 90384-1

Grays Harbor County Superior Court
No. 14-2-00397-4

THE SUPREME COURT OF WASHINGTON

Clarence J. Faulkner, Appellant

vs.

Washington Department of Corrections, Respondent

MOTION FOR DISCRETIONARY REVIEW

Clarence J. Faulkner, acting pro se as Appellant

MOTION FOR DISCRETIONARY REVIEW
No. 90384-1

Clarence J. Faulkner #842107
PO BOX 2049 CA/G-4-1
Airway Heights, WA 99001-2049

A. IDENTITY OF APPELLANT/PETITIONER

Clarence J. Faulkner asks this Court to accept review of the decision designated in Part B of this motion.

B. DECISION

Appellant Faulkner seeks review of the Grays Harbor County Superior Court's Order entered on May 27, 2014, by Honorable Dave Edwards, denying a Waiver of Civil Filing Fees and Surcharges in the filing of a Public Records Act violation complaint, and the specific finding that the complaint lacked probable merit and was not brought in good faith. The Order restrained Faulkner from obtaining any hearing on his complaint. A copy of the decision is in the Appendix at pages A-1 through A-2.

C. ISSUES PRESENTED FOR REVIEW

1. Did the trial court err in denying Faulkner's Motion to Waive Civil Filing Fees and Surcharges?

2. Did the trial court err in determining that Faulkner's Civil Complaint For Violations of Washington State's Public Records Act lacked probable merit?

3. Did the trial court err in determining that Faulkner's Civil Complaint For Violations of Washington State's Public Records Act was not brought in good faith?

4. Did the trial court err in not providing Faulkner a show cause hearing pursuant to the provisions of Washington State's Public Records Act?

5. Does the trial court's order deny Faulkner's United States Constitution and Washington State Constitution rights to seek redress in the courts?

D. STATEMENT OF THE CASE

On May 22, 2014, after communicating with the Gray's Harbor County Clerk, Faulkner submitted a document package to the Clerk which included a MOTION TO WAIVE CIVIL FILING FEES and Surcharges, and a CIVIL COMPLAINT FOR VIOLATIONS OF WASHINGTON State's Public Records Act. Faulkner's motion and CIVIL COMPLAINT ARE INCLUDED in the Appendix and referenced as pages A-3 through A-37.

Faulkner's indigency request was denied, his civil complaint was not filed, and no court docket number or other reference number was created. Faulkner was provided only an unstamped copy of a May 27, 2014 ORDER issued by Hon. Dave Edwards of the Grays Harbor Superior Court denying his indigency stating only that Faulkner's complaint lacked probable merit and was not brought in good faith (See Appendix A-1 and A-2).

Even though Faulkner had no docket or reference number, he filed a timely NOTICE OF Appeal with the trial court and this court. (See A-43)

An Order of Indigency for civil Appeal

was granted by the trial court and forwarded to this Supreme Court. After initial review, this Court ordered the Respondent to Reply to Faulkner's MOTION, and on October 10, 2014, this Court granted a limited expenditure of public funds and instructed Faulkner to file his MOTION FOR DISCRETIONARY Review by November 12, 2014 (See A-44).

E. SUMMARY OF ARGUMENT

Petitioner Faulkner asserts that he submitted certification of his indigency, and even as a nonattorney requestor/complainant, he drafted and properly submitted a civil complaint outlining his claims, and supported the claims with a detailed chronology with numbered EXHIBITS. Faulkner asserts that he met the threshold to invoke a show cause proceeding pursuant to Washington State's Public Records Act (PRA). Faulkner further asserts that his complaint was brought in good faith. This Motion requests review of the trial court's adverse decision which denied Faulkner an opportunity to be heard.

F. ARGUMENT

1. Petitioner Faulkner asserts that the trial court erred in denying his Motion To Waive Civil Filing Fees And Surcharges by failing to address his indigency claim supported by a financial statement. (see APPENDIX A-3 through A-5). Faulkner submitted the proper court provided forms documenting his indigency. No response or finding was made regarding any indigent status.

2. The trial court erred in finding, "The proposed lawsuit lacks probable merit..." (A-2). First, the finding is not supported by any reference to the thirty-one page complaint which included a documented chronology (see A-7 through A-37). Faulkner asserts that his submission to the Grays Harbor County Superior Court meets the threshold to invoke judicial review under the Public Records Act (PRA) section RCW 42.56.550 (1) which provides, "Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the Superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific record or class of records."

Washington Administrative Code (WAC) 44-14-08004 JUDICIAL REVIEW (3) states, "Procedure. To initiate court review of a public records case, a requestor can file a 'motion to show cause' which directs the agency to appear before the court and show any cause why the agency did not violate the act," and further emphasizes, "The show cause procedure is designed so that a nonattorney requestor can obtain judicial relief himself or herself without hiring an attorney." (see Chapter 44-14 WAC: PUBLIC RECORDS ACT - MODEL RULES). Further clarified at 44-14-08004 (4) Burden of proof, "The burden is on an agency to demonstrate that it complied with the act." RCW 42.56.550 (1) and (2). Section 16.2 NATURE OF PROCEEDINGS from the Washington State Bar Bar Association's PUBLIC RECORDS ACT DESKBOOK states, "PRA show cause hearings are designed to be quick and relatively easy so the requestor - pro se or with counsel - can obtain the records if he or she is entitled to them." Such a hearing is obtained by filing a civil complaint. Also, "A party seeking disclosure of information from a public agency under the state freedom of information act does not have a duty to negotiate

with the public agency prior to initiating a lawsuit," Progressive Animal Welfare Society v. University of Wash., 114 Wn.2d 677, 790 P.2d 604 (1990). It is well settled that a reviewing court interprets the disclosure provisions of the PRA liberally and exemptions narrowly, Progressive Animal Welfare Society v. University of Wash., 125 Wn.2d 251, 884 P.2d 592 (1994).

Faulkner's complaint claimed violations of the PRA by the agency's failure to provide him the fullest of assistance and prompt production of the requested records as required by the PRA. Faulkner also asserted a claim that the agency silently withheld records and misused the installment provisions of the PRA. These claims were supported by EXHIBITS and Faulkner asserts that his civil complaint presented a clear dispute worthy of review under the PRA (see complaint at A-10).

3. The trial court erred in finding, "... and is not brought in good faith," (see A-2). Nothing in the record is referenced to support this stringent adverse finding. Presenting an action in bad faith is a sanctionable civil infraction. In the case of an attorney committing the act, reprimand and financial penalties may be levied, while in the case of an indigent prisoner litigant, a civil strike may be

issued. The finding is unsupported by any reference showing Faulkner is acting absent good faith. To the contrary, Faulkner sought public records regarding the defendant agency denying him receipt of an english language publication solely on the grounds it contained some writing in a foreign language (spanish). The claims were brought in a good faith effort to obtain documentation to submit with an administrative appeal on denied mail, and are faraway removed from any prisoner abusive use of the PRA. Faulkner respectfully asks this court to closely review this serious and adverse finding that his claims were not brought in good faith.

4. The trial court erred in not providing Faulkner the requested show cause hearing requiring the DOC to demonstrate they are not in violation of the PRA. Faulkner submitted several claims which present a valid and plausible claim worthy of review under the PRA. The trial court prematurely issued the equivalent of a "failure to state a claim," or summary judgment in favor of the defendant without giving Faulkner any opportunity to develop his claim through discovery or in replying to defendant's answer.

5. The trial court's order effectively denied Faulkner a right to seek redress in the courts as guaranteed by the United State's and Washington State's Constitutions. Faulkner respectfully asks this court to consider the chilling effect that this cursory, one sentence, adverse finding will have on indigent citizens of Washington State if it is allowed to become an acceptable custom. Faulkner expresses gratitude to this Supreme Court for allowing him the opportunity to present his MOTION FOR REVIEW at public expense.

G. CONCLUSION

This court should accept review for the reasons indicated in Part F and modify the order to permit Faulkner to proceed with his PRA complaint without prepayment of civil filing fees, or in the alternative order the trial court to issue more specific findings to support the determination that Faulkner's PRA complaint lacks probable merit and is not brought in good faith. If further proceedings are required in this court, Faulkner requests consideration be given to appointment of counsel. Faulkner requests reimbursement for postage and copy debt incurred with the defendant agency who is also his warder.

November 3, 2014

Respectfully Submitted,
Clarence J. Faulkner

Clarence J. Faulkner 842107
PO Box 2049 C4JG-4-1
Airway Heights, Wa 99001-2049

Appendix

APPENDIX
~~ATTACHMENT A~~

SUPERIOR Court of Washington
For GRAYS HARBOR COUNTY

Clarence J. Faulkner,
Petitioner/Plaintiff,
vs.
Washington Department of Corrections
Respondent/Defendant.

No. _____

Order Re Waiver of Civil Filing Fees
and Surcharges

Granted (ORPRFP)

Denied (ORDYMT)

Clerk's Action Required 3.1

I. Basis

The court received the motion to waive filing fees and surcharges filed by or on behalf of the
 petitioner/plaintiff respondent/defendant.

II. Findings

The Court reviewed the motion and supporting declaration(s). Based on the declaration(s) and any relevant records and files, the Court finds:

2.1 The moving party is indigent based on the following: He or she:

is represented by a qualified legal aid provider that screened and found the applicant eligible for free civil legal aid services; and/or

receives benefits from one or more needs-based, means-tested assistance programs; and/or

has household income at or below 125% of the federal poverty guideline; and/or

has household income above 125% of the federal poverty guideline but cannot meet basic household living expenses and pay the fees and/or surcharges; and/or

other: _____

2.2 The moving party is not indigent.

2.3 Other: The proposed lawsuit lacks probable merit and is not brought in good faith

III. Order

Based on the findings the court orders:

3.1 The motion is granted, and

all filing fees and surcharges the payment of which is a condition precedent to the moving party's ability to secure access to judicial relief are waived.

other: _____

3.2 The motion is denied.

3.3 If there is a material change in financial circumstances, the ruling can be revisited by the court or the moving party.

If the motion was granted and the court, upon review, later finds that either the petitioner or another responsible party to this proceeding has sufficient resources to pay the waived filing fees or surcharges, the Court may modify this order and require the moving party or another party to pay the filing fees and/or surcharges that have been waived by this order.

Dated: May 27, 2014



Judge/Commissioner

Presented by:

Clarence J. Faulkner *pro se* May 27, 2014
Signature of Party or Lawyer/AWSDA No.

Clarence J. Faulkner, pro se plaintiff

Print or Type Name

Date

SUPERIOR Court of Washington
 For GRAYS HARBOR COUNTY

Clarence J. Faulkner,
 Petitioner/Plaintiff,
 vs.
 Washington Department of Corrections
 Respondent/Defendant.

No. _____

**Motion and Declaration For Waiver of
 Civil Filing Fees and Surcharges
 (MTAF)**

I. Motion.

- 1.1 I am the [x] petitioner/plaintiff [] respondent/defendant in this action.
- 1.2 I am asking for a waiver of all filing fees and surcharges.

II. Basis for Motion

2.1. GR 34 allows the court to waive "filing fees or surcharges the payment of which is a condition precedent to a litigant's ability to secure access to judicial relief" for a person who is indigent. As outlined below, I am indigent.

Dated: May 22, 2014

Clarence J. Faulkner
 Signature of Requesting Party

Clarence J. Faulkner
 Print or Type Name

III. Declaration

I declare that,

- 3.1 I cannot afford to meet my necessary household living expenses and pay the filing fees and surcharges imposed by the court. Please see the attached Financial Statement, which I incorporate as part of this declaration.

3.2 In addition to the information in the financial statement I would like the court to consider the following:

I am a 65 year old prisoner who has not been able to
obtain one of the prison jobs for over two years. I have been incarcerated
since 2001 and have very little outside support. I bring this matter
in good faith and believe I have a viable claim.

(Check if applies.) I filed this motion by mail. I enclosed a self-addressed stamped envelope with the motion so that I can receive a copy of the order once it is signed.

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

Signed at (city) Aberdeen, (state) Washington (date) May 22, 2014

Clarence J. Faulkner
Signature

Clarence J. Faulkner
Print or Type Name

Clarence J. Faulkner #842107
Stafford Creek Corr. Ctr.
191 Constantine Way H1A-81
Aberdeen, WA 98520-9504
360.537.1800

Case Name: Faulkner v. Wash. Dept. of Cor Case Number: _____

Financial Statement (Attachment)			
1. My name is: Clarence J. Faulkner #842107			
2. <input type="checkbox"/> I provide support to people who live with me: How many? <u>0</u> Age(s): _____			
3. My Monthly Income:		6. My Monthly Household Expenses:	
Employed <input type="checkbox"/>	Unemployed <input checked="" type="checkbox"/>	Rent/Mortgage:	\$ <u>0.00</u>
Employer's Name: _____		Food/Household Supplies:	\$ <u>12.00</u>
Gross pay per month (salary or hourly pay):	\$ <u>0.00</u>	Utilities: <u>TV Cable</u>	\$ <u>.50</u>
Take home pay per month:	\$ <u>0.00</u>	Transportation:	\$ _____
4. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$ _____
Source:	<u>Family</u>	Ordered Child Support actually paid:	\$ _____
	\$ <u>25.00</u>	Clothing:	\$ _____
Source:	\$ _____	Child Care:	\$ _____
Source:	\$ _____	Education Expenses:	\$ _____
Source:	\$ _____	Insurance (car, health):	\$ _____
Sub-Total: \$ <u>25.00</u>		Medical Expenses <u>co-pay</u>	\$ <u>4.00</u>
<input type="checkbox"/> I receive food stamps.		Sub-Total:	\$ <u>16.50</u>
Total Income, lines 3 (take home pay) and 4:			
\$ <u>25.00</u>			
5. My Household Assets:		7. My Other Monthly Household Expenses:	
Cash on hand:	\$ <u>111.00</u>		\$ _____
Checking Account Balance:	\$ <u>0.00</u>		\$ _____
Savings Account Balance:	\$ <u>0.00</u>		\$ _____
Auto #1 (Value less loan):	\$ <u>0.00</u>		\$ _____
Auto #2 (Value less loan):	\$ <u>0.00</u>	Sub-Total:	\$ <u>0.00</u>
Home (Value less mortgage):	\$ <u>0.00</u>	8. My Other Debts with Monthly Payments:	
Other:	\$ <u>0.00</u>		\$ _____ /mo
Other:	\$ _____		\$ _____ /mo
Other:	\$ _____		\$ _____ /mo
Other:	\$ _____		\$ _____ /mo
Other:	\$ _____	Sub-Total:	\$ _____
Total Household Assets:		Total Household Expenses and Debts, lines 6, 7, and 8:	
\$ <u>111.00</u>		\$ <u>16.50</u>	
Date: <u>May 22, 2014</u>		Signature: <u>Clarence J. Faulkner</u>	

CASE TYPE 2

Grays Harbor

COUNTY SUPERIOR COURT

CASE INFORMATION COVER SHEET

Case Number _____ Case Title Clarence J. Faulkner v. Dept. of Corrections

Attorney Name pro se plaintiff

Bar Membership Number _____

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

APPEAL/REVIEW

- Administrative Law Review (ALR 2)
- Appeal of a Department of Licensing Revocation (DOL 2)
- Civil, Non-Traffic (LCA 2)
- Civil, Traffic (LCI 2)

CONTRACT/COMMERCIAL

- Breach of Contract (COM 2)
- Commercial Contract (COM 2)
- Commercial Non-Contract (COL 2)
- Third Party Collection (COL 2)

PROTECTION ORDER

- Civil Harassment (HAR 2)
- Domestic Violence (DVP 2)
- Foreign Protection Order (FPO 2)
- Sexual Assault Protection (SXP 2)
- Vulnerable Adult Protection (VAP 2)

JUDGMENT

- Abstract Only (ABJ 2)
- Foreign Judgment (FJU 2)
- Judgment, Another County (ABJ 2)
- Judgment, Another State (FJU 2)
- Tax Warrant (TAX 2)
- Transcript of Judgment (TRJ 2)

OTHER COMPLAINT/PETITION

- Action to Compel/Confirm Private Binding Arbitration (MSC 2)
- Change of Name (CHN 2)
- Deposit of Surplus Funds (MSC 2)
- Emancipation of Minor (EOM 2)
- Injunction (INJ 2)
- Interpleader (MSC 2)
- Malicious Harassment (MHA 2)
- Minor Settlement (No guardianship) (MST 2)
- Petition for Civil Commitment (Sexual Predator)(PCC 2)
- Property Damage-Gangs (PRG 2)
- Public Records Act (PRA 2)
- School District - Required Action Plan (SDR 2)
- Seizure of Property from Commission of Crime (SPC 2)

- Seizure of Property Resulting from a Crime (SPR 2)
- Subpoenas (MSC 2)

PROPERTY RIGHTS

- Condemnation (CON 2)
- Foreclosure (FOR 2)
- Land Use Petition (LUP 2)
- Property Fairness (PFA 2)
- Quiet Title (QTI 2)
- Unlawful Detainer (UND 2)

TORT, MEDICAL MALPRACTICE

- Hospital (MED 2)
- Medical Doctor (MED 2)
- Other Health Care Professional (MED 2)

TORT, MOTOR VEHICLE

- Death (TMV 2)
- Non-Death Injuries (TMV 2)
- Property Damage Only (TMV 2)
- Victims of Motor Vehicle Theft (VVT 2)

TORT, NON-MOTOR VEHICLE

- Asbestos (PIN 2)
- Other Malpractice (MAL 2)
- Personal Injury (PIN 2)
- Products Liability (TTO 2)
- Property Damage (PRP 2)
- Wrongful Death (WDE 2)

WRIT

- Habeas Corpus (WHC 2)
- Mandamus (WRM 2)
- Restitution (WRR 2)
- Review (WRV 2)
- Miscellaneous Writs (WMW 2)

IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE DESCRIBE THE CAUSE OF ACTION BELOW.

Please Note: Public information in court files and pleadings may be posted on a public Web site.

SUPERIOR COURT OF WASHINGTON
FOR GRAYS HARBOR COUNTY

Clarence J. Faulkner,)
) No. _____
)
 Plaintiff,)
) CIVIL COMPLAINT FOR
) VIOLATION OF
 v.) PUBLIC RECORDS ACT
)
 Washington Department of Corrections,)
)
)
 Defendant(s).)
 _____)

CIVIL COMPLAINT FOR VIOLATION OF PUBLIC RECORDS ACT

I. JURISDICTION, VENUE, and PARTIES

1.1 This Court has jurisdiction over this matter pursuant to Article 4, Section 6 of the Washington State Constitution, RCW 2.08, and RCW 42.56.

1.2 Venue is proper pursuant to RCW 4.12.020.

1.3 Plaintiff, Clarence J. Faulkner, pro se, is a Washington State prisoner who is currently domiciled at the Stafford Creek Corrections Center (SCCC) of the Washington Department of Corrections (DOC). SCCC is located in Aberdeen, Washington, within Grays Harbor County, Washington. Plaintiff Faulkner is a United States citizen and a resident of Washington State.

1.4 Defendant, Washington State Department of Corrections is a governmental agency that is subject to the Public Records Act (PRA). The records in this PRA complaint are maintained by the Defendant DOC in Aberdeen and Olympia, Washington.

II. CAUSE OF ACTION

2.1 On January 15, 2014, plaintiff/requester Clarence J. Faulkner (hereinafter Faulkner) received an incoming MAIL REJECTION NOTICE (DOC 05-525) and a PUBLICATION REJECTION NOTICE (DOC 05-809) noting that a December 2013 newsletter from the Coalition For Prisoner's Rights was being rejected due to it containing writing in both English and Spanish. Both rejection forms were logged by the SCCC prison mailroom as Rejection No. 46037.

2.2 On the same date, and in accordance with the DOC's policy for prisoner's appeal of a mail rejection, Faulkner submitted an appeal on the required KITE form (DOC 21-473 E/S) directing it to Captain Clint May. Attached and incorporated as EXHIBIT 1 is a true and correct copy of Faulkner's appeal.

2.3 On January 24, 2014, Captain May acknowledged the appeal noting it as a MAIL REJECTION APPEAL, but referencing it as, "an appeal of a publication." Captain May also noted that the publication was apparently deemed a threat to legitimate penological objectives, but gave no specific reason. He further stated that the publication was being sent to headquarters for review. A true and correct copy of Captain May's response letter is attached and incorporated as EXHIBIT 2.

2.4 On February 12, Faulkner received a finalized/updated copy of PUBLICATION REJECTION NOTICE 46037 on which acting Publication Committee Chairperson, DOC Education Administrator Mike Paris marked the checkbox MAIL REJECTED and affixed his signature. Mr. Paris also entered the notation, "Request language review/translation." Mr. Paris did not date his signature/actions. Hoping to resolve the conflicting notation, Faulkner attached his copy of the finalized form to an inquiry letter directed back to Mr. Paris. A true and correct copy of Faulkner's letter of February 13, 2014 to Mr. Mike Paris is attached and incorporated as EXHIBIT 3.

2.5 Faulkner never received any response to the letter of february 13, 2014, nor to a follow-up letter sent a month later.

2.6 On February 12, 2014, Faulkner submitted a public records request to the DOC Public Disclosure unit requesting all records regarding Rejection No. 46037 and the subsequent appeal. Faulkner also requested the inclusion of all records of Mike paris regarding the rejection since he had been the one ruling on the rejection. A true and correct copy of Faulkner's public records request is attached and incorporated as EXHIBIT 4.

2.7 On February 25, 2014, Jamie Gerken of the DOC's Public Disclosure unit acknowledged and correctly memorialized the request assigning it to tracking number PDU-28291. PDU Manager Gerken indicated that records were being gathered and that Faulkner could expect a response on or before April 8, 2014. A true and correct copy of PDU Manager Gerken's letter is attached and incorporated as EXHIBIT 5.

2.8 On April 11, 2014, Faulkner received a response from Manager gerken indicating that four (4) pages were available as installment one at a cost of \$1.29. No reason was given for the necessity of breaking the request into installments, nor whether any search was continuing. The letter also noted that if Faulkner did not respond within 30 days, the request would be closed. A true and correct copy of manager Gerken's letter is attached and incorporated as EXHIBIT 6.

2.9 Faulkner submitted a check request and the \$1.29 was received by manager Gerken on April 24, 2014. On May 1, 2014, manager Gerken acknowledged the payment and mailed the four page installment one to Faulkner. Manager Gerken also noted that the second installment of one page was ready and available for payment of \$0.69. Again, Faulkner was given 30 days to respond or the request would be closed.

No mention of any continuing search was made, nor any estimate given on when the next installment might be available. A true and correct copy of manager Gerken's letter and the four pages encompassing installment one are attached and incorporated as EXHIBIT 7.

2.10 On May 6, 2014, Faulkner submitted a payment request for installment two. On May 8, 2014, the \$0.69 check was cut and directed to manager Gerken. A true and correct copy of Faulkner's remittance letter is attached and incorporated as EXHIBIT 8.

2.11 On May 14, 2014, manager Gerken acknowledged the payment of \$0.69 and forwarded the one page encompassing installment number two. manager gerken noted that no records were located from mr. Mike Paris, and that, "This request is now closed." A true and correct copy of manager Gerkne's close-out letter and the final one page installment two is attached and incorporated as EXHIBIT 9.

2.12 Plaintiff/requester Faulkner alleges that the defendant DOC has violated the Washington Public Records Act (RCW 42.56) by not providing him with the fullest of assistance required by the PRA in not providing this small request in one installment in a timely manner, and not conducting an adequate search which has resulted in the silent withholding of documents related to the mail rejection. The defendant did not provide the most important document; the finalized PUBLICATION REJECTION NOTICE, acted on, and signed by Mr. Mike Paris.

III. REQUEST FOR RELIEF

1. Enter an order requiring defendant(s) to appear and show cause, at a time and date certain, as to why the relief requested herein should not be granted.

2. Order the defendant(s) to comply with the Public Records Act.

3. Grant plaintiff costs, fees, and any other relief he may be entitled.

IV. VERIFICATION/DECLARATION OF MAILING

I, Clarence J. Faulkner, declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct to the best of my knowledge, and that today I mailed this document via the prison "Legal Mail" system postage prepaid addressed to: Clerk, grays harbor County Superior Court, 102 W. Broadway #203, Montesano, WA 98563.

RESPECTFULLY SUBMITTED and dated this 22nd day of May, 2014.

Clarence J. Faulkner, plaintiff, pro se

Clarence J. Faulkner

Clarence J. Faulkner #842107

AHCC-MSU C4/G-4-1

PO BOX 2049

Airway Heights, WA 99001-2049

////

////

EXHIBIT 1



11-0052

OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE) FAULKNER, Clarence		
DOC NUMBER/NÚMERO DOC 842107	FACILITY, UNIT, CELL/FACILITY IS INSTALACIÓN/UNIDAD, CELDA SCCC	DATE/FECHA 1/15/14
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE CAPTAIN MAY - SCCC MAIL APPEAL 46037		

Interpreter needed for _____ (language).
 Necesito intérprete para _____ (idioma).

REASON/QUESTION
RAZÓN/PREGUNTA

RE: SCCC Mail Rejection 46037

I am appealing the rejection of the Coalition For Prisoner's Rights Newsletter which has writing in both English and Spanish. I disagree with rejection reason #11 as it is clearly understandable by anyone who reads Spanish. Even this kite has both English & Spanish. I have rec'd this newsletter for 10 yrs with no problem, why is it now such a problem?

SIGNATURE/FIRMA
Clarence Faulkner

DAYS OFF/DÍAS LIBRES
- All -

RESPONSE
RESPUESTA

RECEIVED

JAN 17 2013

SCCC CAPTAIN

RESPONDER/PERSONA QUE RESPONDE

DATE/FECHA

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps
 Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelva al interno con respuesta,
 ROSA-Interno
 DOC 21-473 E/S (Rev. 05/23/13) DOC 390.585, DOC 450.500

EXHIBIT 2



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
STAFFORD CREEK CORRECTIONS CENTER
191 Constantine Way, MS WA-39 - Aberdeen, Washington 98520
(360) 537-1800
FAX: (360) 537-1807

January 24, 2014

TO: Faulkner, Clarence, DOC 842107
H1 Unit 005L

FROM: *C. May*
Correctional Captain C. May

SUBJECT: MAIL REJECTION APPEAL
Mail Rejection No. 46037

Your kite requesting an appeal of a publication rejection No.46037 has been received by my office. You have asked me to overrule the SCCC Mailroom's decision regarding this publication. The mailroom sent the publication to Headquarters for review.

DOC 450.100, page 11, VIII, D, states; *Publications will be restricted for reasons outlined in Unauthorized Mail (Attachment 1). Publications deemed a threat to legitimate penological objectives, or sexually explicit per Attachment 1, must be immediately sent to the Publication Review Committee for a decision on rejecting the publication statewide. Mailroom staff will complete and submit DOC 05-809 Publication Restriction Notice along with the publication. The decision made regarding a particular issue of a publication will be binding for all Prisons. The Headquarters Correctional Manger will issue a Department wide notice when the decision is made.*

After this process is completed the mailroom will release the publication if it is approved or hold it if it restricted statewide.

For additional information about mail rejections and the appeal process, please review DOC Policy 450.100 *Mail for Offenders*.

Department of Corrections
Assistant Secretary for prisons
P.O. BOX 41118
TUMWATER, WA. 98504-1118

cc: Mailroom Sergeant
File

EXHIBIT 3

EXHIBIT 3

3/13/14
Have rec'd
no response

Clarence Jay Faulkner #842107
Stafford Creek Corrections Center
191 Constantine Way H1-0052
Aberdeen, WA 98520

Copy was simply
returned to me
CP

February 13, 2014

Mr. Mike Paris / Correctional Manager
Washington Dept. of Corrections
P.O. Box 41118
Tumwater, WA 98504-1118

Copy for
Sgt. Sullivan
and T. Matsen
SCCC Mailroom

RE: CLARIFICATION ON YOUR RESPONSE TO APPEAL OF
SCCC MAIL REJECTION SCCC 46037
Dec 2013 bi-lingual newsletter

Dear Mr. Paris,

On February 12, 2014 I received your undated response/decision to the rejection of the DEC 2013 Newsletter sent to me from the Coalition For Prisoner's Rights in Santa Fe, New Mexico.

Both the Publication REJECTION NOTICE and your response are unclear. First, under 1. Penological Objectives box F is checked but no justification is entered or given.

Under comments the only explanation is, "Letter is written in 2 languages."

It appears you wrote "Request language review/translation" yet MAIL REJECTED is marked and highlighted in yellow.

ARE you rejecting this Newsletter at all facilities, or are you just rejecting me receiving it?

What "Penological Objective" supports this rejection?

I respectfully request some clarification on this sudden rejection of my spanish and english/spanish publications.

I have before me a KITE response from SCCC Mailroom Sgt. Sullivan responding to my asking, "Please tell me if you too will be rejecting my spanish/english newsletters and newspapers." Sgt Sullivan responded, "It should not be Allowed (an earlier CPR Newsletter that came straight in) Policy states Publications in a foreign language will not be Allowed with the exception of religious publications. We are sending this one to H.Q. for review. We will let them decide. You will (sic) notified."

I read and write in both spanish and english. I receive several bi-lingual (spanish/english) publications which have presented no "pendological" problem for twelve (12) years.

Several of my correspondents write only in spanish. Spanish is widely spoken and written in Washington State and you even provide DOC forms and publications in Spanish and other languages.

Are you permanently denying the bi-lingual ("dual language") publication from the Coalition For Prisoner's Rights as you have done the DEC 2013 issue in rejection/appeal sccc 46037?

Are you denying the bi-lingual newspaper "Tu decides" from Yakima? Will you now be denying The Presidio International since this weekly paper is written in 2 languages (Spanish and english) just as is the CPR Newsletter?

Your clarification on this sudden move to deny my spanish and spanish/english publications is respectfully requested.

Thank you,

Cherene Jay Faulkner

cc: T. MATSEN, SCCC mailroom w/ copy of PRESIDIO INTERNATIONAL
 Mr. Robert Halpern, Editor PRESIDIO INTERNATIONAL
 Editor, COALITION FOR PRISONER'S RIGHTS Newsletter / Editor, TU
 Mr. Dick DeGuerin, Attorney at Law
 ACLU SEATTLE OFFICE, FILE

EXHIBIT 4

Clarence J. Faulkner #842107
Stafford Creek Corr. Ctr. H1-005L
191 Constantine Way
Aberdeen, WA 98520

February 12, 2014

Ms. Paula Terrell, Public Disclosure Specialist
Dept. of Corrections Public Disclosure Unit
PO Box 41118
Olympia, WA 98504

Re: Public Records Request No. CJF14-002

Dear Ms. Terrell,

I am requesting the following public records:

1. A copy of all public records regarding SCCC Mail Rejection Notice 46037 and all related documents to the appeal of this rejection. This is to include all records from Mr. Mike Paris who issued an undated response that I received today, February 12, 2014. As per the settlement agreement, the time frame for this request begins on January 17, 2014.

Please provide paper copies.

Sincerely,


Clarence J. Faulkner

cc: file

EXHIBIT 5

EXHIBIT 5.

A-21



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

February 25, 2014

Mr. Clarence Faulkner, #842107
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

Request #: PDU-28291
Subject: Mail Rejection

Dear Mr. Faulkner:

We received your public records request dated February 12, 2014 on February 18, 2014, and assigned it number PDU-~~28290~~. Please put this number on all future correspondence regarding this request.

28291 CF
What you asked for

We interpret your request to ask for all records regarding SCCC Mail Rejection Notice 46037 and the appeal of this rejection, including records from Mr. Mike Paris, from 1/17/2014 to 2/18/2014. If this isn't correct, please let me know.

Response date

The records requested are being identified and gathered. We estimate that we will respond within 30 business days, on or before April 8, 2014.

Additional help

If you need further help, please contact me at the address below.

Sincerely,

Jamie Gerken, Public Disclosure Manager
Department of Corrections
PO Box 41118
Olympia, WA 98504

jg:PDU-28291

"Working Together for SAFE Communities"

EXHIBIT 6

Sent Check Request
4/11/14
4/18/14



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

April 8, 2014

Mr. Clarence Faulkner, #842107
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

Request #: PDU-28291
Subject: Mail Rejection

Dear Mr. Faulkner:

We have located 4 pages as a first installment responsive to your request for all records regarding SCCC mail Rejection Notice 46037 and the appeal of this rejection, including records from Mr. Mike Paris from 1/17/2014 to 2/18/2014.

Photocopy fees

To receive the 4 pages responsive to your request, please pay the Department's copy fee of \$0.20 per page, plus postage. Total copy fees for your request are:

Photocopies	\$0.20 x 4 pages	\$0.80
Postage		\$0.49
	Total	\$1.29

If you choose not to pursue this public disclosure request within 30 days following the date of this letter, this request will be closed.

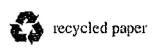
Receiving copies

To receive your copies, you must:

- Send a check or money order made payable to the Department of Corrections.
- Write the PDU number of this request (PDU-28291) on the check or money order.
- Send the payment to: Jamie Gerken, Public Disclosure Unit Manager
Public Disclosure Unit
Department of Corrections
PO Box 41118
Olympia WA 98504

When I receive payment, I will mail the records to you.

"Working Together for SAFE Communities"



Mr. Clarence Faulkner, #8421
April 8, 2014
Page 2

Mailroom policy guidelines

Please note that all records sent to incarcerated inmates are subject to Department mailroom policy guidelines. Your payment for copies of records requested under the Public Records Act does not ensure that these same records will be allowed into a secure prison facility (Livingston v. Cedeno, 186 P.3d 1055 [Wash. 2008]).

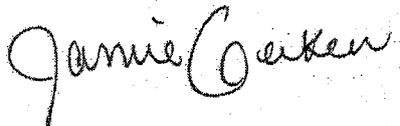
Should you wish to have records mailed to a third party on your behalf, please provide the name and mailing address along with payment in the amount of \$1.29. Otherwise, the responsive records will be sent to your attention.

Questions

If you have any questions, please contact me at:

Public Disclosure Unit
PO Box 41118
Olympia, WA 98504

Sincerely,



Jamie Gerken, Public Disclosure Manager
Public Disclosure Unit
Department of Corrections

jg:PDU-28291

EXHIBIT 7

EXHIBIT 7

A-26



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

May 1, 2014

Mr. Clarence Faulkner, #842107
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

Request #: PDU-28291
Subject: Mail Rejection

Dear Mr. Faulkner:

Thank you for your payment of \$1.29, received April 24, 2014 for PDU-28291.

Records enclosed

We have enclosed 4 pages responsive to your request for all records regarding SCCC mail Rejection Notice 46037 and the appeal of this rejection, including records from Mr. Mike Paris from 1/17/2014 to 2/18/2014.

Next installment

To receive the second installment of 1 page responsive to your request, please pay the Department's copy fee of \$0.20 per page, plus postage. Total copy fees for this installment of your request are:

Photocopies	\$0.20 x 1 pages	\$0.20
Postage		\$0.49
	Total	\$0.69

If you choose not to pursue this public disclosure request within 30 days following the date of this letter, this request will be closed.

"Working Together for SAFE Communities"

Receiving copies

To receive your copies, you must:

- Send a check or money order made payable to the Department of Corrections.
- Write the PDU number of this request (PDU-28291) on the check or money order.
- Send the payment to: Jamie Gerken, Public Disclosure Specialist
Public Disclosure Unit
Department of Corrections
PO Box 41118
Olympia WA 98504

Mailroom policy guidelines

Please note that all records sent to incarcerated inmates are subject to Department mailroom policy guidelines. Your payment for copies of records requested under the Public Records Act does not ensure that these same records will be allowed into a secure prison facility (Livingston v. Cedeno, 186 P.3d 1055 [Wash. 2008]).

Should you wish to have records mailed to a third party on your behalf, please provide the name and mailing address along with payment in the amount of \$0.69. Otherwise, the responsive records will be sent to your attention.

When I receive payment, I will mail the records to you.

Further help

If you need further help, please contact me at:

Public Disclosure Unit
Department of Corrections
PO Box 41118
Olympia, WA 98504

Sincerely,



Jamie Gerken, Public Disclosure Unit Manager
Public Disclosure Unit
Department of Corrections

jg:PDU-28291

Date Received	FROM	Offender	Kite or letter	Sent to	Date Assigned	Date Due Back	Date Returned
1/17/2014	offender	Faulkner, C. 842107.	kite	Sgt Sullivan	1/21/2014	1/27/2014	1/22/2014

PDU-28291 Installment 1 000001

Signed by/date	TOPIC
Capt. 1/24/14	46037



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
STAFFORD CREEK CORRECTIONS CENTER
191 Constanline Way, MS WA-39 - Aberdeen, Washington 98520
(360) 537-1800
FAX: (360) 537-1807

January 24, 2014

TO: Faulkner, Clarence, DOC 842107
H1 Unit 005L

FROM: *C. May*
Correctional Captain C. May

SUBJECT: MAIL REJECTION APPEAL
Mail Rejection No. 46037

Your kite requesting an appeal of a publication rejection No.46037 has been received by my office. You have asked me to overrule the SCCC Mailroom's decision regarding this publication. The mailroom sent the publication to Headquarters for review.

DOC 450.100, page 11, VIII, D, states; *Publications will be restricted for reasons outlined in Unauthorized Mail (Attachment 1). Publications deemed a threat to legitimate penological objectives, or sexually explicit per Attachment 1, must be immediately sent to the Publication Review Committee for a decision on rejecting the publication statewide. Mailroom staff will complete and submit DOC 05-809 Publication Restriction Notice along with the publication. The decision made regarding a particular issue of a publication will be binding for all Prisons. The Headquarters Correctional Manger will issue a Department wide notice when the decision is made.*

After this process is completed the mailroom will release the publication if it is approved or hold it if it restricted statewide.

For additional information about mail rejections and the appeal process, please review DOC Policy 450.100 *Mail for Offenders.*

Department of Corrections
Assistant Secretary for prisons
P.O. BOX 41118
TUMWATER, WA. 98504-1118

cc: Mailroom Sergeant
File



113 H1-0052

OFFENDER'S KITE

PAPELETA DE PETICIÓN DEL INTERNO

OFFENDER NAME (PRINT) NOMBRE DEL INTERNO (LETRA DE MOLDE) FAULKNER, Clarence		
DOC NUMBER/NÚMERO DOC 842107	FACILITY, UNIT, CELL/FACILITY IS INSTALACIÓN/UNIDAD, CELDA SCCC	DATE/FECHA 1/15/14
DESIRE INTERVIEW WITH OR ANSWER FROM/DESEA ENTREVISTA CON O RESPUESTA DE CAPTAIN MAY - SCCC MAIL APPEAL 46037		

REASON/QUESTION RAZÓN/PREGUNTA

Interpreter needed for _____ (language).
 Necesito intérprete para _____ (idioma).

RE: SCCC Mail Rejection 46037

I am appealing the rejection of the Coalition For Prisoner's Rights Newsletter which has writing in both English and Spanish. I disagree with rejection reason #11 as it is clearly understandable by anyone who reads Spanish. Even this kite has both English & Spanish. I have rec'd this newsletter for 10 yrs with no problem, why is it now such a problem?

SIGNATURE/FIRMA: Clarence Faulkner
 DAYS OFF/DÍAS LIBRES: - Del -

RESPONSE
 RESPUESTA

RECEIVED

JAN 17 2013

SCCC CAPTAIN

RESPONDER/PERSONA QUE RESPONDE: _____ DATE/FECHA: _____

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps
 Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelva al interno con respuesta,
 ROSA-Interno
 DOC 21-473 E/S (Rev. 05/23/13) DOC 390.585, DOC 450.500

EXHIBIT 8

EXHIBIT 8

A-33

Clarence Faulkner 842107
191 Constantine Way H1A-81
Aberdeen, WA 98500-9504

Tuesday, May 6, 2014

Jamie Gerken, Public Disclosure Specialist
Public Disclosure Unit
Department of Corrections
Po Box 41118
Olympia, WA 98504

RE: Second Installment PDU-20291

Dear Ms. Gerken,

I received your communication of May 1, 2014 which included the 4 pages noted as Installment #1 on Monday, May 5, 2014.

Per your letter, I am enclosing payment of \$.69 (1 copy @ 20¢, plus 49¢ postage) for the 1 page you have noted as Installment #2.

Please advise me if you now consider this request complete, or advise me when I can expect completion.

Thank you,

Clarence J. Faulkner

CC: FILE
enclosure: check for \$.69 / Installment #2

EXHIBIT 9



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

May 14, 2014

Mr. Clarence Faulkner, #842107
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

Request #: PDU-28291
Subject: Mail Rejection

Dear Mr. Faulkner:

Thank you for your payment of \$0.69, received May 12, 2014 for the second installment of PDU-28291.

Records enclosed

We have enclosed 1 page responsive to your request for all records regarding SCCC mail Rejection Notice 46037 and the appeal of this rejection, including records from Mr. Mike Paris from 1/17/2014 to 2/18/2014.

Please note that no records were located from Mr. Mike Paris.

Request closed

Please note that we provided these documents to you in accordance with the Public Records Act. By making agency documents available to you, the Department is not responsible for your use of the information or for any claims or liabilities that may result from your use or further dissemination. This request is now closed.

Further help

If you need further help, please contact me at the address below.

Sincerely,

Jamie Gerken, Public Disclosure Unit Manager
Department of Corrections
PO Box 41118
Olympia, WA 98504

jg:PDU-28291

"Working Together for SAFE Communities"



Offender Mail

All Sites

Advanced Search

Prisons

DOCShare > Prisons > Security Operations Unit > Offender Mail > Publication Review Log - HQ > Coalition for Prisoners' rights

Publication Review Log - HQ: Coalition for Prisoners' rights

Close

Alert Me

Publication Type	Newsletter
Review Year	2014
Publication Title	Coalition for Prisoners' rights
Rejected Y/N	Yes
Author Name	
Vol #/Name	38-ii
Issue Name/#	
Publication Date	12/13
Restriction Notice File #	46037
Off Name, Last	Faulkner, C
DOC #	842107
Facility of Origin	SCCC
Rejection Date Rec	1/15/2014
Review Date	2/3/2014
Reason for Rejection	Page 2 written in Spanish
Offender name	

Created at 1/15/2014 1:40 PM by Miller, Lori T. (DOC)
Last modified at 2/10/2014 2:34 PM by Miller, Lori T. (DOC)

Close

TABLE OF APPENDIX CORRESPONDENCE
AND DOCUMENTS

- A-39 (copy of)
Response from Grays Harbor County Clerk
of March 18, 2014 regarding filing civil complaint
- A-40 Letter to Grays Harbor County Clerk of
June 2, 2014 regarding denied order
and lack of docket number or confirmation
- A-41 (Copy of)
Response from Grays Harbor County Clerk
regarding non-filing and no case number
- A-42 Letter accompanying NOTICE OF Appeal
- A-43 NOTICE OF APPEAL
- A-44 SUPREME COURT ORDER OF OCTOBER 10, 2014
Granting waiver of appeal filing fee

From S. Hines, Grays Harbor County Clerk

March 18, 2014

We do not have forms regarding the violation of Public Records Act, here in our office. A summons and complaint pleading should be appropriate to begin your case. We have enclosed a packet for the waiver of a filing fee for your information and use is needed.

Thank you,

/s/ S. Hines - Clerk's office

Clarence J. Faulkner #842107
Stafford Creek Corr. Ctr. H1A-81
191 Constantine Way
Aberdeen, WA 98520-9504

June 2, 2014

Clerk, Grays Harbor County Superior Court
102 W. Broadway, #203
Montesano, WA 98563

RE: Denied Order of Indigency on Public Records Complaint
Clarence J. Faulkner v. Wash. Dept. of Corrections

Dear Clerk,

On Friday, May 30, 2014, I received a copy of the Order of Indigency apparently denied by Grays Harbor County Superior Court Judge Edwards(?). I have enclosed a copy of the Order as returned to me.

There is nothing to indicate that the Order was filed with the Clerk and there is no case number noted on the document.

Please provide me with a case number, or advise me that none is needed, so I may properly note my Notice of Appeal of the Order denying the filing due to, "The proposed lawsuit lacks probable merit and is not brought in good faith." RAP 2.2(a)(3) allows for such an appeal.

Also, no further mention of my civil complaint was noted. Was the case filed? Will you be returning my documents?

While I await your response, I will begin preparation of my Notice of Appeal and the appeal itself.

Sincerely,



Clarence J. Faulkner

cc: file
enclosures: copy of Order as returned to me

From S. Hines, Grays Harbor County Clerk

June 4, 2014

Mr. Faulkner -

There is no case number for the paperwork you submitted, as your order for waiver of filing fee was denied. If you would like your papers back that you submitted, please provide a stamped envelope and we can return them to you.

Thank you,

/s/ S. Hines - Clerk's office

Clarence J. Faulkner #842107
Stafford Creek Corr. Ctr. H1A-81
191 Constantine Way
Aberdeen, WA 98520-9504

June 10, 2014

Clerk,
Washington State Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

RE: Appeal of Grays Harbor County Superior Court Order denying Motion for
Indigency in the filing of a Public Records Complaint:
Clarence J. Faulkner v. Washington Department of Corrections

Dear Clerk,

In what I feel is an unusual ruling Grays Harbor County Superior Court
Judge Dave Edwards denied my Motion for Indigency based on a finding that
my claim lacked probable merit and was not brought in good faith.

Pursuant to RA0 2.2(a)(3) I believe I have a right to appeal this ruling.

Enclosed is a copy of the NOTICE OF APPEAL I have filed with the Grays
Harbor Superior Court Clerk. The Notice contains a copy of the Order I
wish to appeal.

Since I cannot provide a case number from Grays Harbor County, I have also
enclosed a copy of the correspondence I have had with them regarding the
matter.

I will show that my claim has merit and meets the requirements for seeking
relief under the PRA, and I will demonstrate that my complaint is assuredly
brought in good faith affecting a matter personal to me.

Please accept my filing and advise me of any procedural deficiencies, or
other requirements I must meet to be heard.

Sincerely,


Clarence J. Faulkner

cc: file

enc: NOTICE OF APPEAL, copy of ORDER, and misc correspondence

OCT 10 2014

E
Ronald R. Carpenter
Clerk

THE SUPREME COURT OF WASHINGTON

CLARENCE J. FAULKNER,)
)
Appellant,)
)
v.)
)
WASHINGTON DEPARTMENT OF)
CORRECTIONS,)
)
Respondent.)
)
_____)

NO. 90384-1

ORDER

Grays Harbor County Superior Court
No. 14-2-00397-4

Department II of the Court, composed of Chief Justice Madsen and Justices Owens, Stephens, González and Yu, considered at its October 7, 2014, Motion Calendar, whether review should be granted pursuant to RAP 13.4(b), and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Appellant's Motion for Expenditure of Public Funds is granted only to the extent that the filing fee for an appeal is waived.

DATED at Olympia, Washington this 10th day of October, 2014.

For the Court

Madsen, C.J.
CHIEF JUSTICE

697/153

VERIFICATION/DECLARATION OF MAILING

I declare under penalty of perjury under the laws of Washington State that the foregoing is true and correct to the best of my knowledge and that today I mailed this document via the prison "Legal Mail" system postage prepaid addressed to:

Clerk, Supreme Court of Washington State
TEMPLE OF JUSTICE
PO Box 40929
Olympia, WA 98504-0929

Supreme Ct.
No. 90384-1

and to:

Cassie B. van Roojen, WSBA# 44049
Assistant Washington Attorney General
PO Box 40116
Olympia, WA 98504-0116

Received
Washington State Supreme Court

NOV - 6 2014

Ronald R. Carpenter
Clerk

RESPECTFULLY SUBMITTED and dated this 3rd day of November, 2014,

Clarence J. Faulkner

Clarence J. Faulkner, plaintiff, pro se
Clarence J. Faulkner, plaintiff, pro se
AHCC-MSU #842107
PO BOX 2049 C4/G-4-1
Airway Heights, WA 99001-2049

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