

FILED
SUPREME COURT
STATE OF WASHINGTON
3/25/2020 8:00 AM
BY SUSAN L. CARLSON
CLERK

No. _____

SUPREME COURT OF THE STATE OF WASHINGTON

SHYANNE COLVIN, SHANELL DUNCAN, TERRY KILL, LEONDIS
BERRY, and THEODORE ROOSEVELT RHONE,

Petitioners,

v.

JAY INSLEE, Governor of the State of Washington, and STEPHEN
SINCLAIR, Secretary of the Washington State Department of Corrections,

Respondents.

DECLARATION OF TIMOTHY PAULEY

Nicholas Allen, WSBA #42990
Nicholas B. Straley, WSBA #25963
Janet S. Chung, WSBA #28535
Columbia Legal Services
101 Yesler Way, Suite 300
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Attorneys for Petitioners

I, Timothy Pauley, declare under penalty of perjury under the laws of the United States of America that the following statements are true and correct to my best knowledge and belief:

1. I am 61 years old. I've been in prison for forty years.
2. By birthday is [REDACTED], 1958.
3. I am over the age of 18 and am competent to testify as to

the contents of this declaration.

Background

4. I am currently in detention at Monroe Correctional Center, Washington State Reformatory, Unit C.

5. My DOC number is #273053.

6. I have been at this facility for almost 10 years.

7. I am serving an indeterminate sentence with a maximum of life.

8. I've been incarcerated since 1980.

9. I am challenging the Indeterminate Sentence Review Board's July 2019 decision related to my parolability. When I previously challenged the ISRB through a personal restraint petition, I was granted a new hearing by the appellate court.

10. I'm in a single cell in Unit C of WSR.

11. I have access to a sink in my cell and a toilet. I have soap and warm water. There is no hand sanitizer provided for me to use in my cell.

12. Porters clean the common areas and they are given bleach. They clean several times a day.

13. The showers are community showers.

14. There are 3 showers for 38 people on my tier.

15. Currently there is no programming. It would be impossible to practice social distancing in the programs here.

16. When I go to the yard, there are sometimes 50 people there.

17. I also use the communal gym. I try to maintain a distance. Right now not many people are using the gym.

18. When I use the law library, like I will tonight, the computers are close together and it is difficult to maintain distance from others. There can 8-16 people in the law library together.

19. When I go to the chow hall, two times a day, it is impossible to maintain distance. The seats are at communal tables and the tables are closer than 6 feet apart from each other. There are a couple hundred people in the chow hall at any one time, could be a maximum of 350 people.

20. They don't have any hand sanitizers for men when they come into the chow hall.

21. There is no place to wash hands in the chow hall.

22. I don't know how often the chow hall is cleaned. I have never witnessed it.

23. I use the day room once in a while. There is no social distancing there—there is no space. It's set up like the chow hall. Often there are 30-40 people in the day room.

24. When people in my unit are on quarantine they are locked in their cell for a few days, and then I see them taken somewhere else and I am not told where they go.

25. The officers carry bottles of hand sanitizer, but they are not provided to inmates.

26. To clean my cell, I am only provided two substances – one is green and one is red. The red one is supposed to be a disinfectant. It's supposed to sit on the surface for ten minutes, but the substance evaporates within minutes. So, I don't see how it can be effective. The green one is supposed to be a detergent.

Medical History

27. I have had medical problems in the past.

28. I had a bowel obstruction and reported to medical. I was locked in a room for 3 days in the inpatient unit with an I.V. and nothing else. I was not diagnosed. I finally called my family and my attorney at the time came to the facility and was able to get me taken to care outside the facility. The outside facility diagnosed me immediately and provided treatment.

29. I started bleeding internally in 2014 and was taken to an outside hospital for emergency surgery.

30. A medical doctor at this facility, Dr. Julia Barnett, was fired in 2019 for failing to provide adequate care to inmates and lacking proper qualifications. There were several deaths on her watch.

My work in the Hallway

31. I work as a shift porter. I clean the hallway and shift office, and anything else they need cleaned. I use spray bottles with bleach and soap to clean during my job.

32. I'm usually in the hallway in the morning as staff enters. I try to maintain a safe distance.

Who I am

33. I am subject to an indeterminate sentence.

34. I have presented uncontroverted evidence of my rehabilitation. As the appeals court found even the ISRB acknowledged I

have made concerted and continuous efforts to continue my education, learn vocational skills, and to help others within the prison walls.

35. The ISRB has called my engagement in programming prolific.

36. Psychological evaluations have found me to be a low risk.

37. My last general infraction was in 2012. I haven't had a serious infraction since 1995.

38. If I am released, I have family support and several places I could live. I could live with my sister, my brother, or with several friends.

39. I plan to work when released. I have two options. I completed a web design course that has employment support. I have also been a personal trainer for 30 years. I could get a job doing that work. I am also a published author and could work on getting additional works published online.

40. I also have a scholarship with Post-Prison Education Program. Upon release, I could continue my education. I'd like to get a master's degree in sociology or criminology so I can be an asset.

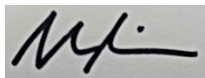
Authorization

41. Columbia Legal Services has permission to use this declaration, to move forward with litigation against DOC on my behalf,

and to try to help the situation here given this dangerous public health crisis.

DATED this 19th day of March 2020, in Monroe, Washington.

I am unable to sign this document as it was prepared in Seattle, Washington, but I have had it read to me over the telephone and authorize my attorney Marla Zink to sign it on my behalf.

A handwritten signature in black ink, appearing to read 'T. Pauley', is shown within a rectangular grey box.

Timothy Pauley, by Marla Zink (WSBA #39042)

CERTIFICATION RE AUTHORIZATION TO SIGN
ON BEHALF OF DECLARANT

I, Marla Zink, declare under penalty of perjury under the laws of the State of Washington:

1. Due to shortened time and limitations on access to the declarants due to the current public health emergency, distance, shortened time, and prison procedures, I was unable to obtain physical signatures from the declarants.

2. I personally spoke with Timothy Pauley over the telephone on March 19, 2020. I drafted Mr. Pauley's declaration while on the telephone with him. At the conclusion of the call, I read Mr. Pauley's declaration to him, and Mr. Pauley stated to me that he believed the contents to his declaration to be true and correct, and authorized me to sign the declaration on his behalf.

DATED this 22nd day of March, 2020 at Seattle, Washington.



Marla Zink, WSBA #39042

COLUMBIA LEGAL SERVICES, INSTITUTIONS PROJECT

March 24, 2020 - 7:16 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98317-8
Appellate Court Case Title: Shyanne Colvin et al. v. Jay Inslee et al.

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Comments:

Declaration in Support of Petition for Mandamus

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