

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
May 28, 2015, 8:40 am
BY RONALD R. CARPENTER
CLERK

E CRF

RECEIVED BY E-MAIL

No. 90413-8

SUPREME COURT
OF THE STATE OF WASHINGTON

WASHINGTON STATE PATROL, et al

v.

JOHN DOE A, et al

ANSWER
ZINK REPLY TO AMICUS CURIAE BRIEFING

DONNA ZINK
Pro Se Appellant
P.O. Box 263
Mesa, WA 99343
(509) 265-4417
dzink@centurytel.net

 ORIGINAL

Table of Contents

I.	Overview of WACDL's Arguments	1
II.	Issue Addressed By Amicus Curiae	2
III.	Statement of the Case – History of State v. Ward	4
IV.	Argument	7
	1. Recidivism Studies Vary, Cannot Be Scrutinized and are Not Accurate	9
	2. The PRA is the Controlling Authority and Demands Public Scrutiny	13
	3. Public Has Interest in Access to Records of Convicted Sex Offenders	13
	4. Application of RCW 4.24.550 as an “Other Statute” Exemption is in Conflict with the PRA	15
V.	Conclusion	16
VI.	Certification of Service	18

Washington State Supreme Court

Personal Restraint of Meyer, 142 Wn.2d 608, 16 P.3d 563 (2001)..... 7

Resident Action Council v. Seattle Hous. Auth., 177 Wn.2d 417, ¶22, 300
P.3d 376 (2013). 8

Sanders v. State, 169 Wn.2d 827, 240 P.3d 120 (2010)..... 8

Ward v. State, 123 Wn.2d 488, 869 P.2d 1062 (1994)..... 2, 3

Revised Code of Washington

RCW 4.24.550.....passim

RCW 4.24.550(9) 16

RCW 42.56.030 13, 16

RCW 42.56.050..... 15

RCW 42.56.070(1) 1, 3, 8

RCW 42.56.080 15

RCW 42.56.210(3) 1

RCW 42.56.520..... 1

I. OVERVIEW OF WACDL'S ARGUMENTS

Amicus Curiae, the Washington Association of Criminal Defense Lawyers (WACDL) states that their non-profit organization was formed to "improve the Quality and administration of justice, claiming the argument they submit directly bears on this purpose.

The purpose of this appeal is to determine whether the Washington State Patrol (WSP) and the Washington Association of Sheriffs and Police Chiefs (WASPC) violated the Public Records Act (PRA) when they notified third parties and denied release of records requested by Ms. Zink concerning records of criminal conviction of sex offenders.

Neither WSP nor WASPC claims an exemption applies. Neither WSP nor WASPC provided an exemption log identifying all records being withheld and the exemption claimed prior to notification of third parties as required pursuant to RCW 42.56.070(1), .210(3), .520. Both WSP and WASPC contacted third parties under RCW 42.56.520 and instructed them to enjoin the requested records from release under RCW 42.56.540.

This appeal is also to establish whether a summons and complaint, declarations supporting a motion under RCW 42.56.540, and other court documents can be filed under pseudonym, obscuring the identity of the representing party from the trial court, without sealing of court records.

Finally, this appeal is about whether RCW 42.56.540 allows a court to certify a class of persons to enjoin access to any and all records, past, present and future record requests or only specific records requested to be enjoined by a specific person named in a specific record.

II. ISSUE ADDRESSED BY AMICUS CURIAE

WACDL identifies the issue before this Court as “[w]hether a government agency’s release of information without adherence to the standards set forth in RCW 4.24.550 contravenes the requirement of *State v. Ward* that such information be released only when “necessary for public protection”” (Amicus Curiae Briefing: pg. 1). WACDL argues that releasing the requested records pursuant to the Public Record Act (PRA) would be a Constitutional violation per this Court’s decision in *Ward v. State*, 123 Wn.2d 488, 503, 869 P.2d 1062, 1070 (1994).

The decision of this Court in *Ward* concerned the application of registration requirements under the Community Protection Act of 1990, to those convicted of sex offenses prior to the enactment of RCW 4.24.550 and the mandatory registration requirements not in effect at the time of conviction. The appellant’s in the *Ward* case, claimed the requirement of registering as a sex offender was a continuing punishment since the requirement was not established prior to their conviction date yet was applied to them after their release from prison.

The decision in *Ward* only affected those convicted of a sex offender prior to the enactment and effective date of RCW 4.24.550. Anyone convicted of a sex offense after the effective date of RCW 4.24.550 would not qualify for claims of unconstitutional application of a statute retroactivity.

Furthermore, the Court in *Ward* did not create an exemption under the PRA. The Court in *Ward* was discussing the constitutionality of having to register and not the question of whether the public has right to access to the registration records under the PRA. Specifically the Court in *Ward* stated:

We hold that the statute's requirement to register as a sex offender does not constitute punishment and therefore does not violate ex post facto prohibitions. We also conclude that the statute does not violate appellant Doe's equal protection or due process rights under the federal and state constitutions.

Ward v. State, 123 Wn.2d 488, 495, 869 P.2d 1062, 1070 (1994)(emphasis added). The *Ward* Court did not determine, as suggested by the WACDL, that releasing sex offender registration records without strict compliance of RCW 4.24.550 was a constitutional violation of sex offender rights.

The issues before this Court concern RCW 42.56.540 and requests for public records of criminal activity under RCW 42.56.540.

RCW 4.24.550 is not an "other exemption" under the Public Records Act RCW 42.56.070(1). In order to meet the requirements of RCW 42.56.540, the reviewing Court must determine whether the party seeking to

enjoin the record is named in or the record specifically pertains to that person, whether an exemption applies to any of the requested records and how it applies, if an exemption applies whether the public has any interest in the requested records and, if the public has no interest, whether release of the requested records would cause any actual harm.

WACDL does not address any of the requirements of RCW 42.56.540. Rather WACDL focuses on: 1) why the records should be exempt rather than whether the records are exempt; 2) why the public should not be allowed to access conviction records rather than whether the public has interest in access to records of conviction; and 3) how the badge of infamy in being identified as a convicted sex offender hampers rehabilitation and reintegration of sex offenders back into the community rather than identifying any actual and specific harm that would befall convicted sex offenders if the public has access to sex offender conviction information.

III. STATEMENT OF THE CASE – HISTORY OF STATE v. WARD

In 1990, the “Community Protection Act” was enacted to help protect the public. Specifically RCW 4.24.550 requires those convicted of certain sex offenders register with their local county sheriff, generating various public records held by various public agencies across Washington State concerning sex offenders.

In 1994, two individuals convicted of sex offenses in 1980 and 1988 challenged the constitutionality of ex post facto application of RCW 4.24.550 to the “**registration requirements**” in the context of due process rights and equal protection laws of those **convicted** of sex offenses **prior to the 1990** enactment of RCW 4.24.550. *State v. Ward*, 123 Wn.2d 488, 494-495, 869 P.2d 1062 (1994).¹

The decision in *Ward* only concerned those convicted offenders convicted prior to the effective date of RCW 4.24.550 in 1990 and did not affect any sex offenders convicted after the enactment and effective date of RCW 4.24.550. This Court decision in *Ward* did not discuss the constitutionality of community notification outside the context of “ex post facto” application as claimed by WACDL.

The *Ward* Court determine sex offender registration was not a constitutional violation of ex post facto law since “**law enforcement**” was limited to only **notifying the public** if it was determined the offender posed a particular risk. Notification is defined as “the act of notifying, making known, or giving notice.” *Webster’s Encyclopedia Unabridged Dictionary of*

¹ The Court decision in *Ward* was decided on March 17, 1994. Sex Offender - Risk Level Classification - Public Notice Procedures were enacted until May 14, 1997, three years after the Supreme Court’s decision in *Ward*. See Session Laws of 1997 c 364 § 1. See also Session Laws of 1998 c 220 § 6, 2001 c 169 § 2, 2001 c 283 § 2, 2002 c 118 § 1, 2003 c 217 § 1, 2005 c 99 § 1, 2005 c 228 § 1, 2005 c 380 § 2, 2008 c 98 § 1, & 2011 c 337 § 1 for Legislative changes.

*the English Language 1989 edition. **Notify** is defined as “to inform or give notice of something.” (Id.)*

The *Ward* Court did not discuss or determine whether a member of the general public could request sex offender registration forms and other publicly held public records under the PRA. Most importantly, the *Ward* Court did not create a blanket exemption² under RCW 4.24.550. Rather the Court in *Ward* found that

[O]verly restrictive confidentiality and liability laws governing the release of information about sexual predators have reduced willingness to release information that could be appropriately released under the public disclosure laws, and have increased risks to public safety. **Persons found to have committed a sex offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Release of information about sexual predators to public agencies and under limited circumstances, the general public, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems**

² Washington's public records act contains no blanket exemption for names, as it does for addresses. RCW 42.17.310(1)(u) exempts from disclosure "[t]he residential addresses or residential telephone numbers of employees . . . of a public agency." **Generally, however, absent such a statute so providing, lists of names and addresses are not private.** See Phillip E. Hassman, Annotation, Publication of Address as Well as Name of Person as Invasion of Privacy, 84 A.L.R.3D 1159 (1978); Andrea G. Nadel, Annotation, What Constitutes Personal Matters Exempt From Disclosure by Invasion of Privacy Exemption Under State Freedom of Information Act, 26 A.L.R.4TH 666 (1983). *King County v. Sheehan*, 114 Wn. App. 325, 343, 57 P.3d 307 (Div. I, 2002)(emphasis added).

so long as the information released is rationally related to the furtherance of those goals.

Therefore, this state's policy as expressed in [RCW 4.24.550] is to require the exchange of relevant information about sexual predators among public agencies and officials and to **authorize the release of necessary and relevant information about sexual predators to members of the general public.**

State v. Ward, 123 Wn.2d 488, 502, 869 P.2d 1062, 1070 (1994)(emphasis added). See also *Personal Restraint of Meyer*, 142 Wn.2d 608, 621, 16 P.3d 563 (2001) citing to *Ward*. Rather the Ward Court found "the Legislature clearly intended public agencies to disseminate **warnings** to the public "under limited circumstances." (Id.)(emphasis added)

In addition, the content of **a warning** may vary by proximity: next-door neighbors or nearby schools might receive a more detailed warning than those further away from harm.

(Id. 504)(emphasis added). Clearly the Court in *Ward* did not determine RCW 4.24.550 was an exemption to release of all sex offender records in response to a request from a member of the general public under the PRA.

IV. ARGUMENT

The legal questions before the court concern the Washington PRA and public records of conviction of sex offenders maintained by public agencies. WACDL does not recognize or speak to the clear intent of Chapter 42.56 RCW; release of public records by public agencies. It is not enough to simply

state there is an exemption. RCW 42.56.540 requires an specific exemption applies to a specific record. WACDL briefing does not apply their identified exemption RCW 4.24.550 to each different type of record requested or apply the requirements of RCW 42.56.540 for enjoining the “public’s records.”

An exemption log must be provided for each claim of exemption (RCW 42.56.070(1)). "Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld." *Resident Action Council v. Seattle Hous. Auth.*, 177 Wn.2d 417, ¶22, 300 P.3d 376 (2013). Silent withholding of public records is prohibited under the PRA (*Id.* ¶14 citing to *Rental Hous. Ass'n v. City of Des Moines*, 165 Wn.2d 525, 537, 199 P.3d 393 (2009); PAWS II, 125 Wn.2d at 270). No exemption log has been provided identifying an exemption and applying the exemption to the requested record.³

Rather, WACDL argue that studies show that in order for therapy to be effective and the public to be safe, sex offenders must be hidden from the public at large.

³ [A]n agency's failure to explain its claimed exemptions is relevant to the agency's "lack of strict compliance . . . with all the PRA procedural requirements," which may aggravate the penalty for wrongfully withholding public records. *Yousoufian v. Office of Ron Sims*, 168 Wn.2d 444, 467, 229 P.3d 735 (2010) (*Yousoufian V*). In sum, **AGO's failure to provide a brief explanation of its claimed exemptions violated the PRA.** The remedy for the violation is consideration when awarding costs, fees, and penalties. *Sanders v. State*, 169 Wn.2d 827, ¶45-46, 240 P.3d 120 (2010)(emphasis added).

1. **Recidivism Studies Vary, Cannot Be Scrutinized and are Not Accurate**

WACDL argues that studies have shown Level I offender have very lower recidivism rates. (Amicus Curiae Briefing; pg. 3).⁴ Further, WACDL claims that those treated under the SSOSA program have very low recidivism rates (*Id.* 5-8) unless exposed to the public as a convicted sex offender (*Id.* 12). WACDL argues that releasing the identity of Level I sex offenders who have been through therapy harms the community because once their identity as a convicted sex offender is known, they will reoffend (*Id.* 13-14). Not only is this argument not relevant to the issue of exemption under the PRA, if the success of therapy is dependent on anonymity then the therapy is questionable. Release of the requested records will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems.

WACDL argues that a study examining 61 other studies found a recidivism rate of 15% over a 4-5 year period in 1998. A similar study examining 95 studies found a similar recidivism rate of 13.7% in 2004; six years later. (Amicus Curiae Briefing; pg. 4). However, a study in 2002 found that after treatment, recidivism rates of sex offenders dropped to 12.3% versus 16.8% recidivism for those untreated sex offenders. In other words,

⁴ It should be noted that the studies referred to by WACDL cannot be scrutinized or verified by the public since the records are currently being withheld by law enforcement.

out of every 100 convicted sex offenders, only 12 will reoffend if treated as opposed to 16 offenders reoffending if not treated. That is not a significant amount of difference.

Further, using the statistical information provided by WACDL ((Amicus Curiae Briefing: pg. 4-5) for every 1000 convicted sex offenders 291 will reoffend (12.3% treated + 16.8% untreated = 29.1% reoffenders). In Washington State there are approximately 21,000 sex offenders. Seventy to seventy-five percent of all registered sex offender in Washington State are considered Level I sex offenders. Using the figures provided by the 2002 study as cited by WACDL, 5880 convicted sex offenders will reoffend and at least 6111 children and adults will be the victims of sex abuse just from re-offenses. This does not include any new sex offenders who may not offend if they knew they would go to jail and their information would be made public rather than kept secret.

WACDL states that in a study that examined recidivism rates of 1097 sex offenders who were given an SSOSA sentence only 4.7% went on to reoffend within a five year follow-up period. Fifty-two reoffenders. Of those only 1.4% (1) were sex offenses. WACDL claims these studies clearly show that recidivism rates for juvenile offenders is even lower than those for adults. (Amicus Curiae Briefing: pg. 5-7) Yet in a declaration provided by Maia Christopher in support of John Does (CP 257-267), a 2004 study was cited to

showing that recidivism rates increase the longer a sex offender is free in the community.

Incest offender's recidivate at a rate of 6% after 5 years, 9% after 10 years, and 13% after 15 years.

Adults who offended against adults recidivate rate is 14% after 5 years, 21% after 10 years and 24% after 15 years;

Individuals who offend against boys recidivate 23% after 5 years, 28% after 10 years and 35% after 15 years;

All sex offender populations combined recidivate at 14% after 5 years, 20% after 10 years and 24% after 15 years; and

Older offenders (50+ at the time of release) recidivate at half the rate of younger offenders.

(CP 261-262). Clearly recidivism rate increase as time goes on making information concerning all sex offenders of paramount importance.

Christopher goes on to say that the majority of new sexual assaults resulting in arrest are committed by first time offenders (CP 262); who know that they will be eligible for SSOSA sentencing, protected and hidden by law enforcement from exposure as a sex offender after conviction. Providing no incentive for first time sex offenders to not offend for the first time.

WACDL cites to a paper by *Levenson et al*, claiming that offenders who struggling to find housing have an increased likelihood to reoffend (*Amicus Curiae Briefing*; pg. 12). In the cited paper the authors was not speaking of sex offenders. The paper is clearly discussing all criminals in Georgia and

their likelihood to reoffend rather than specifically sex offenders.

Furthermore, the section cited by WACDL does not specifically state what re-offenses were committed, except to note that those without housing have an increase in use of drugs, alcohol abuse, unemployment and absconding from probation or parole.

Sex offenders operate in secrecy often going for years without being reported by the victim who is often young and a family member, friend, neighbor or student. The evidence of the damage done to victims and their families is clear. Designation as Level I does not render sex offenders harmless as claimed by WACDL. In June 2013 a Level I sex offender killed nine month old baby (CP 1235-1236). The mother of the dead baby searched the official sex offender web site provided by law enforcement prior to allowing a Level I sex offender to move in with her and her baby (CP 1238). She did not find him listed as a convicted sex offender because he was designated a Level I offender and unlikely to reoffend. (CP 1238). Level I sex offender living in Benton County on woman's property who has two young children (CP 1240) while registered in another county as transient (CP 1242). Clearly the evidence does not support WACDL's claims that destabilizing low-risk Level I sex offenders will only increase recidivism and releasing information concerning all sex offenders will not protect the public.

2. **The PRA is the Controlling Authority and Demands Public Scrutiny**

WACDL argues that the public records act should not allow private citizens to decide what is good for them to know and what is not. Rather it is up to the government to decide what is good for the people to know and what is not. (Amicus Curiae Briefing: pg. 15-17). RCW 42.56.030 clearly states the opposite.

The people of this state do not yield their sovereignty to the agencies that serve them. **The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.** The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern.

RCW 42.56.030. Without access to sex offender records the public cannot scrutinize the SSOSA sentencing program, law enforcement agencies, or any published studies on the issue of recidivism rates concerning sex offenders. Clearly, Level I sex offenders are not harmless and do reoffend.

3. **Public Has Interest in Access to Records of Convicted Sex Offenders**

WACDL argues that identifying convicted sex offenders exposes them to vigilantes citing to the killing of two sex offenders by Mr. Mullen (Amicus

Briefing: pg 10). Just as sex offenders select their victim, apparently murder's do to. In this case a criminal murders two sex offenders.

In a case involving a re-offense by a convicted level 1 sex offender, Jose Aguilar (CP 1235-1236), a nine month old baby was killed. In the instance of the baby, the mother attempted to discover a history of sex offenses prior to allowing a convicted sex offender to move into her home. The mother was unable to find the needed information on the Official State Website and allowed Mr. Aguilar into her home wherein, Mr. Aguilar raped and killed her nine month old baby.

Both are tragic crimes that led to death of a person. In the instance of Mr. Mullen his victims were located despite the fact that no request for public records was made. In the death of the baby, the mother attempted to determine whether Mr. Aguilar was a threat to her family. She determined he was not since there was not mention of his conviction on the "Official" Sex Offender Website and the mother was unable to obtain the information she need to keep her baby safe.

In other words, sex offenders are not put at greater risk simply because records of their conviction are available to the public whereas public knowledge of sex offenders helps parents to keep their children safe from sexual predators. WACDL's argument otherwise is not well made, does not speak to the legal issue of whether the records must be released under the PRA and only inflates emotion.

4. **Application of RCW 4.24.550 as an "Other Statute" Exemption is in Conflict with the PRA**

RCW 42.56.080 clearly states that the identity of the requester and the use of the information is not to be a consideration in determining whether to allow access to public records.

Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. **Agencies shall not distinguish among persons requesting records**, and such persons shall not be required to provide information as to the purpose for the request

RCW 42.56.080. Two times our legislature states that the identity of the requesting party is not to be taken into consideration.

The intent of this legislation is to make clear that: (1) Absent statutory provisions to the contrary, **agencies possessing records should in responding to requests for disclosure not make any distinctions in releasing or not releasing records based upon the identity of the person or agency which requested the records**, and (2) agencies having public records should rely only upon *statutory exemptions or prohibitions for refusal to provide public records*.

RCW 42.56.050 Legislative intent. None the less WACDL argues that RCW 4.24.550 is a comprehensive statutory scheme which only allows release of records to specific persons. For example 4.24.550 restricts access to these public records to persons who are victims, witnesses or who live near the offender. RCW 4.24.550 would be in direct conflict with RCW 42.56.080 and 42.56.050.

RCW 42.56.050 Legislative Intent. In the event of conflict between the provisions of this chapter and any other act, the provisions of this chapter shall govern.

RCW 42.56.030 (emphasis added). RCW 4.24.550 states that the registration information of convicted sex offenders is not confidential and release is not conditioned on any particular level.

Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

RCW 4.24.550 (9). Clearly Ms. Zink is entitled to the requested records under the PRA.

Finally, the Ward Court did not in fact state that the records of convicted sex offenders were confidential. The Ward Court merely stated the records remain largely confidential. This is not the same as claiming the records are confidential and any decision that these records are confidential would be in direct conflict with RCW 4.24.550 (9) which clearly states they are not confidential.

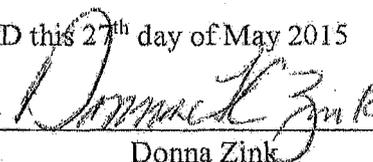
V. CONCLUSION

None of WACDL's arguments speak to the questions at issue in this appeal concerning the PRA and whether the records are exempt from disclosure. RCW 4.24.550 is not an exemption under the PRA and would be in direct conflict. WACDL has not proven the records are exempt, that the

public has no interest or that the convicted sex offenders would be suffer any actual rather than supposed harm.

RESPECTFULLY SUBMITTED this 27th day of May 2015

By

A handwritten signature in cursive script, appearing to read "Donna Zink", written over a horizontal line.

Donna Zink

Pro se

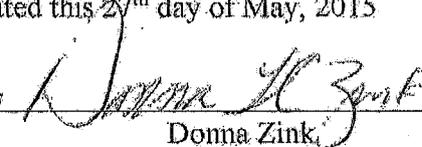
VI. CERTIFICATION OF SERVICE

I declare that on the 27th day of May, 2015, I did send a true and correct copy of appellant's "Zink Reply to Amicus Curiae Briefing" via e-mail service to the following addresses as agreed upon by all parties to this matter:

- VANESSA T. HERNANDEZ @ vhernandez@aclu-wa.org;
- DAVID B. EDWARDS @ dedwards@corrchronin.com;
- STEVEN W. FOGG @ sfogg@corrchronin.com;
- DONNA PATTERSON @ dpatterson@corrchronin.com;
- GINA PAN @ gpan@corrchronin.com;
- SHELLY WILLIAMS @ ShelleyWI@atg.wa.gov and to CJDSeaEF@atg.wa.gov;
- ELIZABETH JACKSON @ ElizabethJ@atg.wa.gov;
- IAN SALING @ ian@amymuthlaw.com;
- AMY MUTH @ amy@amymuthlaw.com and Lila@washapp.org;
- MICHAEL E. MCALEENAN @ mmc@smithalling.com; and
- JULIE PEREZ @ julie@smithalling.com.

Dated this 27th day of May, 2015

By



Donna Zink,
Pro se

OFFICE RECEPTIONIST, CLERK

To: 'dzink@centurytel.net'
Cc: 'amy@amymuthlaw.com'; ShelleyW1@atg.wa.gov; johnh5@atg.wa.gov; cjdseaef@atg.wa.gov; Glasgow, Rebecca (ATG); mmc@smithalling.com; morgane@smithalling.com; 'jeffzink@centurytel.net'; 'vhernandez@aclu-wa.org'; sfogg@corrcronin.com; dedwards@corrcronin.com; 'vhernandez@aclu-wa.org'
Subject: RE: 90413-8 - John Doe A, et al. v. Washington State Patrol, et al.

Received 5-28-2015

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Donna Zink [mailto:dzink@centurytel.net]
Sent: Wednesday, May 27, 2015 6:20 PM
To: Bausch, Lisa; vhernandez@aclu-wa.org; dedwards@corrcronin.com; sfogg@corrcronin.com; dpatterson@corrcronin.com; 'Pan, Gina'; Williams, Shelley (ATG); cjdseaef@atg.wa.gov; 'Jackson, Elizabeth (ATG)'; 'Ian Saling'; Amy Muth; Lila@washapp.org; mmc@smithalling.com; julie@smithalling.com; Jeff Zink; johnh5@atg.wa.gov; 'rebeccag@atg.wa.gov'; 'morgane@smithalling.com'
Subject: RE: 90413-8 - John Doe A, et al. v. Washington State Patrol, et al.

All,

Please disregard and/or destroy my submission of my reply briefing previously sent around 5 pm this evening. I believe I sent two different e-mails but I could not get a signed copy ready to send via e-mail. I was having difficulty with my printer and I forgot the table of authorities.

I have since gotten my printer working and I am submitting this finished, completed, and signed copy of my reply to amicus curiae WACDL along with my request for the Supreme Court to accept late briefing by one day.

Thank you for your time and patience.

Donna L.C. Zink

From: Donna Zink [mailto:dzink@centurytel.net]
Sent: Wednesday, May 27, 2015 5:05 PM
To: 'Bausch, Lisa'; 'shelleyw1@atg.wa.gov'; 'johnh5@atg.wa.gov'; 'mmc@smithalling.com'; 'morgane@smithalling.com'; 'jeffzink@centurytel.net'; 'vhernandez@aclu-wa.org'; 'sfogg@corrcronin.com'; 'dedwards@corrcronin.com'
Cc: 'amy@amymuthlaw.com'; 'cjdseaef@atg.wa.gov'
Subject: RE: 90413-8 - John Doe A, et al. v. Washington State Patrol, et al.

All,

I could not get my printer to work. I ran out of ink. So I sent this as a word document since I don't have the capability of electronic signature. I will continue to work on this. In the meantime I am resending this in PDF with the only pages I could get to print so I could sign this.

I will submit a request for an extension if this did not make it in time.

Thank you

Donna LC Zink

From: Donna Zink [<mailto:dzink@centurytel.net>]
Sent: Wednesday, May 27, 2015 5:01 PM
To: 'Bausch, Lisa'; 'shelleyw1@atg.wa.gov'; 'johnh5@atg.wa.gov'; 'rebeccag@atg.wa.gov'; 'mmc@smithalling.com'; 'morgane@smithalling.com'; 'jeffzink@centurytel.net'; 'vhernandez@aclu-wa.org'; 'sfogg@corrchronin.com'; 'dedwards@corrchronin.com'
Cc: 'amy@amymuthlaw.com'; 'cjdsaef@atg.wa.gov'
Subject: RE: 90413-8 - John Doe A, et al. v. Washington State Patrol, et al.

From: Bausch, Lisa [<mailto:Lisa.Bausch@courts.wa.gov>]
Sent: Thursday, May 21, 2015 2:12 PM
To: shelleyw1@atg.wa.gov; johnh5@atg.wa.gov; rebeccag@atg.wa.gov; dzink@centurytel.net; mmc@smithalling.com; morgane@smithalling.com; jeffzink@centurytel.net; vhernandez@aclu-wa.org; sfogg@corrchronin.com; dedwards@corrchronin.com
Cc: amy@amymuthlaw.com; cjdsaef@atg.wa.gov
Subject: 90413-8 - John Doe A, et al. v. Washington State Patrol, et al.
Importance: High

Counsel:

Attached is a copy of the Order Striking Oral Argument issued on this date in the above referenced case. Please consider this as the original for your files, a copy will not be sent by regular mail. When filing documents by email with this Court, please use the main email address at supreme@courts.wa.gov

Lisa Bausch
Office/Case Manager
Washington State Supreme Court
lisa.bausch@courts.wa.gov
360-357-2071