

No. 93456-8

SUPREME COURT
OF THE STATE OF WASHINGTON

MEGAN ROAKE,
Respondent,

vs.

MAXWELL DELMAN,
Petitioner.

SUPPLEMENTAL BRIEF OF PETITIONER

SMITH GOODFRIEND, P.S.

By: Catherine W. Smith
WSBA No. 9542
Ian C. Cairns
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Attorneys for Petitioner

The Sexual Assault Protection Act, RCW ch. 7.90, criminalizes otherwise lawful conduct, limits a defendant's associational rights and liberty and reputational interests, and requires his registration in the State's criminal database. RCW 7.90.005; RCW 7.90.090(2)(a); RCW 7.90.160; RCW 26.50.110(1)(a). The law, does not, however, give an individual against whom a SAPO is sought the right to counsel. *See* RCW 7.90.070 (providing only for appointment of counsel to SAPO plaintiffs). Petitioner Delman and his counsel have already been forced to expend considerable resources in this litigation, commenced and prosecuted on plaintiff's behalf despite her utter failure to allege, let alone prove, the second element of a SAPO petition. RCW 7.90.020(1). In lieu of filing another substantive brief, petitioner directs this Court to the arguments in his Petition for Review and briefing in the Court of Appeals, including in particular his Answer to Amici Briefs filed December 23, 2015.

Dated this 6th day of February, 2017.

SMITH GOODFRIEND, P.S.

By:  WSBA 34515 fac:
Catherine W. Smith, WSBA No. 9542

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Attorneys for Petitioner Delman

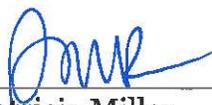
DECLARATION OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

That on February 6, 2017, I arranged for service of the Supplemental Brief of Petitioner, to the Court and to the parties to this action as follows:

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DATED at Seattle, Washington this 6th day of February, 2017.



Patricia Miller

SMITH GOODFRIEND, PS

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