**No. 101520-8**

IN THE SUPREME COURT

OF THE STATE OF WASHINGTON

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SPOKANE COUNTY, PETITIONER

v.

JILMA MENESES, IN HER OFFICAL CAPACITY AS SECRETARY OF THE WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, RESPONDENT

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# REPLY BRIEF

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## I. INTRODUCTION

While the Secretary and the Prosecutor obviously differ on the remedy available, what does not appear contested is that Washington State's mental health system for the criminal justice system is in a dire situation. However, while the Secretary insists that simply allowing the *Trueblood* permanent injunction to run its course is sufficient and adequate, the Prosecutor contends the *Trueblood* injunction has, over the last several years, failed to address the scope of the current problem. It is critical this Court intervene to address the Secretary and the Department's noncompliance with statutory obligations that impede a significant part of the criminal justice system.

## II. ARGUMENT

### A. This Court may properly exercise its original jurisdiction in a writ of mandamus against the Secretary because the Secretary is a state officer.

The Secretary contends this Court lacks original jurisdiction over this matter, alleging she is not a "state officer." That argument is incorrect.

This Court has sound discretion to exercise its original jurisdiction in writs of mandamus involving issues that impact the people of Washington State. *Washington State Lab. Council v. Reed*, 149 Wn.2d 48, 54, 65 P.3d 1203 (2003). The state constitution gives this Court discretionary original jurisdiction over writs of mandamus against state officers. While the term "state officer" is not defined in the constitution, courts over the past century have broadly interpreted this term to apply to high-ranking public officials that exercise statewide authority. *Ladenburg v. Henke*, 197 Wn.2d 645, 652, 486 P.3d 866 (2021).

In 1912, this Court cautioned against limiting the definition of "state officer" solely to elected executive officials. *State v. Schively*, 68 Wn. 148, 149-150, 122 P. 1020 (1912). The *Schively* court cautioned that it would be contrary to precedent to limit the definition of state officers to only those listed in article III of the state constitution. *Id*.

Therefore, understanding who falls within the definition of "state officer" requires delving into historic case law. Cases this Court recently consulted in ascertaining whether someone was a "state officer" included *State ex. rel. Dyer v. Twichell*, 4 Wn. 715, 31 P.19 (1892); *State ex rel. Edelstein v. Foley*, 6 Wn.2d 444, 107 P.2d 901 (1940); *Riddle v. Elofson*, 193 Wn.2d 423, 439 P.3d 647 (2019); and *State ex rel. Dunbar v. State Bd. of Equalization*, 140 Wn. 433, 249 P. 996 (1926). *Ladenburg*, 197 Wn.2d at 652. The *Dyer* court concluded superior court judges were state officers because these judges—despite sitting

in a designated county and being elected within that county—are paid by the state, appointed by the governor in the case of openings before an election, and have statewide jurisdiction. *Dyer*, 4 Wn. at 719-20. *Edelstein* further clarified that superior court judges act in the dual role of state officer and county officer, reiterating their ability to have statewide authority and appointment by the governor in the case of an open office. 6 Wn.2d at 448-49. In *Dunbar*, this Court broadly held that a state office exists when an individual holds some part of the state's sovereign power, even if the officer's position was a creation of the Legislature and not specified in the constitution. 140 Wn. at 436-37. State officers included members of the state board of equalization and board of education, the state insurance commissioner, and the office of regent of a state college. *Id*.

The *Dunbar* decision questioned *State ex rel. Stearns v. Smith*, 6 Wn. 496, 33 P. 974 (1893), which concluded an ex-

regent was too minor a state officer to fall into this Court's original jurisdiction, noting that such decision had since been criticized and overruled. *Id*. at 437. *Dunbar* took notice of *State ex rel. Davis v. Johns*, 139 Wn. 525, 248 P. 423 (1926), in which a regent of a state university was held to be a state officer. *Id*. A review of *Davis* reflects the officer in question was subject to removal by the governor, in a position held as appointed by the governor, subject to the approval of the senate, with the governor's authority to remove at any time. 139 Wn. at 526-30.

This Court has also held that members of the Washington Toll Bridge Authority—and also, the governor, state auditor, director of public service, and the director of finance, business, and budget—encompasses state officers subject to original jurisdiction of a writ of mandamus. *State ex re. Pacific Bridge Co. v. Washington Toll Bridge Auth.*, 8 Wn.2d 337, 339-41, 112 P.2d 135 (1941). This is distinct from the chairman of the state

highway committee, who was not held to be a state officer subject to this Court's original jurisdiction, because the chairman was not provided for in statutory language and lacked any authority "to decide any question of a public nature or exercise any function of government," and was merely a creation of the committee to serve its own purposes. *State v. Hartley*, 144 Wn. 135, 146, 257 P. 396 (1927).

Under RCW 43.20A.040:

> The executive head and appointing authority of the department shall be the secretary of social and health services. He or she shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. He or she shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his or her position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he or she shall present to that body his or her nomination for the office.

The Secretary is one of the fourteen chief executive officers of the major state departments outlined in RCW 43.17.020. This

statute has been subject to numerous modifications since its original codification over 100 years ago, but it is worth noting that predecessor statute, H.B. 158 ch. 176 sec 3 (Laws of 1935), outlined the chief executive officers subject to gubernatorial appointment included the director of public service and director of finance, budget, and business. These same executives were part of the previously cited *Toll Bridge Authority* case.

The Legislature has vested the Secretary with charge and supervisory powers over the Department to create administrative structure and authority to appoint assistants and personnel as needed to administer the Department, and the Secretary has rulemaking authority for the Department. RCW 43.20A.050; RCW 43.17.060; RCW 43.20A.075. The Secretary further retains responsibility for all official acts of officers and employees of the Department. RCW 43.20A.110.

While this Court held in *Ladenburg* that municipal court judges were not state officers subject to this Court's original jurisdiction, this Court should broadly review the historical definition of a state officer when considering if it should apply to the Secretary. This Court in *Ladenburg* noted that prior cases indicate state officers are "those elected officials whom the state controls through appointment, salary, and impeachment, and who, in turn, wield some state-level authority." 197 Wn.2d at 653. The *Ladenburg* court did not specify that all elements are necessary or mandatory. For instance, in reviewing whether a municipal judge is a state officer, *Ladenburg* states, "we may refer to public officials' jurisdictional reach to determine whether they are 'state officers.' This factor clearly weighs against holding that municipal court judges are state officers." *Id*. at 657. This language is indicative that factors in *Ladenburg* should be considered when determining if someone is a state officer but

does not create a dispositive definition. Forcing such a strict definition forecloses this Court's authority over numerous state officers, as highlighted in the aforementioned case law, over whom this Court has traditionally retained discretion to maintain original jurisdiction. While *Ladenburg* discussed how a majority in *Stearns* highlighted impeachment as a primary factor in determining whether an individual is a state officer, the *Stearns* case should be considered with caution in light of the contemporary and recurring criticism raised by *Schively* and *Dunbar*.

While the Secretary is not subject to impeachment, the Secretary is appointed by the governor, subject to legislative confirmation, with direct authority over a major statewide agency with significant regulatory authority and police powers to include issuing licenses for certain businesses and authority to issue fines. The fact that a superior court judicial vacancy is filled

by gubernatorial appointment has historically been evidence for establishing such officials as a state officer. *Dyer*, 4 Wn. at 719-720. Other than this limited appointment role, superior court judges are elected by the county. Meanwhile, the Secretary is appointed by the governor and must be approved by the Legislature (the electorate's chosen representatives) before the Secretary can assume office. The Secretary does not contest that her salary is paid by the State and that she wields statewide powers.

As has been cautioned by courts in the past, this Court should avoid a definition of a "state officer" that is so narrow that it would exclude such high-ranking officials as the heads of major departments from this Court's original jurisdiction. The Secretary wields statewide authority subject only to control of the governor. This Court should conclude that the Secretary is a state officer for purposes of this writ.

### B. The Secretary does not establish that *Trueblood* precludes this Court from issuing a writ of mandamus.

In the Secretary's response briefing, the Secretary contends the supremacy clause prohibits this Court from granting the writ because "federal law preempts state law and federal court orders enforcing federal law control over conflicting state law." Resp. Br. at 38. The Secretary appears to argue that any directive impacting the Department's competency-related services necessarily interferes with the *Trueblood* permanent injunction. This is incorrect; the Department may need to conform its conduct to comply with both federal and state constitutional law, particularly where federal law has traditionally been regarded as a "floor," rather than a "ceiling."

The supremacy clause gives the federal government the power to preempt state law. *Kincer v. State*, 26 Wn. App. 2d 143, 148, 527 P.3d 837 (2023). Preemption occurs when congress passes a law that expressly preempts state law, federal law

controls an entire field of regulation that preempts state regulation in that field, if state law conflicts with federal law due to impossibility of compliance with both laws, or when state law acts as an obstacle to preventing the full operation of federal law. *Washington State Physicians Ins. Exch. & Ass'n v. Fisons Corp*, 122 Wn.2d 299, 326-27, 858 P.2d 1054 (1993). A state trial court may not enter or enforce a ruling that runs contrary to federal law or regulation that controls the field. *Grogan v. Seattle Bank*, 195 Wn. App. 500, 508-509, 379 P.3d 158 (2016).

However, this Court rigorously analyzes any issues of federal law preempting state law because of a continuing desire to maximize state sovereignty. *Id*. at 149. The party claiming preemption has the burden to prove federal law preempts state law, as there is a strong presumption against preemption in ambiguous cases or circumstances. *WA State Physicians*, 122 Wn.2d at 327.

While the Secretary analogizes the current case to *Puget Sound Gillnetter's Ass'n v. Moos*, the circumstance in *Moos* is distinct from this case and, if anything, reflects why the Supremacy Clause is inapplicable to this petition. 92 Wn.2d 939, 950-951, 603 P.3d 819 (1979). The federal court orders in *Moos* regarded tribal fishing rights guaranteed by treaties and the obligation of state agencies to carry out directives from the federal courts to ensure these obligations are met, even if the directives to the agencies were not covered by state law. *Id*. Treaty rights and obligations with sovereign Native American tribes is an area where federal law clearly preempts state law, and it would violate the Supremacy Clause for the state to interfere. *Id*.

Meanwhile, the *Trueblood* cases and injunction involve an action in federal court to ensure that the Department is meeting bare *minimum* due process requirements for individuals in

custody requiring competency services. *Trueblood v. Dep't of Soc. and Health Services*, 822 F.3d 1037, 1042 (9th Cir. 2016). The Prosecutor's requested writ seeks not only compliance with the various issues that overlap with *Trueblood*, but even greater protections for individual defendants that encompass those not in pre-trial custody. These claims are based on statutory authority and trial court orders authorized by statute, rather than federal constitutional rights. This Court consistently recognizes that Washington may have stricter interpretations of individual rights and protections than the bare minimum guaranteed by federal constitutional analysis. *Ino Ino Inc. v. City of Bellevue*, 132 Wn.2d 103, 115, 937 P.2d 154 (1997); *State v. Gunwall*, 106 Wn.2d 54, 61-62, 720 P.2d 808 (1986).

This Court has the authority to ascertain the Department's obligations under state law and ensure compliance with state law and orders issued by state courts. The Department appears to

effectively indicate that the *Trueblood* permanent injunction has effectively rendered the overseeing *Trueblood* court the sole jurisdiction to address issues surrounding competency services. This risks a dangerous precedent that would curtail the ability for this Court to address issues of state agencies whenever pending federal action occurs because there exists a possibility of overlap.

Directing compliance with the obligations sought within the writ is critical to protecting the functions of this state's court rules, judicial system, and the rights of criminal defendants involved in Washington's competency system. CrR 3.2(a) presumes release pending trial. Defendants awaiting competency services out-of-custody have no meaningful protection under *Trueblood* and, as addressed in the opening brief, face indefinite delays. This circumstance creates a perverse incentive to reject the presumption of release in CrR 3.2 to have defendants evaluated in custody or question the basis for a competency

evaluation for an out-of-custody criminal defendant because the evaluation order will cause such a lengthy delay.

This Court can issue a writ of mandamus that effectively upholds the federal minimums outlined in *Trueblood* without interrupting the federal system while ensuring the involvement of this Court in a critical issue of Washington State law. This Court has authority to ensure compliance with the writ.

### C. The Secretary has a clear legal duty to act, and indefinite delay in performing amounts to a failure to act.

A writ of mandamus may not be used to prescribe an entire scope of official duties, but may properly direct future, ongoing legal duties that are clearly and specifically defined. *Walker v. Munro*, 124 Wn.2d 402, 408-09, 879 P.2d 920 (1994). The Secretary's current claims that no writ may issue here because only discretionary duties are involved are fairly consistent with the Department's claims in *Kanekoa v. Washington Dep't of Soc. & Health Services*, 95 Wn.2d 445, 449, 626 P.2d 6 (1981).

However, the *Kanekoa* Court noted this internal discretion about management or allocation of resources did not alleviate the specific legal duty to act as directed by statute that does not confer discretion to deny the legal duty to perform when directed. *Id*. at 449-50. Courts may order an agency to comply with the law according to professionally accepted procedures and standards when such laws are not being followed, while still not interfering with the discretion of the agency to create a reasonable, adequate plan to carry out the legally mandated obligations. *Washington State Coal. for the Homeless v. Dep't of Soc. and Health Services*, 133 Wn.2d 894, 913-14, 949 P.2d 1291 (1997).

The Secretary's legal obligations are clear, specific, and not discretionary. RCW 10.77.068 provides so-called performance targets, but not the discretion to defer or delay the legal obligation to appoint an evaluator or accept a defendant for

restoration treatment when directed by court order. Furthermore, even the grounds recognized by the Legislature to delay competency evaluation or restoration services in RCW 10.77.068 are limited and subject to judicial review under RCW 10.77.068(5), and do not convey discretion to indefinitely defer court ordered services.

The Legislature has made some changes to the RCW 10.77 statutory structure through Engrossed Second Substitute Senate Bill 5440, which took effect July 23, 2023.[1] These changes are not material to this petition; the obligations of the Secretary within this statutory scheme remain unchanged. RCW

[1] The Prosecutor notes this bill was not finalized by the house and senate until April 23, 2023 and delivered to the governor on April 24, 2023. The bill was not signed by the governor until May 15, 2023. Petitioner's opening brief was submitted April 24, 2023 before the finalized bill was completed. *See* Washington State Legislature Bill Information SB 5440-2023-2024.

10.77.060's instructions for competency evaluations being ordered has been modified as follows:

> (b)(i) Whenever there is a doubt as to competency, the court on its own motion or on the motion of any party shall first review the allegations of incompetency. The court shall make a determination of whether sufficient facts have been provided to form a genuine doubt as to competency based on information provided by counsel, judicial colloquy, or direct observation of the defendant. If a genuine doubt as to competency exists, the court shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.
> (ii) Nothing in this subsection (1)(b) is intended to require a waiver of attorney-client privilege. Defense counsel may meet the requirements under this subsection (1)(b) by filing a declaration stating that they have reason to believe that a competency evaluation is necessary, and stating the basis on which the defendant is believed to be incompetent.

While this statutory change comes with additional obligations for the trial court to ascertain the basis for competency, the basic requirements for the trial court to direct the Secretary appoint a

professional person remains unchanged as do the remaining obligations for the evaluator to perform evaluations as outlined in RCW 10.77.060 and RCW 10.77.065. While RCW 10.77.086 gives the trial court some discretion to ascertain potential alternatives to inpatient competency restoration treatment, what does not change is that if a defendant is incompetent, "the court shall commit the defendant to the custody of the secretary for inpatient competency restoration" and "[i]f the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration." RCW 10.77.086(1)(a), (2)(b). ESSB Bill 5440 outlines some changes for standards for the trial courts but makes no substantive changes regarding the Secretary's obligation to provide competency restoration services and competency evaluations for defendants—in and out of custody—when ordered by the trial court. While some of the surrounding

programs and standards for the trial courts indicate the Legislature is taking heed of the dire situation surrounding competency services, the Secretary remains obligated to provide services, and the Legislature has not used its opportunity to render this petition moot for ongoing, future cases when the Secretary's obligations are triggered by operation of law.

While the Secretary may have authority to designate evaluators and build facilities to best manage her responsibilities, the Secretary cannot deny a court's order to appoint an evaluator or indefinitely defer the court's order. The Secretary also does not highlight any authority that specifies it has discretion to turn away any defendant from competency restoration treatment, or even to prioritize or defer defendants from treatment. The Secretary may have discretion regarding how to allocate resources, but the Secretary cannot rely on discretion to explain

noncompliance with specific, nondiscretionary statutes and court orders to provide specified competency services.

**D. No other viable remedy exists.**

The Secretary primarily cites the Administrative Procedures Act (APA) as an alternative remedy to mandamus. Resp. Br. at 52-55. The APA is not a viable alternative.

*Kreidler* involved specific circumstances where a clearly defined statutory provision of the Administrative Procedures Act effectively provided the same relief as the desired writ. *Am. Prop. Cas. Ins. Ass'n v. Kreidler*, 200 Wn.2d 654, 659-661, 520 P.3d 979 (2022). While RCW 34.05.530 provides a general definition for standing, RCW 34.05.570 provides more specifically the forms of judicial review. RCW 34.05.570(2) authorizes rules created by an agency and RCW 34.05.570(3) involves the review of agency orders in adjudicative proceedings. Meanwhile, all other forms of judicial review are

covered by RCW 34.05.570(4), which in its express language, is limited to "[a] person whose rights are violated by an agency's failure to perform a duty that is required by law." RCW 34.05.570(4)(b). Exhaustion of administrative remedies is required only if the administrative remedy can provide the relief sought, which is not possible if no administrative remedies are available. *Cost Mgmt. Services v. City of Lakewood*, 178 Wn.2d 635, 644-45, 652, 310 P.3d 804 (2013).

A specialized writ like mandamus, certiorari, or prohibition is barred by the APA only when an agency action is actually reviewable under the Act. RCW 7.16.360. The Secretary indicates the appropriate remedy is available under RCW 34.05.570(4). While standing as outlined by the Secretary's response may be appropriate if there was an administrative agency decision to appeal or a rule made by the Department to contest, these options are not applicable. As already outlined by

the Prosecutor, there appears no reasonable way to establish that the Prosecutor's rights are violated consistent with the APA's statutory language.

The Secretary also contends that seeking individual contempt sanctions on cases after the Secretary has failed to act is a viable alternative, despite requiring the noncompliance to before, then contempt may be sought. Not only is this an incredibly inefficient and a significant waste of judicial resources, but it also effectively enables continued noncompliance to occur on a large scale without meaningfully addressing this statewide issue.

The Secretary also indicates the Prosecutor could have intervened in the *Trueblood* case. Resp. Br. at 55-56. The Prosecutor's writ addresses issues broader than those in *Trueblood*. Moreover, the Secretary acknowledges that this "remedy" has likely long been foreclosed to the Prosecutor. *See*

Resp. Br. at 56 n.6. Furthermore, *Trueblood* in its current form is a permanent settlement agreement that has been active for many years. Holding that such a settlement agreement that contains no end date should foreclose any future tangentially related actions in alternative jurisdictions is a problematic solution to the Secretary's disregard of chapter 10.77 RCW.

Finally, the Secretary attempts to shift the burden to the Prosecutor to provide competency evaluators. Under RCW 10.77.060(1)(b), it is the trial court who designates the evaluator or directs the Secretary to appoint an evaluator. The Secretary cannot shift its burden to comply with court orders and it provides no authority that the Prosecutor has any obligation—let alone ability—to provide evaluators. The RCW 10.77 statutory scheme is structured to establish the Secretary as the primary source of competency evaluation services. Even if the Prosecutor could provide evaluators, the trial courts ultimately decide the

source of evaluator in any given case. If the Court designates the Secretary appoint an evaluator, the legal obligation remains on the Secretary to designate that evaluator. The Secretary has no authority to burden shift its obligations and no such obligation is provided by the Legislature.

### E. This Court should issue a writ of mandamus because the issues raised involve compelling state interests that are not being adequately addressed.

Once again, the Secretary contends the *Trueblood* permanent injunction is adequate to supervise issues regarding competency services in Washington State, and this Court should simply leave the issues to be addressed by the *Trueblood* court.

As the record reflects, the *Trueblood* permanent injunction has remained in place for a number of years and yet the problems surrounding competency services grow worse. This demonstrates that the *Trueblood* injunction is inadequate to ensure a speedy and fair criminal justice system. Furthermore,

*Trueblood* encompasses a limited pool of criminal defendants compared to the broader class of defendants regarding whom the Prosecutor seeks the Secretary to act.

The Secretary finally contends that the requested writ will not change anything as the Department will not be able to offer services. First, the declaratory mandate in and of itself serves an important purpose to direct the Secretary to perform obligations as mandatory that are at least in part being contested as discretionary. "[W]hen a court orders a state agency to comply with its statutory duty, the court need not speculate about whether the legislature will fund the solution." *Pierce Cnty. v. State*, 144 Wn. App. 783, 828, 185 P.3d 594 (2008). The other relevant portion of the enforcement statute is that, in the case of noncompliance with the writ, this Court "may make any orders necessary and proper for the complete enforcement of the writ."

RCW 7.16.280. This Court has apparent broad authority to ensure the writ is carried out.

The parties have already discussed how a writ of mandamus does not generally allow the court to specify exactly how a state agency carries out internal procedures. However, this Court may issue this writ to ensure the bare minimum *Trueblood* timelines are met along with addressing out-of-custody defendants indefinitely awaiting relevant services who lack any of the protections of the *Trueblood* injunction. It is this Court's prerogative to ascertain whether a respondent to a petition for a writ of mandamus has the legal obligation claimed in the petition and, should the writ be issued, to determine if noncompliance with the writ is indeed based on actual factual impossibility, rather than inconvenience. *State v. Hartley*, 145 Wn. 327, 332-33, 260 P. 253 (1927). Some case law is indicative that the individual against whom a writ of mandamus is issued may be

granted relief after the writ is issued if they show that performance of the writ is impossible. *Town of Uniontown v. Klemgard*, 156 Wn. 267, 270, 286 P. 648 (1930). Proceedings for a writ of mandamus are equitable in nature; the rights of the parties can be fully adjudicated so long as there is an adequate record of facts before the court. *Id*. at 269-70.

This Court's authority under RCW 7.16.280 upon issuing a writ may also be relevant to enforcing the writ. Under the Washington State Constitution Article 13, Section 1:

> Educational, reformatory, and penal institutions; those for the benefit of youth who are blind or deaf or otherwise disabled; for persons who are mentally ill or developmentally disabled; and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law.

This section of the constitution may confer upon the legislature authority to determine what sorts of institutions it will fund and does not mandate the state provide for all such institutions listed.

*State v. Pierce Cnty.*, 132 Wn. 155, 157-58, 231 P. 801 (1925). Within that, the chapter 10.77 RCW statutory scheme creates obligations for the Department to provide competency services. A review of the "regulations as may be provided by law" indicate the legislature has put upon a state agency the obligation to provide services and institutions "for persons who are mentally ill or developmentally disabled" in the criminal justice system. In all but extraordinary cases, it is normally beyond the authority of this Court to determine agency funding or direct funds from the legislature to an agency. *Hillis v. State, Dept. of Ecology*, 131 Wn.2d 373, 389-390, 932 P.2d 139 (1997). However, the issue of specific appropriations for statutory rights that involve constitutional rights and judicial functions may fall within the court's discretion. *Id*. at 390.

If the State—be it the executive or legislative branch—fails to foster the program created by law to uphold individual

constitutional rights to a fair trial, it raises a legitimate question of this Court's authority to address the situation to ensure compliance with the rights established in *Trueblood* and the overall obligations of the Department to follow state law.

The Prosecutor contends the situation is serious and the ramifications are so great for the criminal justice system, both for those charged with crimes and for the victims of crimes, that nothing but this Court's intervention will bring a prompt solution. The problems that exist will undoubtedly not be remedied in one day. However, *Trueblood* has been inadequate, and it is now necessary for this Court to issue a writ to compel the Secretary to fulfill her legal obligations and then enforce such writ as necessary.

## III. RELIEF REQUESTED

The Prosecutor once again requests this Court issue a writ of mandamus to compel the Secretary of the Department to

provide timely competency services as mandated by law and issue any other orders that are necessary to ensure compliance with the writ.

This document contains 4,745 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 5 day of September, September 2023.

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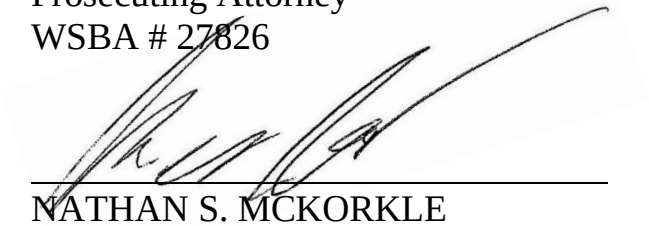

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IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

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| SPOKANE COUNTY,<br><br>Petitioner,<br>v.<br><br>JILMA MENESES,<br><br>Respondent. | NO. 101520-8<br><br>CERTIFICATE OF MAILING |

I certify under penalty of perjury under the laws of the State of Washington, that on September 5, 2023, I e-mailed a copy of the Petitioner's Reply Brief in this matter, pursuant to the parties' agreement, to:

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9/5/2023 **(Date)** Spokane, WA **(Place)** **(Signature)**

## SPOKANE COUNTY PROSECUTOR

## September 05, 2023 - 4:03 PM

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