The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929

(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J_C.JOHNSON@COURTS.WA.GOV

March 23, 2018

Bob Ferguson
Washington State Attorney General
PO Box 40100
Olympia, WA 98504-0100

Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

Tom McBride, Executive Secretary
Washington Association of
Prosecuting Attorneys
206 10th Avenue SE
Olympia, WA 98501

Teresa Mathis, Executive Director
Washington Association of Criminal
Defense Lawyers
1511 Third Ave, Suite 503
Seattle, WA 98101

Maggie Sweeney, Executive Director
Washington Defense Trial Lawyers
701 Pike Street, Suite 1400
Seattle, WA 98101

Christie Hedman, Executive Director
Washington Defender Association
110 Prefontaine Place S, Suite 610
Seattle, WA 98104

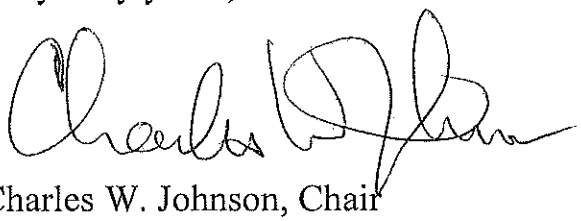
Dear Attorney General and Association Directors:

I am writing as chair of the Washington State Supreme Court's Rules Committee. The Rules Committee has received proposed amendments to Superior Court Criminal Rule (CrR) 4.1—Arraignment, which the proponent claims are necessary to avoid conflict with established constitutional principles and other court rules, such as CrR 3.3.

The Supreme Court Rules Committee is in the process of reviewing the proposed amendments to CrR 4.1 and would like input from various stakeholders on these proposed changes. I am enclosing a copy of the GR 9 cover sheet, the proposed amendment, and other supporting documentation received.

We appreciate your expertise and thank you in advance for your help in the rulemaking process. If possible, please provide your comments by June 1, 2018.

Very truly yours,



Charles W. Johnson, Chair
Supreme Court Rules Committee

Enclosures

SUPREME COURT

OF THE STATE OF WASHINGTON

GENERAL RULE 9 SUPREME COURT RULEMAKING

(A)(B) STEPHEN P. DOWDNEY JR. #971036
Proponent/Spokesperson
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen,Wa,98520

(C) The current version of CrR 4.1 necessitates amendment as it conflicts with established constitutional principals as well as other court rules (CrR 3.3).

(D) A public hearing should only be conducted upon order of the court.

(E) Expedited consideration should be applied as the current rule is allowing for individuals held to answer for a crime to remain separated from liberty without consideration for time for trial and for disparate periods compared to similarly situated persons.

Table of Authority

Table of Authority (Cont.)

PROPOSED AMENDMENTS

4. PROCEDURES PRIOR TO TRIAL

RULE 4.1 ARRAIGNMENT

(a) Time.
(1) Defendant Detained in Jail. The ~~defendant shall be arraigned not later than 14 days after the date the information or indictment is filed in the adult division of the superior court,~~ defendants arraignment in the adult division of the superior court after an information or indictment has been filed shall not be later than 14 days after defendant was detained in jail for the pending charge for purposes of commencement date for CrR 3.3(b)(1)(i), if the defendant is (i) detained in the jail of the county where the charges are pending or (ii) subject to conditions of release imposed in connection with the same charges.

(2) Defendant Not Detained in Jail. The defendant shall be arraigned not later than 14 days after that appearance which next follows the filing of the information or indictment, if the defendant is not detained in that jail or subject to such conditions of release. Any delay in bringing the defendant before the court shall not effect the allowable time for arraignment, regardless of the reason for that delay. For purposes of this rule, "appearance" has the meaning defined in Crr 3.3(a)(3)(iii).

(b) Objection to Arraignment Date--Loss of Right to Object. A party who objects to the date of arraignment on the ground that it is not within the time limits prescribed by this rule must state the objection to the court at the time of the arraignment. If the court rules that the objection is correct, it shall establish and announce the proper date of arraignment. that date shall constitute the arraignment date for purposes of CrR 3.3. a party who fails to object as required shall lose the right to object, and

the arraignment date shall be conclusively established as the date upon which the defendant was actually arraigned.

(c) Counsel. If the defendant appears without counsel, the court shall inform the defendant of his or her right to have counsel before being arraigned. The court shall inquire if the defendant has counsel. If the defendant is not represented and is unable to obtain counsel, counsel shall be assigned by the court, unless otherwise provided.

(d) Waiver of Counsel. If the defendant chooses to proceed without counsel, the court shall ascertain whether this waiver is made voluntarily, competently and with knowledge of the consequences. If the court finds the waiver valid, an appropriate finding shall be entered in the minutes. Unless the waiver is valid, the court shall not proceed with the arraignment until counsel is provided. waiver of counsel at arraignment shall preclude the defendant from claiming the right to counsel in subsequent proceedings in the cause, and the defendant shall be so informed. If such claim for counsel is not timely, the court shall appoint counsel but may deny or limit a continuance.

(e) Name. Defendant shall be asked his or her true name . If the defendant alleges that the true name is one other than that by which he or she is charged, it must be entered in the minutes of the court, and subsequent proceedings shall be had by that name or other names relevant to the proceedings.

(f) Reading. The indictment or information shall be read to the defendant, unless the reading is waived, and a copy shall be given to defendant.

Although linked, CrRLJ 4.1 does not apparently seem to need amending in proponents considerations.

DISCUSSION

The current version of CrR 4.1 allows for individuals initially filed on in district court for prescribed conduct to ultimately be filed on in superior court for that same conduct previously held to answer for, without consideration for time for trial.

Warrantless Arrest

An individual detained in jail on a warrantless arrest under CrR/CrRLJ 3.2.1. must be formally charged within 72 hours. CrR/CrRLJ 3.2.1(f).

Under CrR 3.2.1(f) an individual filed on directly in superior court by information or indictment within 72 hours will be arraigned within 14 days CrR 4.1(a). A rule based time for trial will take place within 60 days. CrR 3.3(b)(1)

An individual filed on in district court under CrRLJ 3.2.1(g) by a "felony complaint" within 72 hours may be held for 30 days in district court. CrRLJ 3.2.1(g)(2). An information then may be filed in superior court. An arraignment will then take place within 14 days per CrR 4.1(a). Thus an arraignment in superior court will be within 44 days of being held to answer. A 60 day rule based time for trial will then occur per CrR 3.3(b)(1).

From the time an individual is held to answer in superior court per CrR 3.2.1(f) a time for trial will take place in 74 days, an individual held to answer in district court for the same conduct will have a time for trial period of 104 days.

Procedural History

Prior to the 1980 amendments to the time for trial rule(s) there were issues with providing a prompt trial for defendants once a prosecution had been initiated. see State v Striker, 87 wn2d 870;557 p2d 847(1976);State v. Edwards, 94 Wn2d 208;616 p2d 620(1980).

The 1980 amendments seem to cure, at least the issue of abusing the "felony complaint" district court filing procedure, as the time spent in district court was calculated into the time for trial period. see former CrR 3.3 and the dissent of James, J. in State v Kray, 31 Wn.App.388,390-92;641 p2d 1210(1982).

Where he states:

"'The judicial Council's 1979 proposed amendments to CrR 3.3 will remedy this problem. The starting point for the time for trial period is the arraignment in superior court. Arraignment must occur by a certain date. In addition time spent in district court proceedings will be included in the time for trial period. This should limit the use of district court proceedings to delay the time for trial period. Washington State Judicial Council, Twenty Eighth Annual Report at 46-47(1979)."

Also see State v Hardesty, 149 Wn2d 230,235;66 p3d 621(2003) where this court states:

"'"If the state files a complaint and holds the defendant on the charge or subjects him to conditions of release, he will suffer a loss of liberty due directly to the current charge, thus, justice and fairness require that time elapsed in district court commence with the filing of the complaint and that this time be included in calculating the time for trial."

In 2003 the time for trial rules were amended again. CrR/CrRLJ 3.3 & 4.1. At least the amendments to CrR 3.3 & 4.1 either allow for individuals to be held to answer and detained in jail prior to the filing of an information in superior court without consideration for time for trial or stand facially vague, to where a person of ordinary intelligence may have trouble understanding what is prescibed or lacks standards sufficiently specific to prevent arbitrary enforcement.

Related Rules /Harmonizing all Provisions

CrR 3.3 has many provisions that relate directly to CrR 4.1.

CrR 3.3(a)(3) Definitions.

(i) "pending charge" means the charge for which the allowable time for trial is being computed.

According to CrR 3.3 "pending charge" does not specify a charge filed in superior court by information.

(ii) "related charge" means a charge based on the same conduct as the pending charge that is ultimately filed in superior court.
CrR 3.3(a)(5) Related Charges. The computation of the allowable time for trial of a pending charge shall apply equally to all related charges.

According to CrR 3.3 "related charges" and "pending charges" are to be calculated equally.

CrR 3.3(a)3(iv) "arraignment" means the date determined under CrR 4.1(b).

CrR 4.1(b) is the date of the true commencement date, reflecting the start time per CrR 3.3 after an objection is raised at the physical arraignment in superior court. (also see CrR 3.3(c)(1))

CrR 3.3(a)3(v) "detained in jail" means held in custody of a correctional facility pursuant the pending charge and that only "unrelated charges" are excluded from the time for trial period.

(note) there are instances in which periods of "related charges" are excluded CrR 3.3 (e)(4)(5).

Generally CrR 3.3 specifies a time for trial period from when an individual is held to answer for conduct even if ultimately prosecuted in superior court.

Vagueness

Is the current version of CrR 4.1 merely vague ?

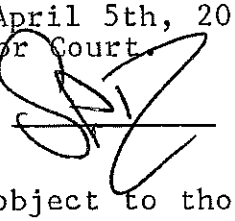
Facially, CrR 4.1(a) only specifies an end point to when an arraignment may occur and does not delineate an arraignment only after an information has been filed.

Indeed, CrR 4.1 subjects an arraignment date to objection under CrR 4.1(b) for purposes of CrR 3.3. allowing for adjustment.

However, CrR 4.1 is construed to mean an arraignment may only occur after an information has been filed in superior court.

The following is an excerpt from the verbatim reports of State v. Dowdney, COA 75416-5-I(1 RP 19)

I declare under penalty of perjury of the laws of Washington State the following is a true and correct reproduction in relevant part of the April 5th, 2016 arraignment in Snohomish County Superior Court.



THE DEFENDANT: I'm actually going to object to those dates.

THE COURT: What's the objection?

THE DEFENDANT: Well, we're 21 days past filing today.

THE COURT: Right.

THE DEFENDANT: So I'm objecting to the arraignment date because I believe today is the only day I can object to it, if I'm not mistaken.

And also I have, with the court's indulgence, I actually have another issue that I'd like to raise.

THE COURT: What's that?

THE DEFENDANT: I actually believe that the expiration date should be -- the expiration date should be May 13th. The commencement date should be March 15th, the day of filing.

THE COURT: Mr. Dowdney, your case was filed April 1st.

THE DEFENDANT: It was actually filed --well-- yea, from the filing from district court. This was filed in district court.

And this brings me to another issue. At my PC hearing in front of Judge Bui I objected to my case being filed in district court. I filed actually a motion that was timely filed and properly before the court, but it was promptly ignored, to be at that dismissal date. So it wasn't -- I wasn't brought to that hearing. I filed a motion to docket. Filed the motion. I have a service of mailing, and --

THE COURT: You filed in what --

THE DEFENDANT: I'm sorry, Your Honor?

THE COURT: You filed in what court, sir?

THE DEFENDANT: District court.
THE COURT: The case is in superior court now.
THE DEFENDANT: I understand that, Your Honor. I understand that. But I didn't file the case in district court. I mean, the State filed in district court. So due to that, somewhere along the line now we're past the 14-day which -- and that kind of brings me to why I want my commencement date to start on the day of filing because that coincides with -- it would be Criminal Court Rule 3.2.1.(f)(1) where I'm charged within 72 hours if filed in district court, and so that's what I want.

According to Washington Supreme Court and all the divisional courts, they continuously said that the United States Constitutional Amendment 6, and the Washington Article I, Section 22, basically are the same. The Washington Supreme Court has said --

THE COURT: Wait. Stop. Your getting way ahead of yourself.

what's the State's position with regard to the commencement date for the 60 day rule?

MS. YAHYAVI: Your Honor, the State's position is the commencement date is today, the date of arraignment.

THE COURT: Even if it was filed in district court?

MS. YAHYAVI: Well, I haven't done any research. I'm happy --

THE COURT: I'm asking you specifically right here, right now, I'm going to take a break, you need to take a look at the rule now. I'll be back out in a few minutes. The defendant needs to be maintained in the court room over there. We're in recess.

(Recess taken)

THE COURT: Ms Yahyavi, have you reviewed Criminal Rule 3.3?

MS. YAHYAVI: I have Your Honor. Can I go ahead and answer?

THE COURT: Sure.

MS. YAHYAVI: Under Criminal Rule 3.3, time for trial , (c), the initial commencement date. (1) The initial commencement date shall be the date of arraignment as determined under Criminal Rule 4.1.

Criminal Rule 4.1 states: The defendant detained in jail. The defendant shall be arraigned not later than 14 days after the date the information or indictment is filed in the adult division of the superior court. This information was filed April 1st.

THE COURT: All right. Mr. Dowdney, is there some

theory under which that's not a correct reading of the rule?

THE DEFENDANT: I'm sorry?

THE COURT: is there some theory under which that is not a correct reading of the rule?

THE DEFENDANT: She read directly from the rule. I'm reading myself. She read it directly from the rule.

THE COURT: All right. Well, today is your arraignment date. It was properly set. 4.2 requires that you be arraigned within 14 days of the day charges were filed. And so today is the arraignment date. Today is the commencement date.

MS YAHYAVI: Your Honor, I just want to clarify, it's 4.1.

THE COURT: I'm sorry, 4.1. I misspoke. It's 4.1.

THE DEFENDANT: Defense objects.

This, first of many disputes over the commencement date and misuse of the district court filing process, clearly shows competing interpretations of how the rule applies to time one has spent held on same charge in district court that

that is ultimately filed in superior court.

The filing of a "felony complaint" in district under CrR 3.2.1.(g) or a "criminal complaint" under CrR 3.2.1.(f) that is eventually amended up to a felony and charged by information in superior court are either "pending charges" or "related charges". Either way an individual has been held to answer in a state court, by the same prosecuting authority. Superior court has jurisdiction over both courts see RCW 2.08.010, and Article 4 § 6. also see State v Harris, 130 Wn2d 35,42;921 p2d 1052(1996).

It bears noting that although State v George, 160 Wn2d 727;158 p3d 1169(2007) states in uncertain terms that time spent in district court is no longer deducted from the superior court calculation, George was originally charged in "municipal" court and thus seperate under Harris.

Held to Answer

"The standard indicates that if at the time of the filing of a charge a defendant is being held to answer --- whether in custody, or on bail or recognizanced for the same crime or a crime based on the same conduct or arising from the same episode; then the time begins running as of the date the charge is filed, charge means a written statement with the court which accuses a person of an offense and which is sufficient to support a prosecution; it may be an indictment, information, complaint or affidavit, depending upon the circumstances and the law of the particular jurisdiction" State v Striker, 87 Wn2d at 877. (also see progeny)

United States v Marion, 404 US 307,30 L.Ed.2d 486,487,92 S.Ct. 455(1971) at 321 states:

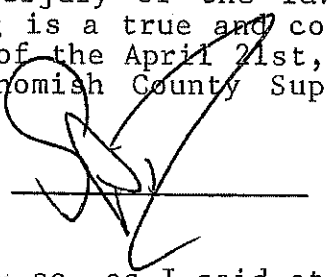
"Under ABA standards, after a defendant is charged it is contemplated that his right to speedy trial would be measured by a statutory time period excluding necessary and other justifiable delays; There is no necessity to allege or show prejudice to the defense. Rule 2.1 ibid"

The term "HELD TO ANSWER" is presumed not to have been merely drawn out of a hat, indeed, it has its roots dating back to The Great Charter, Magna Carta, Lord Coke and Blackstone speak of it, as well as our Founding Fathers:

> "No person shall be held to answer for a capitol, or otherwise infamous crime, unless on a presentment.." Amendment 5 US Const.

The following is an excerpt from the verbatim reports of State v. Dowdney, COA 75416-5-I (2 RP 14-15).

I declare under penalty of perjury of the laws of Washington State the following is a true and correct reproduction in relevant part of the April 21st, 2016 CrR 3.3(d)(3) hearing in Snohomish County Superior Court.



MR. DOWDNEY: .....However -- so, as I said at the beginning, Your Honor, dealing kind of with the 3.3(d)3, and I think it's fairly clear that you are not held to answer. You haven't been held to answer. I haven't been held to answer before my arraignment.

So -- and clearly the only reason ---

THE COURT: This phrase you keep using, held to answer.

MR DOWDNEY: That's correct.

THE COURT: Where is that in the rule?

MR DOWDNEY: So basically it says being held to answer, and it's discussed in phelps (phonetic

spelling). It's discussed in, I believe Greenwood, and it's U.S. vs -- (Loudhawk)

MR DOWDNEY: And I have it there. It says the defendant was never served an arrest warrant, issued conditions of release. And the defendant and the charges were never simultaneously before the court that's triggering speedy trial rights. Because your speedy trial rights actually trigger --

THE COURT: I'm going to ask you to stop at this point.

" What counts as a commitment to prosecute is an issue of Federal Law unaffected by allocations of power among state officials under a state's law...and under the federal standard, an accusation filed with a judicial officer is sufficiently formal and the government's commitment to prosecute it sufficiently concrete, when an accusation prompts arraignment and restrictions on the accused liberty facilitate the prosecution ...from that point on, the defendant is "faced with the prosecutorial forces of organized society, and immersed in the intricacies of substantive and procedural criminal law."

" [I]t would defy common sense to say that a criminal prosecution has not commenced against a defendant who, perhaps incarcerated and unable to afford Judicially imposed bail, awaits preliminary examination on the authority of a charging document filed by the prosecutor, less typically by the police and approved by a court of law."

Rothgery v. Gillespie County, 554 US 191,207,208,233, 128 S.Ct. 2578, 171 L.Ed. 2d 366, (2008) US lexis 5057.

CONCLUSION

The current version of CrR 4.1 allows for individuals to sit jail for up to 44 days without any formal process.

In the case of Snohomish County, whom utilizes the district court "preliminary hearing" or preliminary examination procedures and files most if not all warrantless arrests in district court, either CrR 4.1 is being misunderstood or wantonly abused.

In Snohomish County, upon a warrantless "felony arrest" 99.999% are filed in district court as "criminal complaints". One is not present in court pursuant this "filing" ever. One is not formally served this complaint, formally read this complaint in court.

This stands contrary to Article 1 § 22 Wash. Const., Amendment 6 US. Const.,CrRLJ 4.1(f).

CrR 4.1, currently allows Snohomish County to operate under the assumption that one does not have to be "held to answer" as prescribed by the 5th amendment to the US Const. by a "presentment".

In Washington State, a presentment or grand jury indictment has been replaced by an "information" Article 1 § 25 also see RCW 10.37.015 (one will not be held to answer unless by information).

Amending CrR 4.1 to reflect the total time an individual has been removed from liberty, at least equally to those initially charged in superior court, would deter the state from delaying arraignment to gain tactical advantage.

(although irrelevant to proposal, it should be noted that Snohomish County never has any intentions of holding a "preliminary hearing" per CrRLJ 3.2.1(g)(1).) see exhibit 1 & 2, 4.1 allows for this.

CrR 4.1 should also be amended as individulals filed on initially in district court

would receive time for trial periods equal to those initially filed on in superior court in application of equal protection. see Article 1 § 12 as a time for trial under CrR 3.3 seems to be "fundamental".also see Amendment 14 US Const.

Proponent believes in Washington State the right to be held to answer and to be treated equally are Fundamental Principals essential to the security of individual rights Article 1 § 32 Wash. Const.

And Respectfully asks this court to review the validity and constitutionality of CrR 4.1. for a time for trial period under 3.3 protects a constitutional right to speedy trial, is fundamental and needs to be protected by rules that reflect as much.

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

Respectfully Submitted this 6 day of Febuary, 2018.

Signed in Aberdeen, Wa, 98520,

Stephen P. Dowdney Jr.
971036
Stafford Creek Corr. Cent.
191 Constantine Way
Aberdeen, Wa, 98520
4jhd

EXHIBIT 1

Snohomish County

District Court
Everett Division

Roger M. Fisher, *Judge*
Tam Bui, *Judge*

M/S #508
3000 Rockefeller Ave.
Everett, WA 98201-4046

(425) 388-3331
FAX (425) 388-3565

SNOHOMISH COUNTY DISTRICT COURT
FELONY COMPLAINT
INFORMATION SHEET

The Snohomish County Prosecutor's Office has filed a complaint with the Everett Division of the Snohomish County District Court charging you with a felony. A copy of this felony complaint has been provided to you.

A District Court Judge has previously reviewed the facts and circumstances related to your arrest and found that probable cause exists to support your current detention.

YOU WILL NOT BE REQUIRED TO APPEAR BEFORE THE DISTRICT COURT UNTIL FURTHER ACTION IN YOUR CASE IS NECESSARY.

You will be held in custody on the felony complaint until it is dismissed at 5:00 PM on the felony dismissal date noted on the complaint. The following actions may result in an earlier or a later release date:

1) You and the prosecutor negotiate a guilty plea to a lesser charge;
2) The prosecutor requests that the District Court case be dismissed, but files the charge in Superior Court with another bail request.
3) You and the prosecutor agree to an extension of the felony dismissal date.

You may choose to negotiate with the Prosecutor or you may wait and see if the Prosecutor will file your case in Superior Court. Unless you have hired private counsel, the Snohomish County Office of Public Defense will contact you to determine if you want to negotiate with the Prosecutor.

If you decide to accept the Prosecutor's offer, you will appear in District Court to enter a plea of guilty. These calendars are held every Monday through Friday (except on Holidays) @ 1:00 PM.

If you decide you do not want to take the Prosecutor's offer, contact your attorney to inform the Prosecutor of your decision. If your case is filed in Superior Court, you will be scheduled to appear in Superior Court to be formally arraigned on the charge and to receive notice on how to have a public defender represent you.

EXHIBIT 2

Snohomish County Public Defender Association
2722 Colby Avenue, Suite 200 • Everett, WA 98201-3527
Phone: 425-339-6300 • Fax: 425-339-6363 • www.snocopda.org

PROBABLE CAUSE HEARING

The State of Washington is holding you in jail and a Judge will determine today whether there is Probable Cause (PC) to continue holding you. This can be a very frustrating stage in the process. The information contained in this handout will help you understand the process. Please read it carefully.

You are not CHARGED with a crime at this point, and a Judge's finding of PC does not mean that the Prosecutor will charge or convict you of this/these crime(s). It only means that there is a reasonable belief that you may have committed one or more felonies. The law allows the Prosecutor to hold you in jail for **72 hours** (not counting holidays or weekends) upon a finding of PC to give them time to decide: (1) if any charges will be filed against you, (2) what charges to file against you, and (3) in which court to file the charges. If the Prosecutor fails to file charges within 72 hours, you will be released on this hold.

IF CHARGES ARE FILED IN DISTRICT COURT

If your felony charges are filed in District Court, you will not have an arraignment hearing; you will simply receive paperwork indicating a deadline for the prosecutor to file in Superior Court. This deadline is called a Felony Dismissal Date (FDD). The FDD will be set two Fridays from the date of filing at 5:00pm (between 14 and 18 days, depending on the day of the week charges are filed). Your FDD is NOT a court date, but simply a deadline for the Prosecutor. The Prosecutor will have until the FDD to decide (1) whether the felony charges will be transferred to Superior Court for prosecution or (2) whether they will offer you a plea bargain for one or more misdemeanors. If the Prosecutor does not file charges in Superior Court and they do not offer you a plea bargain to one or more misdemeanors by the FDD, you will be released on this hold. However, this does not mean that charges will never be filed against you—the Prosecutor has time allowed by the statute of limitations, a minimum of 3 years, to file charges against you.

IF CHARGES ARE FILED IN SUPERIOR COURT

If the Prosecutor files felony charges in Superior Court, you will have an arraignment hearing where you will hear the charge(s) against you and have another opportunity to argue bail. If you qualify for a public defender, you will have an attorney assigned after the Prosecutor files in Superior Court.

RELEASE

If you are released on your personal recognizance, or if you post bail, you must keep your address updated with the Court & Prosecutor. If the Prosecutor decides to file charges, you will

THE SUPREME COURT

STATE OF WASHINGTON

DECLARATION OF SERVICE
BY MAILING GR 3.1(c)

I, Stephen P. Dowdney Jr., Proponent, in accordance with General Rule 3.1(c), do hereby declare that I have served the following documents:

Brief in accordance with General Rule 9 Rulemaking.

To the following parties:

Susan L. Carlson, Supreme Court Clerk
Temple of Justice
PO Box 40929
Olympia, Wa, 98504-0929

(E-Mail/Electronic Filing unavailable)

I deposited the aforementioned document in the U.S. Postal Service by of process LEGAL MAIL through an officers station at Stafford Creek Corrections Center, 191 Constantine Way, Aberdeen, Wa, 98520.

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

Signed in Aberdeen, Wa, this 6 day of February, 2018.

Stephen P. Dowdney Jr.
971036
Stafford Creek Corr. Cent.
191 Constantine Way
Aberdeen,Wa, 98520

Cc: Dowdney file.