

PsychRights
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406 G Street, Suite 206, Anchorage, Alaska 99501
(907) 274-7686 Phone ~ (907) 274-9493 Fax
<http://psychrights.org>

April 1, 2004

Laura M. Brooks, MS, LPA
Director of Institutional Mental Health
State of Alaska Department of Corrections
4500 Diplomacy Drive, Suite 207
Anchorage, Alaska 99508

Re: Etta Bavilla Forced Medication

Dear Ms. Brooks:

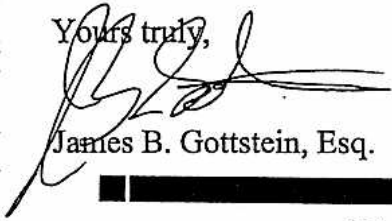
On February 23rd I wrote you informing the Alaska Department of Corrections (Department) I was representing Ms. Bavilla and that the Department provide me with all relevant paperwork, including Ms. Bavilla's entire chart, updated from time to time if the Department was going to pursue a forced psychiatric medication order against Ms. Bavilla.¹ I have just heard from Ms. Bavilla that she was presented with such paperwork this morning and a hearing will be held this coming Monday, April 5, 2004, at 8:30 a.m. The Department's failure to notify me and provide the requested documentation is a denial of Ms. Bavilla's constitutional right to due process. I demand you provide me with the information immediately. This should also include copies of all other Department records concerning Ms. Bavilla.

It is my suggestion the Department bring in counsel to review its handling of this matter for compliance with applicable law. My suggestion is this review start with *Washington v. Harper*, 494 U.S. 210 (1990) and include *Sell v. United States*, 123 S.Ct. 2174 (2003). My understanding of the circumstances leads me to conclude Ms. Bavilla's constitutional rights are also otherwise being violated. For example, Ms. Bavilla informed me she was not told what medication is being proposed. This is illegal.

Also, because of the extremely short time frame involved and my client's right to consult with me to prepare her defense, I demand you arrange with Hiland Correctional Center that Ms. Bavilla have the unhindered right to call me and I have the unhindered right to call and visit Ms. Bavilla, subject only to necessary restrictions such as curfew and meal times.

I also move for a one week continuance to allow Ms. Bavilla and I to prepare her defense. I also move for an order allowing me to take the deposition of witnesses the Department intends to rely upon.

Yours truly,


James B. Gottstein, Esq.

cc: Etta Bavilla
fax

— **Exhibit 2** —

¹ This letter was a follow-up to an earlier e-mail on the same subject.