

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

**A.B., by and through her next friend Cassie
Cordell Trueblood; D.D., by and through his
next friend Andrea Crumpler; K.R. by and
through his next friend Marilyn Roberts; Q.M.
by and through his next friend Kathryn
McCormick; all others similarly situated; and
Disability Rights Washington;**

Plaintiffs,

vs.

**Washington State Department of Social and
Health Services; Kevin Quigley, in his official
capacity as Secretary of the Department of
Social and Health Services; Western State
Hospital; Ron Adler in his official capacity as
Chief Executive Officer of Western State
Hospital; Eastern State Hospital; and Dorothy
Sawyer in her official capacity as Chief
Executive Officer of Eastern State Hospital,**

Defendants.

No. 14-cv-01178-MJP

**DECLARATION OF
BEN GOLDSMITH**

I, Ben Goldsmith, declare as follows:

1. I am over the age of eighteen, have personal knowledge of the matters
stated herein, and am competent to testify thereto.

1 2. I am a Supervisor of the Felony Division of The Defender Association
2 Division of the King County Office of Public Defense. My office represents Q.M.

3 3. Q.M. is charged with felony harassment in King County Superior Court.
4 Attached as Exhibit A is a true and correct copy of the Information.

5 4. On July 23, 2014, on motion of his public defender the court ordered Q.M.
6 to be evaluated for competency to stand trial. Attached as Exhibit B is a true and
7 correct copy of the Order for Competency Evaluation.

8 5. Under Washington's CrR 3.3(e)(1), his right to speedy trial was tolled
9 pending his competency-related proceedings.

10 6. On August 13, 2014, based on a finding that Q.M. was not competent, the
11 Court ordered Q.M. to be transported to Western State Hospital for competency
12 restoration. Attached as Exhibit C is a true and correct copy of the Order for
13 Competency Restoration.

14 7. On August 22, Q.M.'s counsel filed a motion to show cause why Western
15 State should not be held in contempt for failing to transfer Q.M. to Western State in
16 violation of his due process rights. As stated in the motion, Q.M.'s potential sentencing
17 range is 1 to 3 months and he has been in jail since April 14, 2014. Attached as Exhibit
18 D is a true and correct copy of the Motion to Show Cause.

19 8. On September 5, 2014, the court issued its order on the motion to show
20 cause. It denied the motion but ordered Western State Hospital to transfer Q.M.
21 immediately. Attached as Exhibit E is a true and correct copy of the Court's Order
22 denying the motion for contempt and ordering immediate transport.

9. Q.M. is still in jail today.

DATED this 2nd day of October, 2014, at Seattle, Washington.



Ben Goldsmith

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

- John K McIlhenny (JohnM5@atg.wa.gov)
- Nicholas A Williamson (NicholasW1@atg.wa.gov)
- Sarah Jane Coats (sarahc@atg.wa.gov)
- Amber Lea Leaders (amberl1@atg.wa.gov)

DATED: October 3, 2014, at Seattle, Washington.

/s/Mona Rennie

Legal Assistant
Disability Rights Washington