

**MOTION TO VACATE**

Case #: 1031777

**I. IDENTITY OF PETITIONER**

The petitioner CAROLYN SIOUX GREEN (CSX)  
respectfully Motions to Vacate.

**II. DECLARATION OF PETITIONER [defendant]**

The petitioner-CSX moves the Court to Vacate the  
involuntary commitment as it failed to comply with the  
mandated prerequisites or statutory requirements of chapter  
RCW 71.05 or any of the Involuntary Treatment Act (ITA)  
requirements. This case was initiated in Thurston County  
Superior Court. Cause No. 01-6-00097-9 with a venue transfer  
to Pierce County Superior Court Cause No. 01-6-00742-4.  
Closed 10-11-01.

There are no criminal charges pending against me in any  
court of this state or any other state, or in any federal court.  
(RCW 9.96.060(2)(a)).

The offense for which I was [not] convicted is not of the following offenses (RCW 9.96.060(2)(b)(d)).

Petitioner's case would be more properly cited as "Reckless Driving (RCW 46.61.500).

The offense for which I was [not] convicted does not involve domestic violence and it has been at least three years since I completed the terms and conditions of the sentence, including restitution/legal financial obligations. RCW 9.96.060(2)(f).

It has been at least five years since I completed the terms and conditions of the sentence, including restitution/legal financial obligations and successful completion of any treatment ordered. RCW 9.96.060(2)(e)(iv).

Petitioner was not lawfully detained.

I have not been convicted of any new crime in this state, another state, or federal court since I was [not] convicted in this matter. RCW 9.96.060(2)(g).

In the Petition for RCW 9.41.040(4) / 9.41.047(3)

Box not checked, 4) “As a result of my involuntary commitment for mental health treatment, I hereby certify...”

Box not checked, 8) ”I have never been convicted or involuntarily committed in Washington , or under any equivalent state or federal law, of any class A felony.”

“I Carolyn Sioux never had this condition.” CP-1145-1144. The petitioner-CSX was physically injured as demonstrated in record. See Petition for Review filed June 13, 2024. See Restoration of Rights 19-2-04117-34 filed in Thurston County Superior Court August 14, 2019. On November 1, 2019 petitioners Restoration of Rights (Firearm) were restored for Washington state only. In *Napue v. Illinois*, 360U.S. 264 (1959), The principle that a [hospital] may not knowingly use false evidence, including false testimony, to obtain a tainted conviction, implicit in any concept of ordered liberty, does not cease to apply merely because the false testimony goes only to the credibility of the witness.”

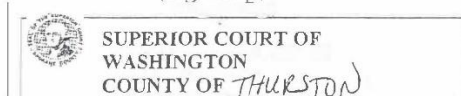
19-2-04117-34  
PTFRARM 2  
Petition for Restoration of Right to Possess a Firearm  
6306397



SUPERIOR COURT  
THURSTON COUNTY, WA  
2019 AUG 14 PM 12:01  
Linda Myhre Enlow  
Thurston County Clerk

(Copy Receipt)

(Clerk's Date Stamp)



19-2-04117-34

Petitioner: CAROLYN SIOUX (GREEN)

CASE NO. 01-6-97-9

vs.

PETITION FOR RCW 9.41.040(4) /  
9.41.047(3)

Respondent: STATE OF WASHINGTON

CERTIFICATE

COMES NOW CAROLYN SIOUX (GREEN) petitioner, and petitions the Court for an RCW 9.41.040 (4)/9.41.047 (3) Certificate.

1. ☒ I am a United States citizen, and reside at 7777 E. MAHO ST. Scottsdale, AZ 85251.
2. ☒ I was involuntarily committed for mental health treatment under: RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, on 06/01, 06/08 (2001) in THURSTON County of WASHINGTON State.
3. ☒ The location of my involuntary commitment was Presidency St. Peter hospital in THURSTON County of WASHINGTON State.
4. ☐ As a result of my involuntary commitment for mental health treatment; I hereby certify:
  - (1) I am no longer required to participate in any inpatient or outpatient treatment program;
  - (2) I have successfully managed the condition related to my commitment;
  - (3) I do not present a substantial danger to myself, others, or the public; and
  - (4) The circumstances resulting in my commitment are not reasonably likely to recur.

PETITION FOR RCW 9.41.040 (4)/9.41.047 CERTIFICATE

PAGE 1 OF 2

2/2015

(4) Box not check.

5. ☒ Attached to this Petition are copies of records or affidavits from my most recent treatment facility establishing each of the elements in § 4 above.
6. ☒ Attached to this Petition are certified copies of my local, state (WSP) and national (FBI NCII) criminal history issued not more than thirty (30) days prior to filing this Petition.
7. ☒ I have no criminal charges pending in any court in the State of Washington, any other state, or in federal court.
8. ☐ I have never been convicted or involuntarily committed in Washington, or under any equivalent state or federal law, of any class A felony.
9. ☒ I have never been convicted or found not guilty by reason of insanity ("NGRI") of any felony having a maximum sentence of at least twenty (20) years.
10. ☒ I have never been convicted or found NGRI of any sex offense prohibiting firearm ownership.
11. ☒ For any felony convictions or NGRI's, I have been in the community for five (5) or more consecutive years without being convicted or found NGRI of any felony, gross misdemeanor, or misdemeanor crimes.
12. ☒ For any non-felony convictions or NGRI's, I have been in the community for three (3) or more consecutive years without being convicted or found NGRI of any felony, gross misdemeanor, or misdemeanor crimes.
13. ☒ I am not under a court restraining order, injunction or other order, either civil or criminal, which prohibits me from possessing a firearm.

I hereby request that the court enter an order and issue a certificate restoring my right to possess a firearm under Washington law. I certify and declare under penalty of perjury under the laws of the state of Washington that all of the above information is true and correct.

Date Signed: August 14, 2019

Carolyn Sioux  
Petitioner's Signature

Place Signed: Olympia, Washington

CAROLYN SIOUX (GREEN)  
Type or Print Name

13052 N. Surrey Cir Phx, Az 85029  
Mailing Address

(8) Box not check.

**NOTICE AND STATEMENT OF RIGHTS (ADULT)**  
**NOTIFICATION OF ATTORNEY AND FAMILY**

TO Carolyn Becker, Respondent

You have the right to receive a copy of the statement of the specific facts alleged to have caused your detention  
You have the right to remain silent Any statement you make may be used against you  
You have the right to communicate immediately with an attorney, you have the right to have an attorney appointed to represent you before and at the probable cause hearing

You will be released within a period of 72 hours, excluding Saturdays, Sundays and holidays, unless a judicial hearing is held The hearing must be held within 72 hours after your initial detention to determine whether there is probable cause to detain you for up to an additional 14 days The grounds for this detention are that you have a mental disorder which presents a likelihood of serious harm to others or yourself, or harm to the property of others, or that you are gravely disabled

Within 24 hours of admission, you will be examined and evaluated by a licensed physician and a licensed mental health professional and shall receive such treatment and care as your condition requires for the period that you are detained

You have the right to refuse medications, including antipsychotropic medication, beginning 24 hours prior to the probable cause hearing

At the probable cause hearing you shall have the following rights in addition to the above rights

- to present evidence on your behalf,
- to cross-examine witnesses who testify against you,
- to have your hearing conducted according to the rules of evidence,
- to remain silent, to view and copy all petitions and reports in the court files

**CP-9**

**NOTIFICATION OF ATTORNEY.** Having been placed in detention, this is to notify you that if you have no other attorney, the following attorney has been assigned to assist you

- ☒ Ann Stenberg, (253) 779-8124, 754-2230, L. Z. Elder  
☐ Department of Assigned Counsel, P O Box 26, Steilacoom, WA 98494, (206) 756-2310  
☐ Other \_\_\_\_\_

**NOTICE TO IMMEDIATE FAMILY GUARDIAN OR CONSERVATOR:**

This is to notify you that the above named respondent was detained for evaluation and treatment at

- ☒ St Peter Hospital, 413 Lilly Rd NE, Olympia WA 98516 (360) 491-9480  
☐ Western State Hospital, 9601 Steilacoom Blvd SW, Ft Steilacoom WA 98494 (206) 582-8900  
☐ Other \_\_\_\_\_

X Respondent Carolyn Becker

X Witness PSPH 9R

Place Olympia

Melinda Nouvelle, MSW  
County Designated Mental Health Professional

Date 6/1/01

Time 12:06am

South Sound Mental Health Services, P O Box 677, Olympia WA 98507 (360) 754-1338

**Providence, State of Washington, Thurston County, had a 72-hour by her then spouse. 06/22/22. csx**

**Then at 12:30 am filed out paperwork to Petition the Court for a 14-day that was filed @ 09:10 AM for an Ex Parte one-minute hearing on the same day.**

PSPH 000156

Form # 5

72-hour signed 06/01/2001 by GB @12:06AM.

FILED  
SUPERIOR COURT  
THURSTON COUNTY WASH.

JUN -1 09:10

BETTY J. GOULD CLERK

BY [Signature] DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THURSTON COUNTY

IN RE THE DETENTION OF

NO. 01-6-97-9

Carolyn Becker  
Respondent

RETURN OF SERVICE

I, Carolyn Becker certify and declare under penalty of perjury under the laws of the State of Washington that I prepared and personally served the Respondent with the following:

- ☒ Petition for Initial Detention
- ☒ Notice of Emergency Detention
- ☒ Notice and Statement of Rights
- ☐ Petition for Revocation of Less Restrictive Placement
- ☐ Notice of Apprehension and Detention
- ☒ Custody Authorization
- ☐ Other: \_\_\_\_\_

by delivering a copy to and leaving a copy with the Respondent.

Dated this first day of June, 2021

at Providence St Peter Hospital ER Olympia

Nelanda Nowelle, MSW  
Designated Mental Health Professional  
South Sound Mental Health Services  
P.O. Box 677  
Olympia WA 98507  
(360) 754-1338

CP-706

Form #2

No Notice of service. Ex parte filed @09:10AM



Case 2:21-cv-01276-RAJ-DWC Document 214 Filed 06/22/22 Page 7 of 27

SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY

IN RE THE WELFARE OF:  
**CP-714**  
Carolyn S. [REDACTED]

Filed in TCSC Case No. 20-2-02155-34  
Index #190 p. 62. as Exh. 14

COMMISSIONER: DONNA LYNN HOLT  
CLERK: JOHN D. BALES  
TAPE#: 01MT 6-1 ☒ Side 1 ☐ Side 2  
Hearing Time: Start 2:21 End 2:22  
DATE: June 1, 2001

MI ☒ MJ ☐ ALT ☐ **one-minute hearing**

Petitioner Appearing: ☒ Yes ☐ No through Attorney for Petitioner: Henny McGeary  
Present: ☒ Yes ☐ No

Respondent Appearing: ☐ Yes ☒ No Attorney for Respondent: Liz Elder  
Present: ☒ Yes ☐ No

Presence waived by counsel: ☒ Yes

THIS MATTER came on before the Court for hearing at St. Peter Hospital. 14 DAY

Witnesses duly sworn and testifying for the State: \_\_\_\_\_

**Then ineffective counsel files an Ex Parte for a 14-day waiving all my rights.**

Witnesses duly sworn and testifying for the Respondent: AFTER a seventy-two hour was signed by her then husband. csx

Counsel for the State presented/waived argument. Counsel for Respondent presented/waived argument. The Court, after reviewing the file and having heard testimony, ruled, finding the Respondent:

☒ Suffers from a mental illness identified as: Bipolar Disorder  
☒ Is gravely disabled  
☒ Is detained due to harm to ☒ self and/or ☐ others  
☐ Is detained under ☐ Prong A and/or ☐ Prong B  
☒ Is detained due to alcohol/drug addiction  
☒ Clerk to notify DOL of firearm restriction  
Other: \_\_\_\_\_

☒ Stipulated Order presented  
☐ Respondent advised of rights ☐ per counsel  
☐ Offer of Proof made  
☐ Contested hearing  
☐ Alcohol ☐ inpatient ☐ outpatient treatment scheduled at \_\_\_\_\_  
☐ Bench ☐ Jury Trial set for \_\_\_\_\_

Court entered: ☒ FINDINGS, CONCLUSIONS AND ORDER RE: ☒ 14 Day ☐ 90 Day ☐ 180 Day ☐ LRA  
☐ ORDER ON ☐ 90 Day ☐ 180 Day PRELIMINARY APPEARANCE  
☐ ORDER OF CONTINUANCE  
☐ CHANGE OF VENUE ORDERED TO \_\_\_\_\_ COUNTY  
☐ FINDINGS AND CONCLUSIONS; AND ORDER RE 60 DAY TREATMENT  
☐ OTHER: \_\_\_\_\_

County of Residence: [REDACTED]

L:\MONTGOMERY FILES FROM 4-97

Ex parte 14-day petition instantly removed firearm rights.



**NOTICE OF PROHIBITION OF FIREARM POSSESSION**

Respondent is barred from the possession of firearms.

DATED this 1<sup>st</sup> day of June, 2001

Donna Lynn Hoer  
COURT COMMISSIONER

PRESENTED BY  
Gary Burleson  
~~EDWARD G. HOLM~~  
PROSECUTING ATTORNEY

APPROVED BY:

[Signature]  
Attorney for Respondent  
WSBA # 24780  
LIZ ELDER

[Signature]  
Deputy Prosecuting Attorney  
WSBA # 4731

Respondent

**CP-721**

A groundless EX PARTE filed with a *one-minute* hearing that illegally confined her, then stripped her of all of her rights, including illegal infringed upon her Constitutional right to bear arms. No notice. No Notice of Appearance for the court appointed ineffective counsel who "Stipulated Order presented" AFTER a seventy-two hour was signed by Plaintiff's now ex-husband.

FINDINGS, CONCLUSIONS AND ORDER REGARDING  
PETITION FOR 14-DAY INVOLUNTARY TREATMENT - 6  
MCIVILGENERAL\14-DAY\PCO

EDWARD G. HOLM  
Thurston County Prosecuting Attorney  
2415 Evergreen Park Dr. S.W., Bldg. C  
Olympia, WA 98502  
(360) 754-2988 Fax (360) 754-3349

PSPH 000142

No Notice of service, causing her to be in contempt of Court.

## CONCLUSION

Based on the violations of procedural due process, no notice of service, and failure to meet the statutory prerequisites for involuntary treatment under RCW 71.05, the petitioner respectfully requests this Court vacate the unlawful involuntary commitment order. These actions violated the petitioner's constitutional rights and extend beyond individual grievances, warranting immediate judicial remedy.

This document contains 445 words, excluding the parts of the document exempted from the word count by RAP 18.17.

*I declare under penalty of perjury that the forgoing statement is made under the laws of the state of Washington, that the foregoing is true and correct, that I am over 18, and I am competent to testify to the matters set forth herein.*

Executed this 13th of June in Thurston County,  
Washington.

RESPECTFULLY SUBMITTED this 13th day of  
June 2024.

*s/ Carolyn Sioux Green*

CAROLYN SIOUX GREEN

PO Box 38097, Phoenix, Arizona 85069

(253) 588-8100, candidCarolyn@gmail.com

*Retained Counsel*

## **CERTIFICATE OF SERVICE**

I, *Carolyn Sioux Green*, state and declare as follows:  
I am over the age of 18 years and I am competent to testify to the matters set forth herein. On June 13, 2024, I served a true and correct copy of this PETITION FOR REVIEW BY APPELLANT, WITH A MOTION TO VACATE ATTACHED and this CERTIFICATE OF SERVICE on the following parties to this action, as indicated below:

Defendant's Counsel:

C/o FAVROS  
1301 A Street, Suite 900  
Tacoma, WA 98402

PDF Via COA Portal: [shelly@favros.com](mailto:shelly@favros.com),  
[amanda@favros.com](mailto:amanda@favros.com), [carrie@favros.com](mailto:carrie@favros.com), [ann@favros.com](mailto:ann@favros.com).

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

DATED this 13th day of June 2024, at Thurston County, Washington.

*s/Carolyn Sioux Green*

CAROLYN SIOUX GREEN

PO Box 38097, Phoenix, Arizona 85069

(253) 588-8100

[candidCarolyn@gmail.com](mailto:candidCarolyn@gmail.com)

# CAROLYN GREEN - FILING PRO SE

June 13, 2024 - 4:37 PM

## Filing Motion for Discretionary Review of Court of Appeals

### Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** Case Initiation  
**Appellate Court Case Title:** Carolyn Sioux Green, Appellant v. State of Washington, et al, Respondent (574292)

#### The following documents have been uploaded:

- DCA\_Motion\_Discretionary\_Rvw\_of\_COA\_20240613163438SC326227\_7599.pdf  
This File Contains:  
Motion for Discretionary Review of Court of Appeals  
*The Original File Name was CSX\_PetRevWASC\_2024JUN13.pdf*
- DCA\_Other\_20240613163438SC326227\_5118.pdf  
This File Contains:  
Other - MOTION TO VACATE, AND APPENDIX, APPENDIX  
*The Original File Name was APPX\_CSX\_2024Jun13.pdf*

#### A copy of the uploaded files will be sent to:

- Shelly@FAVROS.com
- amanda@favros.com
- ann@favros.com
- carrie@favros.com
- rocksolidlegal2004@gmail.com

#### Comments:

PETITION FOR REVIEW, WITH A MOTION TO VACATE, AND APPENDIX. 06/13/2024. csx

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Sender Name: CAROLYN GREEN - Email: CANDIDCAROLYN@GMAIL.COM

Address:

PO Box 38097

PHOENIX, AZ, 85069

Phone: (253) 588-8100

**Note: The Filing Id is 20240613163438SC326227**