NO. 102942-0

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

JASPER NELSON,

Petitioner.

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

The Honorable Patrick Monasmith, Judge

SUPPLEMENTAL BRIEF OF PETITIONER

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A. ISSUE PRESENTED

Does suspicionless urinalysis (UA) and breath analysis (BA) testing impermissibly disturb the private affairs of an individual on community custody, in violation of article I, section 7 of the Washington Constitution, where alcohol and drugs played no role in that individual's offense?

B. STATEMENT OF THE CASE

Jasper Nelson has been diagnosed with developmental delay, intellectual disability, and ADHD. CP 54; RP 80. In April of 2021, he pleaded guilty to three counts of third degree child rape, one count of communication with a minor for immoral purposes, and one count of second degree child molestation. CP 23-24; RP 8. Jasper admitted to having intercourse with 12-year-old A.J. and inappropriate contact with 12-year-old J.W. CP 49-50. Although Jasper had just turned 19 around the time of the offenses, the parties agreed his "mental age" was only 12 or 13, "the same age as these girls." CP 47; RP 14, 22. In exchange

for Jasper's plea, the prosecution recommended a special sex offender sentencing alternative (SSOSA). CP 102.

Jasper agreed the trial court could review the probable cause statements to find a factual basis for the plea. CP 35. Those statements did not reveal any indication that drugs or alcohol played a role in Jasper's offenses. CP 5-8, CP 19. In his presentence investigation (PSI), Jasper reported never having tried alcohol, cannabis, or non-prescribed drugs. CP 53.

At sentencing, the trial court noted, "Well, I observed there was no indication of drugs or alcohol in your life, which is something of a surprise, frankly, but thankfully that hasn't been part of the mix for you." RP 27. The court instead found Jasper's conducted stemmed from "a lack of impulse control," expressing, "this is more like a 14 year old responding hormonally, and yet having access to the Internet and a world of potential victims." RP 30.

The trial court granted the request for a SSOSA. RP 31. The court imposed 87 months of confinement, the low end of the

standard range on the most serious offense, second degree child molestation (Count 5). CP 61-62. The court suspended the confinement term in lieu of 10 months in jail, followed by community supervision and five years of sex offender treatment. CP 62-63. The court ordered 36 months of community custody on Count 5 in the event Jasper's SSOSA was revoked. CP 65.

The trial court imposed numerous community custody conditions, including crime-related prohibitions restricting Jasper's access to the internet and social media. CP 64-65, 73-74. The court also ordered Jasper not to (1) consume controlled substances except pursuant to lawfully issued prescriptions (Condition 3); (2) possess or consume alcohol (Condition 12); and (3) use or possess cannabis or other products containing THC without valid authorization (Condition 19). CP 73.

The court imposed several other conditions related to drugs and alcohol, like ordering Jasper not to enter bars, taverns, or lounges (Condition 17); not to enter "drug locations" (Condition 18); and not to use or possess drug paraphernalia

(Condition 22). CP 73. The court also imposed two monitoring conditions: "(13) Submit to breathalyzer testing or any other testing to ensure no alcohol consumption." CP 73. And "(27) Submit to urinalysis testing or other testing to ensure drug-free status." CP 74.

A little over a year later, the trial court revoked Jasper's SSOSA based on six stipulated violations, which included accessing the internet and social media, accessing sexually explicit materials, and failing to keep his treatment provider apprised of his sexual activities. CP 85-87, 139-40, 145-46. The court reinstated Jasper's original 87-month prison term and 36-month community custody term. RP 90; CP 86.

The court of appeals affirmed Jasper's SSOSA revocation. State v. Nelson, No. 39110-8-III, 2024 WL 564570, at *5 (Feb. 13, 2024). However, the court of appeals ordered Jasper's 36-month community custody term to be reduced by three months because it exceeded the statutory maximum. Id.

The court of appeals also agreed with Jasper that several of the drug- and alcohol-related conditions needed to be stricken as not crime related. Id. at *7-*10. The court recognized there was "no evidence" drugs or alcohol played a role in Jasper's offenses. Id. at *7, *8, *10. For instance, the court of appeals emphasized Jasper's PSI "notes that he reported having never tried alcohol" and "[t]he sentencing court itself noted that alcohol was not a part of Mr. Nelson's life." Id. at *7.

The court of appeals nevertheless rejected Jasper's constitutional challenge to the UA/BA conditions (Conditions 13 and 27). Id. at *11. The court of appeals noted the trial court's statutory authority to prohibit Jasper's use of drugs and alcohol even if they did not contribute to his offenses. Id. Citing State v. Olsen, 189 Wn.2d 118, 399 P.3d 1141 (2017), the court of appeals held, "[b]ecause the court had authority to impose those prohibitions, it was also permitted to impose conditions to monitor compliance with the prohibitions." Nelson, 2024 WL 564570, at *11. The court of appeals did not address whether the

conditions in Jasper's case were narrowly tailored to achieve a compelling state interest. See id. The court of appeals therefore affirmed Conditions 13 and 27. Id.

C. ARGUMENT

Trial courts have statutory authority to prohibit use of alcohol and nonprescribed drugs for individuals on community custody, regardless of crime relatedness. However, that does not answer the question of whether suspicionless monitoring conditions unrelated to the crime of conviction are constitutional under article I, section 7. Individuals on community custody retain a privacy interest in their bodily fluids and bodily functions, including their urine and breath. Random UA/BA conditions for such individuals must therefore be narrowly tailored to achieve a compelling state interest. That standard is not met, where drugs and alcohol played no role in the individual's offense, like in Jasper's case.

1. A trial court's statutory authority to prohibit drugs and alcohol does not mean suspicionless monitoring conditions are constitutional.

There are four categories of community custody conditions: mandatory, waivable, discretionary, and special conditions. RCW 9.94A.703. A waivable condition is one the trial court "shall order" unless waived. RCW 9.94A.703(2). A discretionary condition is one the trial court "may order." RCW 9.94A.703(3). Mandatory and special conditions are not at issue here.

One waivable condition is: "Refrain from possessing or consuming controlled substances except pursuant to lawfully issued prescriptions." RCW 9.94A.703(2)(c). One discretionary condition is: "Refrain from possessing or consuming alcohol." RCW 9.94A.703(3)(e). These two provisions give trial courts authority to prohibit alcohol and nonprescribed drugs in all cases with community custody, even if they are not crime related.[1]

[1] "'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of

State v. Jones, 118 Wn. App. 199, 206-07, 76 P.3d 258 (2003). Jasper therefore does not challenge the three conditions prohibiting controlled substances (Condition 3), alcohol (Condition 12), and cannabis (Condition 19). CP 73.

However, other drug and alcohol conditions must still be crime related. Jones, 118 Wn. App. at 208; State v. Munoz-Rivera, 190 Wn. App. 870, 892-93, 361 P.3d 182 (2015). This is because the trial court otherwise may order the individual only to "[c]omply with any crime-related prohibitions" or "perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community." RCW 9.94A.703(3)(d), (f). Consequently, the court of appeals in Jasper's case ordered multiple drug- and alcohol-related conditions to be stricken because there was no

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the crime for which the offender has been convicted." RCW 9.94A.030(10). "The prohibited conduct need not be identical to the crime of conviction, but there must be 'some basis for the connection.'" State v. Nguyen, 191 Wn.2d 671, 684, 425 P.3d 847 (2018) (quoting State v. Irwin, 191 Wn. App. 644, 657, 364 P.3d 830 (2015)).

evidence that either played any role in his offenses. Nelson, 2024 WL 564570, at *7-*10.

Yet the court of appeals did not apply the same reasoning to the drug and alcohol monitoring conditions. The court instead concluded those "conditions are valid because they are imposed to monitor compliance with valid probation conditions." Id. at *11. RCW 9.94A.030(10) provides "affirmative acts necessary to monitor compliance with the order of a court may be required by the department." It is unclear whether such affirmative acts must also "reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community," as required by RCW 9.94A.703(3)(d).

In Riles, this Court upheld the trial court's statutory authority to order polygraph testing to monitor compliance with community placement conditions. State v. Riles, 135 Wn.2d 326, 342, 957 P.2d 655 (1998), overruled on other grounds by State v. Sanchez Valencia, 169 Wn.2d 782, 239 P.3d 1059 (2010). However, in both cases on review in Riles, the polygraph

testing was "limited in scope to crime-related topics." 135 Wn.2d at 339. Thus, although Riles did not involve a constitutional challenge, the monitoring conditions in Riles would pass constitutional muster under Jasper's position.

Regardless, Riles does not resolve the issue here, because statutory authority to impose monitoring conditions does not necessarily mean suspicionless monitoring is constitutional. For instance, courts may not order individuals on community custody to submit to random searches, even for monitoring purposes, because "it is constitutionally permissible for a CCO to search an individual based only on a 'well-founded or reasonable suspicion of a probation violation[.]'" State v. Cornwell, 190 Wn.2d 296, 302, 412 P.3d 1265 (2018) (quoting State v. Winterstein, 167 Wn.2d 620, 628, 220 P.3d 1226 (2009)). The relevant question is, instead, whether monitoring conditions that interfere with an individual's private affairs are narrowly tailored to achieve a compelling state interest. Olsen, 189 Wn.2d at 128.

2. **Compelled urinalysis and breath analysis testing disturbs the private affairs of individuals on community custody.**

Article I, section 7 of our state constitution guarantees "[n]o person shall be disturbed in his private affairs, or his home invaded, without authority of law." "It is well established that article I, section 7 qualitatively differs from the Fourth Amendment and in some areas provides greater protections than does the federal constitution." State v. Chenoweth, 160 Wn.2d 454, 462, 158 P.3d 595 (2007). In this area, Washington courts "offer heightened protection for bodily functions compared to the federal courts." York v. Wahkiakum Sch. Dist. No. 200, 163 Wn.2d 297, 307, 178 P.3d 995 (2008) (plurality opinion).

Courts undertake a two-part inquiry in evaluating whether government action violates article I, section 7. Olsen, 189 Wn.2d at 123. First, courts determine whether the contested state action disturbed the individual's private affairs. Id. Second, courts determine whether the action was undertaken with authority of law. Id.

While individuals on community custody are not entitled to the full protection of article I, section 7, neither do they "forfeit all expectations of privacy." Cornwell, 190 Wn.2d at 303. The State's authority to supervise individuals on community custody more closely than other citizens is, therefore, still limited. Id. Namely, such individuals' privacy interests can be reduced "only to the extent 'necessitated by the legitimate demands of the operation of the [community supervision] process.'" Id. at 303-04 (alteration in original) (quoting Olsen, 189 Wn.2d at 125).

This Court in Olsen held UAs implicate misdemeanant probationers' reduced privacy interests in two ways under article I, section 7. 189 Wn.2d at 124. First, "the act of providing a urine sample is fundamentally intrusive," particularly when done under direct observation to ensure compliance, a common requirement in the criminal legal system. Id. at 124 & n.2; see also Blomstrom v. Tripp, 189 Wn.2d 379, 403, 402 P.3d 831 (2017) (recognizing compelled urine testing is "particularly destructive of privacy and offensive to personal dignity"

(quoting York, 163 Wn.2d at 327 (Madsen, J., concurring)); Robinson v. City of Seattle, 102 Wn. App. 795, 818, 10 P.3d 452 (2000) ("It is difficult to imagine an affair more private than the passing of urine."). Second, chemical analysis of urine can reveal a host of private medical information. Olsen, 189 Wn.2d at 124. Thus, "[e]ven though misdemeanant probationers have a reduced expectation of privacy, this does not mean that they have no privacy rights at all in their bodily fluids." Id. at 125.

In reaching this conclusion, the Olsen court distinguished State v. Surge, 160 Wn.2d 65, 156 P.3d 208 (2007) (plurality opinion). Olsen, 189 Wn.2d at 125-26. In Surge, this Court held DNA sampling of convicted felons did not violate article I, section 7. 160 Wn.2d at 82-83. The lead opinion in Surge emphasized the DNA collection was for identification purposes only, comparing it to routine collection of fingerprints, the constitutionality of which is "unquestioned." Id. at 78. A plurality therefore concluded convicted felons do not retain a

privacy interest in their identity. Id. at 74; id. at 82 (Chambers, J., concurring).

Conversely, UAs "gather information beyond the probationer's identity by analyzing urine for the presence of controlled substances." Olsen, 189 Wn.2d at 125. UAs also collect evidence for possible revocation hearings, "implicating the probationer's liberty interests." Id. at 125-26.

The reasoning of Olsen applies to individuals on community custody. It is true this Court made a distinction between the incarcerated felons in Surge and the misdemeanant probationers in Olsen. Olsen, 189 Wn.2d at 125. But, like probationers, individuals on community custody are no longer incarcerated. Surge, 160 Wn.2d at 77 (lead opinion) ("[P]resent incarceration diminishes a person's privacy interest."); see In re Pers. Restraint of McNeal, 99 Wn. App. 617, 626, 994 P.2d 890 (2000) (distinguishing between felons living in prison versus the community). Being compelled to urinate in front of someone and then having that urine examined for controlled substances is

equally invasive, whether living in the community after a misdemeanor or felony conviction. And, similar to probationers, individuals on community custody face sanctions and/or jail time if UA results reveal alcohol or nonprescribed controlled substances.[2] RCW 9.94A.737.

The same considerations apply to breath testing. Washington courts hold the privacy interest in bodily functions and fluids extends to a person's breath. State v. Mecham, 186 Wn.2d 128, 145, 380 P.3d 414 (2016) (lead opinion); State v. Garcia-Salgado, 170 Wn.2d 176, 184, 240 P.3d 153 (2010). To be sure, breath testing does not involve the personal indignity of having to urinate in front of someone. Similar to urine testing, however, "extracting 'deep lung' breath intrudes on an individual's privacy," and the chemical analysis associated with

[2] An individual may be sanctioned with up the three days in jail for a low level community custody violation. RCW 9.94A.737(3). However, refusing a search is categorized as a high level violation, which may be sanctioned with up to 30 days in jail. RCW 9.94A.737(4); DOC Policy 460.130 (Attachment 1, Behavior Accountability Guide).

that testing "provide[s] a wealth of private medical information." Mecham, 186 Wn.2d at 145 (lead opinion) (quoting Skinner v. Ry. Labor Execs. Ass'n, 489 U.S. 602, 616-17, 109 S. Ct. 1402, 103 L. Ed. 2d 639 (1989)).

This Court should therefore extend Olsen to individuals on community custody and hold that compelled UA/BA testing disturbs their private affairs under article I, section 7.

3. **Random urinalysis and breath testing conditions are not narrowly tailored to achieve a compelling state interest where drugs and alcohol played no role in the individual's offense.**

Because individuals on community custody do not forfeit their rights entirely, "some authority of law must still justify the intrusion into their reduced expectation of privacy." Olsen, 189 Wn.2d at 126. To make this determination, courts examine whether the intrusion is narrowly tailored to achieve a compelling state interest.[3] Id. at 127-28; see also Cornwell, 190

[3] Washington courts apply this strict scrutiny standard to sentencing conditions that interfere with all manner of fundamental rights. See, e.g., In re Pers. Restraint of Rainey, 168

Wn.2d at 305 (recognizing privacy right may "be reduced only when and to the extent *necessary*"). It is the government's burden to demonstrate suspicionless drug and alcohol testing meets this standard. York, 163 Wn.2d at 310 (lead opinion); Robinson, 102 Wn. App. at 813.

Olsen provides the primary guidance on this question. There, Brittanie Olsen was convicted of driving under the influence (DUI), a gross misdemeanor. Olsen, 189 Wn.2d at 121. She was sentenced to 364 days of confinement with 334 suspended. Id. Conditions of her suspended sentence were to not consume alcohol, cannabis, or nonprescribed drugs, and to submit to random UAs to ensure compliance with those conditions. Id.

Wn.2d 367, 377, 229 P.3d 686 (2010) (fundamental right to parent); State v. Bahl, 164 Wn.2d 739, 757-58, 193 P.3d 678 (2008) (freedom of speech); State v. Warren, 165 Wn.2d 17, 34-35, 195 P.3d 940 (2008) (fundamental right to marriage); State v. Riley, 121 Wn.2d 22, 37-38, 846 P.2d 1365 (1993) (freedom of association).

The Olsen court held "random UAs, under certain circumstances, are a constitutionally permissible form of close scrutiny of DUI probationers." Id. at 134. This Court reasoned probation is rehabilitative rather than punitive in nature. Id. at 128. The State has a compelling interest in closely monitoring probationers to assess their progress in treatment and towards rehabilitation. Id. at 128-29. Random UAs for DUI probationers also protect the public in substantial, tangible ways. Id. at 129. They are "effective countermeasures" in reducing impaired driving—one of the leading contributors to motor vehicle fatalities. Id.

In reaching this conclusion, the court emphasized Olsen was convicted of DUI, "a crime involving the abuse of drugs and alcohol." Id. at 133. Random UAs therefore "directly related" to Olsen's "rehabilitation and supervision." Id. at 134. This Court explained, "[a] probationer convicted of DUI can expect to be monitored for consumption of drugs and alcohol, but should not necessarily expect broader-ranging intrusions that expose

large amounts of private information *completely unrelated to the underlying offense*." Id. at 133 (emphasis added). The Olsen court emphasized random UAs "may not be used impermissibly as part of 'a fishing expedition to discover evidence of other crimes, past or present.'" Id. at 134 (quoting State v. Combs, 102 Wn. App. 949, 953, 10 P.3d 1101 (2000)).

Thus, Olsen does not support the court of appeals' conclusion that random UA/BA testing is constitutional when "completely unrelated to the underlying offense." Such is the case here. Unlike Olsen, Jasper was not convicted of a drug- or alcohol-related offense. Nor was there any evidence at all that drugs or alcohol played a role in Jasper's offenses. CP 5-8, CP 19. Jasper reported in his PSI that he had never tried alcohol, cannabis, or nonprescribed drugs. CP 53. The trial court likewise observed at sentencing "there was no indication of drugs or alcohol in [Jasper's] life." RP 27. The court of appeals agreed there was no evidence drugs or alcohol contributed to Jasper's offenses. Nelson, 2024 WL 564570, at *7-*10.

In contrast to the circumstances in Olsen, then, random UA/BA testing would be unlikely to reveal anything about Jasper's rehabilitation or progress in treatment with respect to the crimes of conviction. For example, in a polygraph test during his SSOSA, Jasper showed no deception in denying he had consumed alcohol, cannabis, or any nonprescribed drugs. CP 114-15. Random UA/BA testing in a case like Jasper's is therefore quite attenuated from the safety goal recognized in Olsen of reducing impaired driving. That general goal, untethered to the underlying offense, is not enough:

> [T]he risk of reoffending and the safety of the community are inextricably linked to the crime of conviction—that is, the risk of reoffending refers to the risk the person will commit another similar sex offense, and the safety to the community refers to protecting the public against *that* risk.

In re Pers. Restraint of Ansell, 1 Wn.3d 882, 902, 533 P.3d 875 (2023) (lead opinion); see also Robinson, 102 Wn. App. at 823 (stressing that the government's interest is not "some 'fixed, minimum quantum of governmental concern,'" but instead must

justify the "*particular* invasion" at issue (emphasis added) (quoting Vernonia Sch. Dist. v. Acton, 515 U.S. 646, 661, 115 S. Ct. 2386, 132 L. Ed. 2d 564 (1995)).

Furthermore, community custody is primarily punitive, unlike probation, which is primarily rehabilitative. McNeal, 99 Wn. App. at 632. Random UA/BA testing unrelated to the offense therefore facilitates additional punishment rather than promoting any tangential goal of rehabilitation. Where there is no connection between the offense and drug or alcohol use, suspicionless testing amounts to a fishing expedition for sanctions, jail time, and even additional crimes. This Court has condemned such fishing expeditions even for individuals on community custody. Cornwell, 190 Wn.2d at 307.

Random UA/BA testing is therefore not narrowly tailored to achieve a compelling government interest where drugs and alcohol played no role in the individual's offense. Every lower court that has addressed narrow tailoring in these circumstances has found it lacking. See, e.g., State v. Ibarra, No. 84771-6-I,

2024 WL 2133659, at *6 (May 13, 2024); State v. Rosales, No. 57463-2-II, 2024 WL 1070806, at *3 (Mar. 12, 2024); State v. Daniels, No. 54094-1-II, 2021 WL 3361672, at *6 (Aug. 3, 2021); State v. Monroy, No. 78597-4-I, 2020 WL 1893602, at *8 (Jan. 11, 2020); State v. Greer, No. 78291-6-I, 2019 WL 6134568, at *9 (Nov. 18, 2019); State v. Stark, No. 76676-7-I, 2018 WL 4959958, at *6 (Oct. 15, 2018).[4] In Greer, for instance, the court recognized individuals on community custody should not "expect infringement on [their] privacy rights in order to monitor compliance with conditions that do not relate to essential facts of [their] conviction and are not causally connected to the crimes of conviction." 2019 WL 6134568, at *9.

Conversely, lower courts that have upheld suspicionless UA/BA conditions just hold it is appropriate to monitor compliance with valid conditions and do not address narrow

[4] All of these and the subsequently cited unpublished cases have no precedential value and are cited here only for such persuasive authority this Court deems appropriate. GR 14.1.

tailoring. See, e.g., State v. Vant, 145 Wn. App. 592, 603-04, 186 P.3d 1149 (2008); State v. Distura, No. 84750-3-I, 2024 WL 3758377, at *11 (Aug. 12, 2024); State v. Gililung, __Wn. App. 2d__, 552 P.3d 813, ¶¶120-21 (July 30, 2024) (unpublished portion); State v. Preble, No. 38625-2-III, 2023 WL 2417345, at *5 (Mar. 9, 2023). Jasper's review has unearthed no Washington case that holds suspicionless UA/BA testing to be narrowly tailored where drugs or alcohol played no role in the offense.

Jasper's position also comports with this Court's decision in In re Juveniles A, B, C, D, E, 121 Wn.2d 80, 847 P.2d 455 (1993). There, this Court upheld HIV testing for juveniles convicted of sex offenses. Id. at 98. This Court reasoned sex offenders' "expectation of privacy in bodily fluids is greatly diminished because they have engaged in a class of criminal behavior which presents the potential of exposing others to the AIDS virus." Id. at 92-93. "'Because AIDS can be transmitted through sexual contact, there is a direct nexus between the criminal behavior and the government's action.'" Id. at 93

(quoting Bernadette Pratt Sadler, Comment, When Rape Victims' Rights Meet Privacy Rights: Mandatory HIV Testing, Striking the Fourth Amendment Balance, 67 WASH. L. REV. 195, 207 (1992)). The Juveniles A, B, C, D, E court further reasoned the HIV testing statute is not part of the criminal code and did not expose the juveniles to additional punishment. Id. at 92.

Juveniles A, B, C, D, E supports the conclusion that there must be some "direct nexus" between the individual's criminal behavior and random UA/BA testing. Otherwise, that individual has not engaged in a "class of criminal behavior" that would lead one to anticipate such an intrusion. This is particularly true where, unlike the HIV testing at issue in Juveniles A, B, C, D, E, community custody sanctions and new criminal charges could flow from random UA/BA testing.

This Court should hold random UA/BA testing that does not relate to the underlying offense, like in Jasper's case, is not narrowly tailored to achieve a compelling state interest. Because the trial court still has authority to impose conditions prohibiting

consumption of alcohol and controlled substances, the usual standard applies. That is, community corrections officers (CCOs) may conduct UA/BA testing if they have a well-founded suspicion that a violation of those conditions has occurred.[5] See Cornwell, 190 Wn.2d at 302; see also State v. Parris, 163 Wn. App. 110, 120, 259 P.3d 331 (2011) (noting CCO received report from Parris's mother that she was concerned about his drug use and feared he was "out of control"), overruled on other grounds by Cornwell, 190 Wn.2d 296; State v. Smissaert, 41 Wn. App. 813, 815, 706 P.2d 647 (1985) ("Certainly the effects of alcohol upon people are commonly known and all persons can be presumed to draw reasonable inferences therefrom[.]").

[5] Indeed, if drug or alcohol use by an individual with no history of drug or alcohol abuse does not result in any "observable manifestations" of impairment that might impact public safety, then the government's interest in detecting drug use "does not justify nonconsensual drug testing." See York, 163 Wn.2d at 326 (Madsen, J., concurring).

D. CONCLUSION

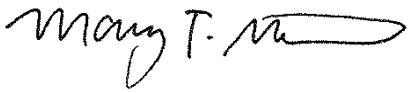
For the reasons discussed, this Court should reverse the court of appeals and remand for the trial court to strike the UA/BA monitoring conditions—Conditions 13 and 27—from Jasper's judgment and sentence.

DATED this 30th day of August, 2024.

I certify this document contains 4,199 words, excluding those portions exempt under RAP 18.17.

Respectfully submitted,

NIELSEN KOCH & GRANNIS, PLLC



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