

Received
Washington State Supreme Court

FEB 25 2016

Ronald R. Carpenter
Clerk

WH

IN THE SUPREME COURT OF WASHINGTON STATE

STEVEN P. KOZOL,)	
Respondent,)	No. 92190-3
)	COA No. 45601-0-II
v.)	
WASHINGTON STATE DEPT.)	RESPONDENT'S MOTION FOR
OF CORRECTIONS,)	APPOINTMENT OF COUNSEL
Petitioner.)	
_____)	

I. INTRODUCTION AND IDENTIFICATION OF MOVING PARTY

The Department of Corrections has petitioned this Court for review of the unpublished opinion of the Division II Court of Appeals which determined that Plaintiff/Appellant Steven P. Kozol was entitled to seek relief by pursuing a statutory writ of certiorari for the Department's unlawful actions in conducting a prison disciplinary infraction and wrongfully divesting Mr. Kozol of his electric guitar. This Court entered an Order on February 10, 2016, stating that upon consideration by Department II of the Court, the matter was being continued to the Court's March 3, 2016 En Banc Conference. Order (Feb. 10, 2016).

As part of its argument for this Court to accept review of this matter, the Department argued that Mr. Kozol's having prevailed on appeal, by unpublished opinion, will now somehow

have widespread effect within the Department of Corrections. Accordingly, Mr. Kozol now moves the Court to appoint counsel to represent him before this Court.

II. STATEMENT OF RELIEF SOUGHT

Steven P. Kozol respectfully moves the Court for appointment of counsel to represent him in this matter before the Court. This motion is made pursuant to RAP 1.2(a), RAP 7.3, and RAP 8.3.

III. RECORD RELEVANT TO MOTION

The record relevant to this motion is the Petition for Review filed by Petitioner Department of Corrections, and Respondent Steven P. Kozol's Response Brief to Petition for Review.

IV. GROUNDS FOR RELIEF SOUGHT

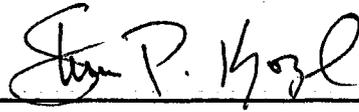
This Court is currently considering whether to accept review of the decision from the Court of Appeals that held a prison inmate can seek a statutory writ of certiorari to challenge wrongful and unlawful state action of denying an inmate from presenting evidence on his behalf during a prison infraction hearing, when he had no other available adequate remedy.

In its Petition for Review the Department has urged the Court to believe that this is a watershed decision that will open a "flood" of inmate litigants using the extremely esoteric certiorari procedure to challenge prison infractions. If the Department is correct, then this issue is of significant legal

importance, as the Department of Corrections currently houses approximately 17,000 inmates, all of whose rights under this issue will be at stake.

Due to the potentially broad ramifications of a ruling on this issue by the Court, it is therefore imperative that there be strong advocacy in opposition of the Department's Petition, so the rights of all potentially affected inmates, both present and future, will be fairly and adequately represented. Mr. Kozol is not equipped to be able to provide such effective advocacy in this case. The Department recently retained additional counsel to litigate its Petition before this Court, and is now represented by Assistant Attorneys General Jay D. Geck and John C. Dittman. Conversely, Mr. Kozol is a prison inmate with an 80's era typewriter, who is completely self-taught in the law, has limited access to legal research materials, and cannot afford to hire an attorney to represent him in this matter. Exhibit 1. As such, it is appropriate for the Court, should it accept review of this case, to appoint two attorneys to represent Mr. Kozol before the Court. This will likely be essential to the Court's determination, as Mr. Kozol is unable to appear for oral arguments, and such argument will undoubtedly be necessary to best inform the Court in making its decision. Therefore, Mr. Kozol respectfully moves the Court to appoint him two attorneys to match the Department's advocacy.

RESPECTFULLY submitted this 21st day of February, 2016.



STEVEN P. KOZOL, DOC# 974691
Stafford Creek Corr. Cntr.
191 Constantine Way
Aberdeen, WA 98520
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EXHIBIT 1

IN THE SUPREME COURT OF WASHINGTON STATE

STEVEN P. KOZOL,)
Respondent,) No. 92190-3
) COA No. 45601-0-II
v.)
WASHINGTON STATE DEPT.) DECLARATION OF STEVEN KOZOL
OF CORRECTIONS,)
Petitioner.)
_____)

I, STEVEN P. KOZOL, upon oath, depose and declare:

1. I am the plaintiff in this above captioned action, am over the age of 18 years, and am competent to testify to the following facts upon my own first-hand knowledge.

2. I am completely self-taught in the law, and only have a superficial understanding of the legal issues in this case. I was at one time represented by attorney Michael C. Kahrs, but could no longer afford his representation, and I have proceeded pro per in this case.

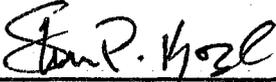
3. I am an inmate housed at the Stafford Creek Corrections Center. I am currently wrongfully imprisoned for the crimes of attempted murder and burglary, and the person who actually committed these crimes has confessed to the King County Prosecuting Attorney's Office. I currently have Seattle attorneys Lenell Nussbaum and Neil M. Fox preparing to file a CrR 7.8 motion to seek my exoneration and finding of factual innocence. I was

only able to hire these attorneys because of the kindness of strangers who donated money to my website, www.FreeSteveKozol.com, but significant additional money is still required before the CrR 7.8 motion can be filed.

4. The prison law library at the Stafford Creek Corrections Center recently removed a significant amount of legal research material, rendering the available research resources significantly diminished. Specifically, the Attorney General's Office directed the prison to remove all of the civil litigation resource materials, such as each volume of the Washington Practice books; it was only because of my former use of the Washington Practice materials that I was able to argue the issue I prevailed upon in the Court of Appeals in this case. I no longer have access to these essential materials.

5. I am currently unable to afford to hire an attorney to represent me in this matter before the Court. I believe it will be essential for these issues to be afforded oral argument so as to best inform the Court in reaching any decision should review be accepted of the unpublished opinion below.

I swear under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.



STEVEN P. KOZOL

DECLARATION OF SERVICE BY MAIL
GR 3.1

I, STEVEN P. KOZOL, declare and say:

That on the 22nd day of February, 2016, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. 92190-3:

Respondent's Motion for Appointment of Counsel;

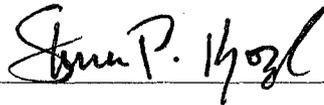
addressed to the following:

Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

John C. Dittman, AAG
Jay D. Geck, AAG
Attorney General's Office
P.O. Box 40100
Olympia, WA 98504

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

DATED THIS 22nd day of February, 2016, in the City of Aberdeen, County of Grays Harbor, State of Washington.



Signature

STEVEN P. KOZOL

Print Name

DOC 974691 UNIT H6-A86
STAFFORD CREEK CORRECTIONS CENTER
191 CONSTANTINE WAY
ABERDEEN WA 98520