

No. 24-7120

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
MAR 10 2025  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Bryan Paul Hernandez  
and Selene Violet Henderson — PETITIONER  
(Your Name)

vs.

Eric Carpenter — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the state of Washington  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Selene Violet Henderson  
Eliza Bryan Paul Hernandez  
(Your Name)

do ESH  
P.O. Box 800  
(Address)

Medical Lake WA 99342  
(City, State, Zip Code)

CS091565-4446  
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. Do adults in a psychiatric hospital possess the same free speech rights that non-emancipated at-liberty minors possess regarding the kinds of media their state is prohibited from restricting?
2. Do Washington's interpretations of its habeas corpus rules in appellate courts violate constitutional protections for habeas corpus, and do these interpretations violate legislative intent?
3. Did a denial of access to the courts occur when the state failed to provide counsel or a law library when state law may provide for the right to counsel in habeas corpus proceedings in appellate court?
4. Did a 4th Amendment violation occur when the state seized property and placed it off-ward but in my name where it is inaccessible?

### LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the Court of Appeals, Division III court appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was 2/20/2025. A copy of that decision appears at Appendix B.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amend. I;

U.S. Const. Art. I, Cl. 2;

BCW 10.101.005;

BAP 16.4-16.5;

BCW 7.36.

U.S. Const. Amend. IV;

## STATEMENT OF THE CASE

In May of 2024, Eastern State Hospital took away one previously approved Nintendo Switch video game, *The Elder Scrolls V: Skyrim* when I had asked for *Red Dead Redemption* to be approved. I had filed complaints up to the highest officer in the hospital, citing numerous studies done in the *Wolke of Brown v. Entertainment Merchants Ass'n*, 569 U.S. 786 (2011). In October of 2024 I filed a Personal Restraint Petition in Washington's Court of Appeals bringing 6 challenges, then the denial of 2 out of 6 of these were then appealed to the Supreme Court of Washington, which was denied in February 2025. A motion to modify received no response or acknowledgement. It is assumed to have been mishandled by the Supreme Court clerk. EMA and the 1st Amendment were raised to the courts and ignored. Strict scrutiny was not applied to the video game/movie policy at Appendix C at all. Both courts denied the appointment of counsel under RCW 10.05.025. ESH used its own Policy (n. 101 attached) to justify its actions. Throughout the course of the Personal Restraint Petition, multiple attempts have been made to obtain the policy and records of why the two games were disapproved after one of them was previously approved. To date, only the policy has been provided, after the dismissal of the proceeding.

## REASONS FOR GRANTING THE PETITION

In *Youngberg v. Romeo*, 357 U.S. 488 (1978), the U.S. Supreme Court set important standards for civilly committed detainees. In *City of Revere v. Massachusetts General Hospital*, 463 U.S. 239 (1983) this same court ruled that the 4th amendment is at least as great as the 8th amendment in regards to protections. In *Brown v. Entertainment Merchants Assn*, 564 U.S. 786 (2011), this court ruled that video games qualify for 1st amendment protection. The continued seizure of two video games based solely upon their ESRB rating "M" when several others are available to check out of my on-word property bin that are ESRB "T" or below is objectively unreasonable under *Kingsley v. Hendrickson*, 135 S. Ct. 2466 (2015). The trial court's denial of counsel (in this case the court of appeals) violated *In re Grove*, 127 Wn.2d 221 (Wash. 1992) and therefore *Lewis v. Casey* 518 U.S. 343 (1996). Because of this and a complete lack of a law library, I was not able to bring a 1st and 4th amendment claim. What I was able to bring the courts ignored, violating *In re Arsenault*, 98 Wn. App. 368 (Wash. Ct. App. Div. I, 1999), RCW 7.36; and PSAP 16.9-16.15, and U.S. Const. Art. I, cl. 8.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Salena Henderson

Date: 03/21/2023