

Supreme Court No. 94495-4
Court of Appeals No. 69818-4-I

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

In re the Detention of:
DONALD HERRICK,
Petitioner.

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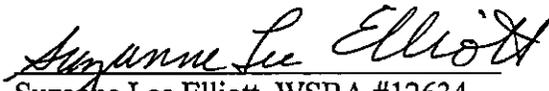
SUPPLEMENT TO PETITION FOR REVIEW

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After submitting the Petition for Review in this case, counsel learned that there are 10 SVP cases that are in “pre-commit contempt status” in relationship to 71.09.050(1) and court-ordered PPG testing. See attached excerpt from Declaration of Shoshana Kehoe-Ehlers. This reinforces Herrick’s argument that his case presents an issue of substantial public importance. This Court should accept review because the Court of Appeals decision in this case does not provide the correct guidance to the trial courts in those cases.

DATED this 5th day of May, 2018.

Respectfully submitted,


Suzanne Lee Elliott, WSBA #12634
Attorney for Donald Herrick

CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I served by email where indicated and United States Mail one copy of this brief on:

Ms. Mary Robnett
Assistant Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
Email: mary.robnett@atg.wa.gov

Mr. Donald Herrick
P.O. Box 88600

Steilacoom, WA 98388-0647

5/5/17
Date

Suzanne Lee Elliott
Suzanne Lee Elliott

1 for developing and delivering specialized attorney training; and for reviewing and approving
2 invoices from attorneys and other professional service providers. My duties also include
3 fielding client complaints, providing technical assistance to the attorneys, observing the
4 attorneys in trial and in their motion practices and assisting them in complying with their
5 contracts.

6 4. Since July 2012, 10 respondents have been in pre-commit contempt status.
7 Some have successfully purged contempt.

8 NAME	COUNTY	CAUSE NO.	CONTEMPT DATE	PURGE DATE
9 CURRY, William	Pierce	09-2-04856-3	3/25/2011	N/A
10 FAGA, AUSA	Pierce	12-2-08307-5	2/07/2014	N/A
BRENNAN, Duane	Mason	12-2-01041-6	7/07/2014	N/A
11 DIEMERT, Bear	Skagit	05-2-00180-4	9/11/2009	6/14/2011
DIEMERT, Bear	Skagit	05-2-00180-4	3/23/2012	N/A
12 MONROE, Rick	Kitsap	09-2-02592-6	2/04/2011	5/02/2014
PERKINS, Darren T.	Pierce	14-2-05127-7	9/14/2015	N/A
13 ROBERTS, Cory	King	03-2-18652-0	1/11/2013	5/29/2014
ROBINSON, Stephen	Benton	13-2-01832-0	8/19/2014	N/A
14 STEARNS, Patrick	Snohomish	09-2-05036-6	9/14/2010	N/A
15 TRUXILLO, Patrick	Grays Harbor	14-2-00874-7	2/11/2016	N/A

16 5. To my knowledge, no respondent who has failed to comply with pretrial
17 evaluation procedures has ever had a sanction imposed against them aside from being held in
18 contempt with their trial date stayed until they purged.

19
20 SIGNED this 27th day of April, 2017:

21 
22 SHOSHANA KEHOE-EHLERS
23 Managing Attorney for the RCW 71.09 Civil
24 Commitment Program for the Office of Public
25 Defense
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