

No. 71651-4-I

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

STATE OF WASHINGTON,

Respondent,

v.

BENJAMIN WILLIAM BRATTON,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

APPELLANT'S REPLY BRIEF

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DIVISION ONE

OCT 15 2014

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**Notwithstanding the State’s concession of error, this Court
should issue an opinion addressing all of the issues raised in Mr.
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A. ARGUMENT IN REPLY

Notwithstanding the State's concession of error, this Court should issue an opinion addressing all of the issues raised in Mr. Bratton's opening brief

In his opening brief, Mr. Bratton argued that the trial court's orders committing him to Western State Hospital for competency restoration, and authorizing involuntary psychotropic medication, should be reversed for two reasons: (1) the court erroneously found the State had a sufficiently important interest in forcibly medicating Mr. Bratton based solely on the crime charged without considering the circumstances of the case; and (2) the court erred in finding that no less intrusive alternative was available, where Mr. Bratton agreed to take medication and be treated in the community. See AOB at 1.

In its motion to concede error, the State agrees with Mr. Bratton that the trial court erred in "finding that there is no alternative less intrusive treatment that could receive the same results as would the administration of involuntary medications." SRB at 1-2. Thus, the State agrees that the trial court's order authorizing involuntary medication should be vacated. SRB at 1-2. The State further argues that the trial court's order committing Mr. Bratton to Western State Hospital should be modified and an evidentiary hearing should be held

because “the trial court did not make findings on whether to order inpatient restoration without an order for involuntary medication.”

SRB at 2 n.1. The State does not address Mr. Bratton’s first argument, that the trial court erroneously found that the State had a sufficiently important interest in forcibly medicating Mr. Bratton based solely on the crime charged without considering the circumstances of the case.

As discussed in the opening brief, before a trial court may authorize a criminal defendant to be forcibly medicated in order to render him competent to stand trial, the State must prove the four factors set forth by the United States Supreme Court in Sell v. United States, 539 U.S. 166, 179, 123 S. Ct. 2174, 156 L. Ed. 2d 197 (2003). The State agrees that these four factors must be proved by clear, cogent and convincing evidence. SRB at 5.

Notwithstanding the State’s concession of error regarding the issue of less intrusive alternatives, Mr. Bratton requests this Court also address his first argument, that the trial court misapplied the first Sell factor by finding that the State’s interests were sufficiently serious to justify forced medication. See AOB at 19-23. As argued in the opening brief, the Court should review this issue de novo. AOB at 17.

B. CONCLUSION

For the reasons given above and in the opening brief, the trial court's orders requiring Mr. Bratton to be involuntarily committed and forcibly medicated if necessary violated his constitutional due process rights. The orders should be reversed.

Respectfully submitted this 13th day of October, 2014.

A handwritten signature in cursive script that reads "Maureen M. Cyr".

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Attorneys for Appellant

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

STATE OF WASHINGTON,)	
)	
Respondent,)	
)	NO. 71651-4-I
v.)	
)	
BENJAMIN BRATTON,)	
)	
Appellant.)	

DECLARATION OF DOCUMENT FILING AND SERVICE

I, MARIA ANA ARRANZA RILEY, STATE THAT ON THE 13TH DAY OF OCTOBER, 2014, I CAUSED THE ORIGINAL **REPLY BRIEF OF APPELLANT** TO BE FILED IN THE **COURT OF APPEALS – DIVISION ONE** AND A TRUE COPY OF THE SAME TO BE SERVED ON THE FOLLOWING IN THE MANNER INDICATED BELOW:

<p>[X] REBECCA VASQUEZ, DPA [paoappellateunitmail@kingcounty.gov] KING COUNTY PROSECUTOR'S OFFICE APPELLATE UNIT 516 THIRD AVENUE, W-554 SEATTLE, WA 98104</p>	<p>(X) () ()</p>	<p>U.S. MAIL HAND DELIVERY E-MAIL BY AGREEMENT VIA COA PORTAL</p>
<p>[X] BENJAMIN BRATTON 12508 LAKE CITY WAY NE #410 SEATTLE, WA 98125</p>	<p>(X) () ()</p>	<p>U.S. MAIL HAND DELIVERY _____</p>

SIGNED IN SEATTLE, WASHINGTON THIS 13TH DAY OF OCTOBER, 2014.

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