73337-1

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No. 73337-1

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION I

M.R.,

Appellant,

v.

M.D.,

Respondent.

BRIEF OF *AMICI CURIAE* LEGAL VOICE AND NORTHWEST JUSTICE PROJECT

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TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

Washington Cases

Federal Cases

Washington Statutes

Other Authorities

I. INTRODUCTION

Recognizing the devastating impact a single sexual assault can cause, the Legislature created the sexual assault protection order ("SAPO") to provide an accessible remedy for sexual assault victims who do not qualify for other forms of civil protection. RCW 7.90. In this case, the trial court erroneously denied Appellant M.R.'s [1] petition for a SAPO, despite her submission of uncontested evidence of a violent sexual assault by M.D. Amici Curiae Legal Voice and Northwest Justice Project ("NJP") urge this Court to reverse, to interpret the SAPO statute in a manner consistent with its language and purpose, and to provide guidance to trial courts on several important issues of first impression. Specifically, this Court should hold that a single sexual assault is sufficient for entry of a SAPO, that evidence concerning the alleged impact of a SAPO on a respondent's reputation is irrelevant to the SAPO inquiry, and that trial courts should permit petitioners to fully testify in support of their SAPO petitions if they so desire. The trial court's order on each of these issues is contrary to the SAPO statute's language and undermines the Legislature's intent.

[1] Consistent with the November 25, 2015 order of Commissioner Neel, Amici will refer to the parties by their initials, or as Appellant and Respondent.

II. IDENTITY AND INTEREST OF AMICI

The Identity and Interest of Amici Legal Voice and NJP is fully set forth in the Motion for Leave to File Brief of Amici Curiae filed herewith.

III. STATEMENT OF THE CASE

The sexual assault protection order petition filed in this case alleged a violent sexual assault upon M.R., a student at the University of Washington, by a fellow student, Respondent M.D. CP 4. The petition alleged nonconsensual sexual conduct and penetration perpetrated by the Respondent, including that M.D. penetrated M.R.'s vagina with his fingers and mouth, that he bit her vagina, that he attempted to penetrate her vagina with his penis, and that he forced his penis into her mouth causing her to feel as if she was choking. *Id.* M.R. also stated that the sexual assault caused her to bleed, both at the time of the assault and in the days that followed. *Id.* As stated in her petition, during the assault, M.R. repeatedly told Respondent "no", and attempted to push the Respondent away and cover herself. *Id.* M.D. finally stopped only after he ejaculated on her face and chest and saw that M.R. was bleeding. *Id.* At that point he said he "had to go." *Id.*

M.R. submitted declarations to the trial court from witnesses who saw her immediately after the assault, who described her as distraught, and witnessed that she had been crying and was visibly shaken. CP 15-31.

The declarations further detailed that after the assault she was afraid to walk on campus for fear that she would run into M.D., and that when she did encounter him occasionally, she was so upset that she began shaking. CP 18. The declarations stated that she experienced nightmares, got very little sleep, was anxious and nervous, and was doing poorly in school. *Id.* Though the assault had been reported to the King County Prosecuting Attorney, no charges were filed. CP 34.

On January 14, 2015, the trial court granted M.R.'s Petition for a Temporary SAPO. On January 26, M.D. filed a "Reply to Petition For Sexual Assault Order" in which he argued that the Court should not grant the order in part on the basis of the "negative ramifications" to him if the order was entered. CP 9. M.D. did not submit evidence contesting M.R.'s factual allegations at this time. *Id.*

On February 10, 2015, the superior court held a hearing for entry of a final order. M.R. began her testimony about the sexual assault. However, before her testimony was complete, she was interrupted by M.D., who claimed he did not receive the declarations in support of the petition that M.R.'s attorney had filed several days earlier, despite M.R.'s counsel providing proof of service. VRP 23-29. After interrupting M.R.'s testimony, M.D.'s counsel again argued against entry of the order on the basis that it would be damaging to M.D., stating "the damage to this

particular SAPO, the sexual assault protection order, is it lasts with M.D. forever. I mean, even if he applies to be a little league coach for his kids, he can't do that with this order." VRP 42.

Over M.R.'s objection, the trial court granted M.D.'s request for a continuance and the hearing was continued to February 20th. When the hearing resumed, M.D. moved to dismiss the petition, arguing that M.R. did not prove by a preponderance of the evidence a "reasonable fear of future dangerous acts." CP 42-43. M.D. did not testify or provide a declaration rebutting M.R.'s testimony about the sexual assault. Rather, in support of his motion to dismiss, M.D. filed 36 pages of declarations from friends and family members, vouching for M.D.'s character and arguing that the court should consider the impact of the SAPO on M.D.'s ability to "obtain future employment, continue with his active community service work and to coach his own children (when he has them) in sports." CP 51. The longest declaration was from M.D.'s father, who filed what amounted to a legal brief in support of the motion, arguing which evidence the court should exclude and repeatedly reminding the court throughout his declaration that he was an attorney and former prosecutor. CP 44-52.

The court granted the motion to dismiss, concluding that "[t]he petitioner failed to establish that she had any reasonable fear of future dangerous acts from the respondent and therefore the temporary order was

invalid." CP 116. The court did not give M.R. the opportunity to resume her live testimony, despite having allowed M.D. to interrupt her at the previous hearing. M.R. moved for reconsideration, and the court denied the motion. CP 118. This appeal followed.

IV. ISSUES ADDRESSED BY *AMICI*

1. Should the trial court be reversed where the Court considered factors beyond those included in the SAPO statute and that contradict the express statutory purpose of providing accessible civil protection to sexual assault victims?

2. Should the trial court be reversed where the Respondent was permitted to argue and the Court appeared to have considered the alleged damage to Respondent's reputation from the order?

3. Should the trial court be reversed where the Respondent was not permitted to complete her testimony at the SAPO hearing despite her request to do so?

V. ARGUMENT

As the Washington State Legislature has acknowledged, "Sexual assault is the most heinous crime against another person short of murder. Sexual assault inflicts humiliation, degradation, and terror on victims." RCW 7.90.005. These devastating impacts on victims are exacerbated "if the perpetrator continues to have contact with the victim after the assault."

Washington Sexual Assault Bench Guide, pg. 9-1 ("*Bench Guide*"). The SAPO remedy is intended to provide "safety and protection from future interactions with the offender" when the victim does not qualify for another type of protective order. RCW 7.90.005.

In M.R.'s case, the Court departed from the clear intent of the Legislature by imposing additional requirements not found in the statute, contrary to the statute's history and purpose. For example, the Respondent argued throughout the proceedings (and to this Court) that the SAPO statute requires more than a showing of a single sexual assault. Moreover, the court permitted M.D. to argue repeatedly about the alleged impact of the SAPO on his reputation, despite no statutory basis for consideration of such argument. Finally, the court interrupted M.R.'s testimony and dismissed the petition without permitting her to finish her testimony. Viewed in its entirety, the court's treatment of M.R.'s application for a SAPO is not consistent with the Legislature's intent to provide a clear and accessible remedy for survivors of sexual assault. Affirmance of the trial court's order will undermine the purpose of the SAPO remedy and unduly prevent survivors from obtaining the protection to which they are entitled. This Court should reverse the trial court's order and remand for entry of a final SAPO.

A. The History and Purpose of the SAPO Statute Inform the Simple and Few Statutory Requirements for Obtaining a SAPO.

1. The sole statutory requirement for entry of a final sexual assault protection order is proof of a single incident of sexual assault.

The language of RCW 7.90.090 is simple and straight-forward. The SAPO statute does not establish a complex statutory scheme, nor does it impose a high burden of proof; rather, it was carefully crafted to fashion accessible relief for sexual assault survivors. The statute provides:

> If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of RCW 7.90.110 for ex parte temporary orders or RCW 7.90.120 for final orders.

RCW 7.90.090.

Thus, the sole statutory requirement for entry of a final sexual assault protection order is a finding that a sexual assault occurred. This lone requirement is fully consistent with the intent and history of the SAPO statute, and evidences the Legislature's intent to provide an accessible protection mechanism to victims of sexual assault who may be unable or unwilling to pursue a criminal no-contact order, or who do not qualify for another form of civil protection.

Prior to the SAPO statute's 2006 enactment, there was an acknowledged gap in protection orders for sexual assault survivors like M.R., who were assaulted a single time by acquaintances or persons known but not related to the victim. *Bench Guide*, pg. 9-1 (citation omitted); RCW 26.50.010 (defining qualifying relationships for DVPOs). Given the large number of sexual assaults perpetrated by persons outside the victim's family or household, the gap in protection was significant.

In enacting the SAPO statute, the Legislature expressly recognized this gap and created the SAPO statute to fill it. The House and Senate Bill reports for the proposed SAPO legislation enumerated the various types of protective orders in existence at the time, noting that while the orders potentially overlapped, the available orders were each limited in ways that together, excluded certain sexual assault survivors:

> For example, no-contact orders are available in criminal proceedings and may be imposed as a condition of release or sentence. Domestic violence protection orders are civil orders and apply to victims of domestic violence committed by family or household members, including persons in dating relationships. Family law restraining orders are also civil, may be issued during dissolution or parentage proceedings, and may contain other provisions related to the dissolution. Anti-harassment orders are civil and may be obtained by a person who is the victim of on-going conduct that is considered seriously annoying, alarming, or harassing. Vulnerable adult protection orders, which are civil, address conduct such as abuse and financial exploitation of certain disabled, elderly adults.

H.B. Rep. No. 2576 (Wash. 2006). Thus, the Legislature realized that under the existing protection orders available at that time, there was no protection for a person who was (1) the victim of a single sexual assault (2) that was perpetrated by someone with whom the victim did not have a qualifying "family or household member" relationship. The Legislature's intent to fill this gap was clear:

> When the victim of sexual assault isn't a family member or does not reside with the perpetrator, the only protective order the person can get is an antiharassment order. That person should be able to get the same protections as a domestic violence victim. This bill is needed because if there is no familial tie and it's not a dating relationship, only an antiharassment order is available. Those orders do not require mandatory arrest and a pattern of harassment must be shown. Also, antiharassment orders are not entitled to full faith and credit. No contact orders have their failings too.

S.B. Rep. No. 6478 (Wash. 2006) (companion bill to HB 2576).

Thus, in creating the SAPO, the Legislature recognized the need for a remedy for a single sexual assault that did not establish a "pattern of harassment." *Id.* The SAPO statute explicitly includes in the definition of "who may file" a person "who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, *including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration.*" RCW 7.90.030 (emphasis added); *see also Bench Guide*, 9-7 (a "single incident" of sexual assault is sufficient to warrant granting an order). This

language does not support Respondent's argument that a single sexual assault is insufficient to warrant entry of a SAPO. By contrast, there is strong legislative history support for granting SAPO protection to a victim like M.R.; indeed, the SAPO statute passed both houses unanimously.

Moreover, the Legislature recognized the critical importance of protecting the victim from "future interactions with the offender," even when there is only a single incident of sexual assault. RCW 7.90.005. The Legislature acknowledged that rape is "the most underreported crime," and that "[s]ome cases in which the rape is reported are not prosecuted." *Id*; *see also* Candace Kruttschnitt et al., *Estimating the Incidence of Rape and Sexual Assault*, National Research Council 25 (2014) (women reported sexual assault to the police only 35 percent of the time). The Legislature thus created the SAPO remedy as a direct response to the underreporting and failure to prosecute rape cases, declaring:

> Victims who do not report the crime still desire safety and *protection from future interactions with the offender*. In these situations, the victim should be able to seek a civil remedy *requiring that the offender stay away from the victim*.

RCW 7.90.005 (emphasis added).

At the hearing below and in his briefing to this Court, Respondent has repeatedly claimed that because he had not committed any dangerous acts since the night he raped M.R., that she is not entitled to a SAPO. CP

42, 47 (arguing nine-month "track record" of no dangerous acts). But the intent of the statute is to protect M.R. from "future interactions" with M.D., not only from future violent sexual assaults. The Legislature recognized that "[s]exual assault inflicts humiliation, degradation, and terror on victims," and never once suggested that to obtain a SAPO, a survivor would have to establish the fear of another future sexual assault. Rather, by using the broader language "future interactions," the Legislature recognized that any future interactions with a perpetrator -- whether they are at social events, in classes or on the street -- can be extremely traumatic for the victim. Here, M.R. provided evidence of the extreme emotional distress caused by merely running into M.D. on campus. CP 15-36. These are precisely the types of "interactions" from which the Legislature intended a SAPO to protect a sexual assault survivor. No further dangerous acts after the rape are required.

2. The trial court misapplied the "reasonable fear" requirement and imposed an improper heightened burden on M.R. at the hearing on the final order.

The trial court dismissed M.R.'s petition because it found she did not establish a "reasonable fear of future dangerous acts." CP 116. In both the order and the hearing, it is clear that the trial court misunderstood

the "reasonable fear" requirement[2] and erroneously imposed a heightened burden on M.R. to demonstrate additional dangerous acts by the Respondent beyond the single sexual assault required by the statute. *See* VRP 77. But M.R.'s petition plainly stated why she was fearful of M.D. She described in detail how she had been violently raped by a fellow classmate whom she otherwise did not know, that she did not know what else he was capable of beyond the rape, and that because they were both students at UW with friends in common, she kept encountering him. CP 4; VRP 62-63. Under the plain terms of the statute, this should have been more than sufficient.

Under the trial court's order and Respondent's interpretation of the statute, petitioners who are assaulted and do not know their assailants would never qualify for a SAPO, because they would not be able to sufficiently predict their attackers' future actions in order to justify their "reasonable fear." But victims who are not in a relationship with their attackers—and thus do not know them—are precisely the people the SAPO statute is designed to protect.[3] The trial court recognized this

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[2] RCW 7.90.020 provides: "A petition for relief shall allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration, and shall be accompanied by an affidavit made under oath stating the specific statements or actions made at the same time of the sexual assault or subsequently thereafter, which give rise to a reasonable fear of future dangerous acts, for which relief is sought."

[3] RCW 7.90.030 states "[a] petition for a sexual assault protection order may be filed by a person: [ ] (a) *Who does not qualify for a protection order under chapter 26.50 RCW* ..." (emphasis added).

problem with Respondent's interpretation of the statute, yet granted the motion to dismiss regardless. VRP 71. This was error as a matter of law.

Finally, the "reasonable fear of future dangerous acts" requirement in RCW 7.90.020 for the petition makes sense in the context in which the petition is usually filed. The petition permits a court to enter temporary *ex parte* relief, without notice or an opportunity for the respondent to be heard. The statute empowers the court to make this limited intrusion on a respondent's due process rights precisely because a petitioner has a fear of future dangerous acts and desires protection until the full hearing. The temporary order expires after 14 days, during which the respondent is required to be notified of the petition and the hearing on entry of a final order. RCW 7.90.050. Because the respondent is entitled to appear and testify at the full hearing, an additional showing of fear of future acts is no longer required for entry of the final order. Rather, at the full hearing, the petitioner must show only by a preponderance of the evidence that the sexual assault occurred. RCW 7.90.090. The Legislature has already recognized that sexual assault inflicts humiliation, terror and pain upon victims. RCW 7.90.005. In light of this recognition, it is unreasonable to interpret the statute in a manner that presumes that a victim of sexual assault would not experience reasonable fear of her attacker.

The interpretation of the SAPO statute adopted by the trial court and urged by Respondent leads to absurd results that are contrary to the statute's language and history. The trial court should be reversed.

B. Courts Should Not Consider Reputational Harm to Respondents in Issuing Sexual Assault Protection Orders.

Respondent failed to present any evidence rebutting M.R.'s claim of sexual assault. Respondent did not testify at the hearing nor submit a declaration rebutting any fact in M.R.'s petition. Rather, throughout the proceedings below and in this Court, Respondent has repeatedly taken the position that a SAPO should not be entered because it would damage Respondent's reputation, negatively impacting his ability to "coach little league" and continue his "active community service work." VPR 42; CP 51. This line of argument was presented to the trial court largely via a lengthy and self-serving declaration from Respondent's father, who repeatedly reminded the court of his status as a member of the Washington State Bar and a former prosecutor. CP 44-52. Respondent also presented dozens of pages of improper character "vouching" declarations from family and friends who had no personal knowledge of the sexual assault, and who opined solely on Respondent's reputation and the theoretical future impacts of a SAPO on his personal life.[4]

[4] Ironically, Respondent submitted these declarations of persons with no knowledge of the sexual assault, while simultaneously objecting to M.R.'s declarations from witnesses

This Court, as well as other courts, should not consider these arguments in ruling on SAPO petitions for at least three reasons. First, Respondent's claims of reputational harm are not relevant to a court's inquiry under the SAPO statute. The SAPO statute requires only that the court find by a preponderance of the evidence that the petitioner was a victim of non-consensual sexual contact or penetration. RCW 7.90.090. Respondent did not submit any evidence on this point, but instead submitted affidavits from third parties concerning his reputation, the emotional impact of the SAPO proceedings and the length of time since Respondent had contacted M.R. CP 44-75. These issues are irrelevant to entry of a SAPO and should be disregarded.[5]

Second, Respondent has not presented any actual evidence of adverse consequences to him, and instead has put forth only vague and unfounded arguments meant to evoke sympathy or curry favor with the Court. *See* CP 51 (claiming SAPO will impact M.D.'s ability to coach sports for his future children); CP 45, 49, 51 (declaration from M.D.'s father indicating in five different paragraphs that he is an attorney). But

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who had interacted with her immediately after the sexual assault and witnessed her extreme fear whenever she encountered M.D. In contrast to Respondent's character witness declarations, M.R.'s declarations are highly relevant both to the occurrence of nonconsensual sexual contact or penetration and to her reasonable fear of Respondent.

[5] To the extent such privacy concerns merit protection from a court, a party can file a motion requesting redaction or sealing of certain records. Respondent filed such a motion in this Court, which Commissioner Neel granted in part, requiring the use of initials to identify the parties in the briefing in this case.

reputation alone is generally insufficient to trigger due process protections.[6] *See Paul v. Davis*, 424 U.S. 693, 712, 96 S. Ct. 1155, 1166, 47 L. Ed. 2d 405 (1976). Moreover, civil orders do not unlawfully restrict a restrained person's freedom of movement. *See Spence v. Kaminski*, 103 Wn. App. 325, 336, 12 P.3d 1030, 1036 (2000) ("The DVPO and stalking statutes are a "reasonable exercise of police power requiring one person's freedom of movement to give way to another person's freedom not to be disturbed."). As such, there is no legally protected interest advanced by Respondent's declarations, and they should not be considered.

Finally, considering "stigma" to the Respondent in a SAPO case is inconsistent with the purpose and history of the SAPO statute. *See* Sec. V. A.1, *supra*. The intent of the statute is to provide protection to victims, not to punish perpetrators. RCW 7.90.005 ("the victim should be able to seek a civil remedy requiring that the offender stay away from the victim"). Moreover, as the Legislature recognized, sexual assault "inflicts humiliation, degradation, and terror on victims." *Id.* M.R. provided uncontested evidence to the trial court that her experience is consistent

[6] Even if the Respondent could claim a legal interest in his reputation alone –which he cannot—it is undisputed that he had the opportunity to present evidence contesting M.R.'s allegations about the assault. He merely elected not to, and instead presented only declarations from third parties concerning his reputation and theoretical injuries to it.

with this expectation.[7] She has experienced panic attacks, sleeplessness, loss of appetite and depression. CP 15-36. While failing to rebut this evidence, Respondent provided only argument from his father and friends that the Court should consider theoretical and speculative impacts on Respondent's future employment and leisure activities. Nothing in the text, history or purpose of the SAPO statute sanctions consideration of these issues.[8] This Court should provide clear direction to trial courts considering SAPOs to disregard improper argument and proffered evidence concerning a respondent's reputation.

C. In Light of the Widespread Underreporting of Sexual Assaults, Courts Should Allow Testimony from Survivors Who Wish to Testify at SAPO hearings.

In enacting the SAPO statute, the Legislature noted that rape is the most underreported crime. *See Bench Guide* at 1-1 (Washington study stating only 15% of rapes are reported). At colleges, victims often do not

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[7] It "is common for victims to experience a wide range of significant physical and emotional traumas from the crime: flashbacks, posttraumatic stress, depression, anxiety, sleep disorders, eating disorders, and other negative and persisting consequences. Researchers have described the psychological condition often resulting from the profound suffering of victims as Rape Trauma Syndrome." Karen Oehme et al., *A Deficiency in Addressing Campus Sexual Assault: The Lack of Women Law Enforcement Officers*, 38 Harv. J. L. & Gender 337, 347-48 (2015) (internal citations omitted).

[8] Moreover, "the common assumption that men who commit sexual assault in college make a single bad decision is erroneous. Instead, repeat predators may account for as many as nine out of every ten rapes." Karen Oehme et al., *supra*, at 349 (citing Joseph Shapiro, *Myths That Make It Hard to Stop Campus Rape*, Nat'l Pub. Radio (Mar. 4, 2010), http://www.npr.org/templates/story/story.php? storyId=124272157, archived at http://perma.cc/PV5Z-6E7W).

make formal reports of the crime to police; estimates of formal reports range only from 5% to 33%. Oehme et al., *supra*, at 347 (internal citations omitted).[9] Critics of the criminal justice system's treatment of rape have long noted that rape survivors are often discouraged from using the criminal justice system. Myka Held, *A Constitutional Remedy for Sexual Assault Survivors*, 16 Geo. J. Gender & L. 445 (2015). Victims face bias and institutional barriers at every level of the criminal justice system, including victim-blaming prosecutors and judges. *Id.* at 446, 454-56.

One factor that discourages survivors from reporting their rapes is the re-victimization that can happen from being required to repeatedly tell the story of the sexual assault to unsympathetic listeners, including police officers, prosecutors and judges. *Id.* at 447 (collecting sources discussing re-victimization by state actors in the legal system prosecuting rapes). That the criminal justice system's treatment of victims discourages reporting is especially tragic, as reporting rape is the single most effective tool for preventing subsequent sexual assaults, especially in a campus environment. Oehme, *supra*, at 349.[10]

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[9] Even when a rape is reported, only thirty-seven percent of reported rapes are criminally prosecuted. Patricia Tjadden & Nancy Thoennes, *Extent, Nature, and Consequences of Rape Victimization: Findings from the National Violence Against Women Survey*, Nat'l Inst. of Justice Special Report 33 (2006), https://www.ncjrs.gov/pdffiles1/nij/210346.pdf.

[10] "More broadly, increased reporting can eventually create an environment in which serial perpetrators have a disincentive to commit the crime--their fear of getting caught. Individual victims possess crucial information about perpetrators, and the reporting of

In M.R.'s case, while she reported her rape to the UW Campus Police and the King County Prosecutor's Office, as with the majority of sexual assault survivors, the criminal justice system did not help her. The prosecutor elected not to file charges and the UW student conduct process was opaque and "taking months." Meanwhile, M.R. continued to encounter Respondent on campus. CP 15-36. But when M.R. sought protection through the civil SAPO process, the trial court proved to be no better. At the hearing for entry of a final SAPO, the trial court cut off M.R. midway through her testimony and did not permit her to resume. Instead, the Court continued the hearing for 10 days and then granted Respondent's motion to dismiss without allowing additional testimony. *See* VRP 75 (M.R.'s counsel offering additional testimony on reasonable fear at continued hearing).

The trial court's failure to permit M.R. to complete her testimony perpetuates the underreporting of sexual assault and contravenes the intent of the statute. In selecting the lowest burden of proof (preponderance) and requiring only that a victim establish that an assault has taken place, the Legislature responded directly to the underreporting of rape, proactively providing a forum and a remedy for sexual assault victims that is more accessible than the criminal process. By cutting off M.R.'s testimony, the

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sexual assault to police can have the very real consequence of deterring future crime against other women." Oehme, *supra*, at 349.

trial court undermined this central legislative goal. If affirmed on appeal, the trial court's treatment of M.R. will only lead to further underreporting of sexual assault, as victims who would otherwise have the wherewithal to testify will learn that they can be shut down mid-hearing by an aggressive Respondent. In sum, this Court should hold that where a victim wishes to testify in support of entry of a SAPO, she should be permitted to do so.

VI. CONCLUSION

The goal of the SAPO statute is to provide straight-forward and accessible protection to victims of sexual assault who do not qualify for another type of protective order. Courts adjudicating SAPO petitions should be cognizant of this express purpose. The trial court here abused its discretion and committed legal error when it required M.R. to show more than the occurrence of a sexual assault, when it permitted the Respondent to repeatedly argue against the order on the basis of alleged reputational harm, and when it interrupted M.R.'s testimony and did not permit her to complete it before dismissing the petition. The trial court's order undermines the important goals of the SAPO statute and should be reversed.

RESPECTFULLY SUBMITTED this 30th day of November, 2015.

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CERTIFICATE OF SERVICE

I am and at all times hereinafter mentioned was a citizen of the United States, a resident of the State of Washington, over the age of 21 years, competent to be a witness in the above action, and not a party thereto; that on the 30th day of November, 2015 I caused to be served a true copy of the foregoing document upon:

Riddhi Mukhopadhyay Sexual Violence Law Center 2024 3rd Avenue Seattle, WA 98121-2431 Email: riddhim@ywcaworks.org *Attorneys for Appellant*	☐ via facsimile ☐ via overnight courier ☐ via first-class U.S. mail ☒ via email ☐ via electronic court filing ☐ via hand delivery
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 30th day of November, 2015.

Dawn M. Taylor