

FILED
COURT OF APPEALS DIVISION I
STATE OF WASHINGTON
2009 AUG 17 AM 11:19

NO. 62290-1-I

**COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JACQUELINE MARIE FLETCHER,

Petitioner.

RESPONSE OF THE
DEPARTMENT OF
CORRECTIONS

Respondent, the Department of Corrections (Department or DOC), responds to Fletcher’s personal restraint petition pursuant to RAP 16.9. The Court has ordered King County to respond to the merits of the petition, while ordering DOC merely to address “whether it has continued to notify inmates about their rights and obligations under RCW 10.73.090.” The DOC construes this to mean whether DOC notified inmates of their rights under that statute when Fletcher was incarcerated in 1994.

On January 20, 1994, Fletcher was received at the Washington Correctional Center for Women (WCCW) after being sentenced. Exhibit 1, OMNI Legal Face Sheet, at 13 (“Admission To Prison”). The following documents show that she received notice of the time-bar at that time.

- Exhibit 2, Declaration of Wendy Stigall, at para. 4.
- Exhibit 3, Affidavit of Chase Riveland, at para. 4.

ORIGINAL

- Exhibit 4, Affidavit of Larry Kincheloe, at para. 4.
- Exhibit 5, Affidavit of Eldon Vail, at para. 5.
- Exhibit 6, Washington Corrections Center Reception Center Male/Female Inmate Handbook, at attachment 7.

Exhibit 6 is the orientation handbook that Fletcher would have received upon entering the WCCW in January 1994. Exhibit 1, at para. 4. It includes the time-bar notice. Also, Eldon Vail was superintendent of the WCCW in 1992 and originally ordered the dissemination of the time-bar notice at that institution. Exhibit 5.

RESPECTFULLY SUBMITTED this 14th day of August, 2009.

ROBERT M. MCKENNA
Attorney General



RONDA D. LARSON, WSBA #31833
Assistant Attorney General
Corrections Division
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CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing document on all parties or their counsel of record as follows:

Via email TO:

Beth Colgan
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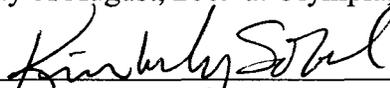
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STATE OF WASHINGTON
2009 AUG 17 AM 11:19

I certify under penalty of perjury that the foregoing is true and correct.

EXECUTED this 14th day of August, 2009 at Olympia, WA.



KIMBERLY SOBOL
Legal Assistant

Inmate: FLETCHER, Jacqueline Marie (710561)

Gender: Female	DOB: [REDACTED]	Age: 44	Category: Regular Inmate	Body Status: Active Inmate
RLC: MOD	Wrap-Around: No	Comm. Concern: No	Custody Level: Medium	Location: WCCW — CCU / C115B
ERD: Life W/O Release/Parole			CC/CCO: Sheridan, Heidi A	

Offender Information (Combined)

Prison Max Expiration Date:	Life Without Parole	Last Static Risk Assessment Date:	06/03/2009	DOSA:
Planned Release Date:		Last Offender Need Assessment Date:	06/03/2009	ISR8? No
Earned Release Date:		RLC Override Reason:		CCB? No
ESR Sex Offender Level:				SOSSA? No
ESR Sex Offender Level Date:		Offender Release Plan:	Notification	WEP? No
County Sex Offender Level:		Victim Witness Eligible?	Yes	
Registration Required?		County Of First Felony Conviction:		
DMIO?	No	P U L H E S D X T		
DD?	No	1 1 1 1 1 2 1 1		
SMIO?	N			

Personal Characteristics

Aliases, Dates of Birth and Places of Birth			
Aliases			
*Last Name:	First Name:	Middle Name or Initial:	Suffix:
BIRCHER	Jacqueline	M	
FLETCHER	Jackie		
Dates of Birth		Places of Birth	
*Dates of Birth:	Use for Age Calculation?	City:	State / Province: Country:
[REDACTED]	No	Unknown	Washington United States
[REDACTED]	Yes		

Identifications			
General			
FBI Number:	FBI Fingerprint Code:	WA State ID Number:	ICE Registration Number:
193150FA1	POIPIPMPOPOIPIPOPIDI	WA13179013	EXHIBIT 1
Social Security		Driver's License	
Social Security Number:	Validated with SSA?	Driver's License Number:	State / Province: Country:

[REDACTED]		N
[REDACTED]		Y
Jurisdiction		
*Type of Jurisdiction:	County/State/Country:	*Other Jurisdiction Number:

Physical Description / Marital Status

*Gender:	Hair Color:	Eye Color:	Complexion:	Marital Status:
Female	Black	Brown	Medium	Divorced
Height:	Weight:	*Person Type:	*Twin or Multiple Births?	
5 Ft. 6 In.	269 Lbs	DOC	N	

Race, Hispanic Origin and Citizenship

*Race:	Ethnic Affiliation:	Use for Documentation?	Hispanic Origin?	Citizenship:
White	European/N.Am./Austr	Y	N	United States

Languages

Language:	Comprehend?	Read?	Prefers:
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Scars, Marks and Tattoos

SMT Type:	SMT Subtype:	Body Part:	Description:
Remarks			

Religion and Diet

Religious Preference:	Denomination or Sect:	Diet Name:	Approved At:	Effective Date:	End Date:
Christian	Protestant			08/01/1996	

Primary, Mailing and Other Addresses

Role:	Name and Address:	Current Residence?	Valid for Mailing?	Disclosable?	Effective Date:	End Date:
Offender Primary Address	[REDACTED] [REDACTED] United States 98037	Y		Y	08/08/1996	
Offender Mailing Address	WCCW P.O. BOX 17 Gig Harbor WA United States 983350017		Y	Y	08/08/1996	

Emergency Contacts

Relationship:	Emergency Contact Name and Address:	Phone Number:	Effective Date:	End Date:
Mother	OBTS Emergency Contact Info Follows:	[REDACTED]	*/31/2008	

[REDACTED]
OBTS Conversion

Email Addresses and Phone Numbers

Email Addresses

Role:	Name:	Email Address:	Effective Date:	End Date:
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Phone Numbers

Role:	Name:	Phone Number:	Effective Date:	End Date:
Offender Primary Telephone		[REDACTED]	10/31/1995	

Employers

Employer Name:	Occupation:	Contact Name:	Address:	Employer Email:	Phone Number:	Monthly Income:	Effective Date:	End Date:
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Other Monthly Income

Other Monthly Income Description (Current):	Other Monthly Income Amount (Current):
Monthly Income From All Sources (Current):	\$0.00

Military Service

Claim Number
 Branch: Start Date: End Date: Served In: Service Number: Type of Discharge: DD214 Verified? War Zones:

Vehicles

Year: Make: Model: Type: Color: License Plate Number: State: Country:

Sentence Structure (Field)

Cause: AA - 931039855 - King

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Jacqueline Fletcher	08/06/1993	Closed	Robbery
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
SUP	08/06/1993	04/12/1996	

Count: 1 - RCW 9A.56.210 - Robbery 2

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
08/06/1993	1Y, 0M, 0D	365	04/12/1996	
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N			

Cause: AB - 931068677 - King

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Jacqueline Fletcher	01/14/1994	Closed	Robbery
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
MON	05/14/1995		

Count: 1 – RCW 9A.56.210 – Robbery 2

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
05/14/1995	0Y, 0M, 0D			10/04/2003
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N			

Count: 2 – RCW 9A.56.210 – Robbery 2

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
05/14/1995	0Y, 0M, 0D			10/04/2003
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N			

Cause: AC – 931075380 – King

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Jacqueline Fletcher	01/14/1994	Closed	Property
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
No Sup/CC	05/14/1995		

Count: 1 – RCW 9A.60.020 – Forgery

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
05/14/1995	0Y, 0M, 0D			05/20/2002
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
No	N			

Cause: AD – 961003799 – Snohomish

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Jacqueline Fletcher	07/12/1996	Active	Robbery
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
CP	05/15/2009	05/15/2009	

Count: 1 – RCW 9A.56.210 – Robbery 2

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
05/15/2009	0Y, 0M, 0D		05/15/2009	Life
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N			

Count: 2 – RCW 9A.56.210 – Robbery 2

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
05/15/2009	0Y, 0M, 0D		05/15/2009	Life
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N			

Count: 3 – RCW 9A.56.210 – Robbery 2

Count Start Date: 05/15/2009
 Supervision Length: 0Y, 0M, 0D
 Length In Days:
 Count End Date: 05/15/2009
 Stat Max: Life
 Violent Offense? DW / FA Enhancement? Anticipatory:
 Yes N

Count: 4 – RCW 9A.56.210 – Robbery 2

Count Start Date: 05/15/2009
 Supervision Length: 0Y, 0M, 0D
 Length In Days:
 Count End Date: 05/15/2009
 Stat Max: Life
 Violent Offense? DW / FA Enhancement? Anticipatory:
 Yes N

Count: 5 – RCW 9A.56.210 – Robbery 2

Count Start Date: 05/15/2009
 Supervision Length: 0Y, 0M, 0D
 Length In Days:
 Count End Date: 05/15/2009
 Stat Max: Life
 Violent Offense? DW / FA Enhancement? Anticipatory:
 Yes N

Sentence Structure (Inmate)

Cause: AA – 931039855 – King

State: Washington
 Convicted Name: Jacqueline Fletcher
 Date Of Sentence: 08/06/1993
 Consecutive Cause:
 Time Start Date: 01/20/1994
 Confinement Length: 0Y, 0M, 0D
 Earned Release Date:

Count: 1 – RCW 9A.56.210 – Robbery 2

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: 0Y, 0M, 0D
 ERT %: %
 ERD: MaxEx: Stat Max: Violent Offense? Yes
 Supervision Type: SUP
 Supervision Length: 1Y, 0M, 0D
 Consecutive Count:
 Hold To Stat Max Expiration:

Cause: AB – 931068677 – King

State: Washington
 Convicted Name: Jacqueline Fletcher
 Date Of Sentence: 01/14/1994
 Consecutive Cause:
 Time Start Date: 01/20/1994
 Confinement Length: 2Y, 1M, 0D
 Earned Release Date: 05/13/1995

Count: 1 – RCW 9A.56.210 – Robbery 2

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: 2Y, 1M, 0D
 ERT %: 33.33%
 ERD: 05/13/1995
 MaxEx: 11/03/1995
 Stat Max: 10/04/2003
 Violent Offense? Yes
 Supervision Type:
 Supervision Length:
 Consecutive Count:
 Hold To Stat Max Expiration:

MON 0Y, 0M, 0D

Count: 2 – RCW 9A.56.210 – Robbery 2

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				2Y, 1M, 0D	33.33%	05/13/1995	11/03/1995	10/04/2003	Yes

Supervision Type:	Supervision Length:	Consecutive Count:	Hold To Stat Max Expiration:
MON	0Y, 0M, 0D		

MON 0Y, 0M, 0D

Cause: AC – 931075380 – King

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Jacqueline Fletcher	01/14/1994	
Time Start Date:	Confinement Length:	Earned Release Date:	
01/20/1994	0Y, 5M, 0D	03/20/1994	

Count: 1 – RCW 9A.60.020 – Forgery

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 5M, 0D	33.33%	03/20/1994	04/19/1994	05/20/2002	No

Supervision Type:	Supervision Length:	Consecutive Count:	Hold To Stat Max Expiration:
No Sup/CC	0Y, 0M, 0D		

No Sup/CC 0Y, 0M, 0D

Cause: AD – 961003799 – Snohomish

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Jacqueline Fletcher	07/12/1996	
Time Start Date:	Confinement Length:	Earned Release Date:	
08/01/1996	Life Without Parole	Life Without Parole	

Count: 1 – RCW 9A.56.210 – Robbery 2

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				Life Without Parole	33.33%	Life Without Parole	Life Without Parole	Life	Yes

Supervision Type:	Supervision Length:	Consecutive Count:	Hold To Stat Max Expiration:
CP	0Y, 0M, 0D		

CP 0Y, 0M, 0D

Count: 2 – RCW 9A.56.210 – Robbery 2

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				Life Without Parole	33.33%	Life Without Parole	Life Without Parole	Life	Yes

Supervision	Supervision Length:	Consecutive Count:

Type: CP 0Y, 0M, 0D Hold To Stat Max Expiration:

Count: 3 – RCW 9A.56.210 – Robbery 2

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				Life Without Parole	33.33%	Life Without Parole	Life Without Parole	Life	Yes

Supervision Type: CP 0Y, 0M, 0D Hold To Stat Max Expiration:

Count: 4 – RCW 9A.56.210 – Robbery 2

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				Life Without Parole	33.33%	Life Without Parole	Life Without Parole	Life	Yes

Supervision Type: CP 0Y, 0M, 0D Hold To Stat Max Expiration:

Count: 5 – RCW 9A.56.210 – Robbery 2

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				Life Without Parole	33.33%	Life Without Parole	Life Without Parole	Life	Yes

Supervision Type: CP 0Y, 0M, 0D Hold To Stat Max Expiration:

Conditions

Cause: AD – 961003799 – Snohomish

Condition Name	Narrative	Imposing Authority	Start Date	End Date
Advise CCO-Prescribed Meds		Court Ordered	08/01/1996	
CCO-Report		Court Ordered	08/01/1996	
Comply-Affirmative Acts		Court Ordered	08/01/1996	
Controlled Substance- Consume		Court Ordered	08/01/1996	
Controlled Substance- Possess		Court Ordered	08/01/1996	
Maintain Ed/Voc		Court Ordered	08/01/1996	
Maintain Employment		Court Ordered	08/01/1996	
Non-Sex Offender/Living		Court Ordered	08/01/1996	

Pay Supervision Fees

Court Ordered 08/01/1996

Violations Summary

Offender Violations		
Violation Group Number	Level of Response	Response Date
There is no data to display.		

Gain-Loss

Cause - 931039855 - King

Cause Info

Convicted Name: Jacqueline Fletcher	Date Of Sentence: 08/06/1993	Schedule End Date: 04/12/1996	Cause Status: CLOSED
Crime Type: Robbery	DOSA: No	Intake Complete: Yes	EM Flag: No

Distinct Supervision Info

Cause Prefix: AA	Type: SUP	Statutory Max Date: 02/17/2005	Schedule End Date: 04/12/1996	Tolling Indicator: No
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Supervision Activities

Supervision Type	Activity Type	Activity Date	State	Supervising Officer	Field Office
SUP	SRA TERMINATION	04/01/2004	Washington	Sullivan, Barbara T	North King Co Admin Unit
SUP	RET.INACT-P-W/R	04/01/2004	Washington	Sullivan, Barbara T	North King Co Admin Unit
SUP	INACTIVE-P-W/R	08/01/1996	Washington	Nguyen, Dan P	North King Co Admin Unit
SUP	Bench Warrant	01/22/1996	Washington	Young, Jacob R	Lynnwood CCO
SUP	CCT COUNTY CONFINEMENT RETURN	05/14/1995	Washington	Kendo, Richard A	Lynnwood CCO
SUP	SHB 1578 END TOLL	05/14/1995	Washington	Kendo, Richard A	Lynnwood CCO
SUP	RET.INACT-P-W/R	05/14/1995	Washington	Kendo, Richard A	Lynnwood CCO
SUP	INACTIVE-P-W/R	01/20/1994	Washington	Christensen, John R	Lynnwood CCO
SUP	SHB 1578 BEGIN TOLL	10/04/1993	Washington	Lee, Scott C	Northgate/Northwest 2
SUP	COUNTY CONFINEMENT TIME (CCT)	10/04/1993	Washington	Lee, Scott C	Northgate/Northwest 2
SUP	SHB 1578 END TOLL	09/03/1993	Washington	Lee, Scott C	Northgate/Northwest 2
SUP	Original Jail Return	09/03/1993	Washington	Lee, Scott C	Northgate/Northwest 2
SUP	SHB 1578 BEGIN TOLL	08/06/1993	Washington	Lee, Scott C	Northgate/Northwest 2
SUP	Original Jail	08/06/1993	Washington	Lee, Scott C	Northgate/Northwest 2
SUP	INTAKE	08/06/1993	Washington	Lee, Scott C	Northgate/Northwest 2

Reorder Include Transfer Activities

Cause - 931068677 - King

Cause Info

Convicted Name: Jacqueline Fletcher	Date Of Sentence: 01/14/1994	Schedule End Date:	Cause Status: CLOSED
Crime Type: Robbery	DOSA: No	Intake Complete: Yes	EM Flag: No

Distinct Supervision Info

Cause Prefix: AB Type: MON Statutory Max Date: 10/05/2003 Schedule End Date: Tolling Indicator: No

Supervision Activities

Supervision Type	Activity Type	Activity Date	State	Supervising Officer	Field Office
MON	SRA TERMINATION	04/01/2004	Washington	Sullivan, Barbara T	North King Co Admin Unit
MON	RET.INACT-P-W/R	04/01/2004	Washington	Sullivan, Barbara T	North King Co Admin Unit
MON	INACTIVE-P-W/R	08/01/1996	Washington	Nguyen, Dan P	North King Co Admin Unit
MON	INTAKE	05/14/1995	Washington	Young, Jacob R	Lynnwood CCO

Reorder Include Transfer Activities

Cause - 931075380 - King

Cause Info

Convicted Name: Jacqueline Fletcher Date Of Sentence: 01/14/1994 Schedule End Date: Cause Status: CLOSED

Crime Type: Property DOSA: No Intake Complete: Yes EM Flag: No

Distinct Supervision Info

Cause Prefix: AC Type: No Sup/CC Statutory Max Date: 07/13/2003 Schedule End Date: Tolling Indicator: No

Supervision Activities

Supervision Type	Activity Type	Activity Date	State	Supervising Officer	Field Office
SUP	SRA TERMINATION	04/16/2004	Washington	Sullivan, Barbara T	North King Co Admin Unit
SUP	RET.INACT-P-W/R	04/15/2004	Washington	Sullivan, Barbara T	North King Co Admin Unit
SUP	SHB 1578 END TOLL	07/25/1999	Washington	Nguyen, Dan P	NW Region OMMU
SUP	INACTIVE-P-W/R	08/01/1996	Washington	Nguyen, Dan P	North King Co Admin Unit
SUP	SHB 1578 BEGIN TOLL	01/22/1996	Washington	Young, Jacob R	Lynnwood CCO
SUP	Bench Warrant	01/22/1996	Washington	Young, Jacob R	Lynnwood CCO
SUP	INTAKE	05/14/1995	Washington	Young, Jacob R	Lynnwood CCO

Reorder Include Transfer Activities

Cause - 961003799 - Snohomish

Cause Info

Convicted Name: Jacqueline Fletcher Date Of Sentence: 07/12/1996 Schedule End Date: Life W/O Rel/Par. Cause Status:

Crime Type: Robbery DOSA: No Intake Complete: No EM Flag: No

Distinct Supervision Info

Cause Prefix: AD Type: CP Statutory Max Date: Life Schedule End Date: Life W/O Rel/Par. Tolling Indicator: No

Supervision Activities

Supervision Type	Activity Type	Activity Date	State	Supervising Officer	Field Office
There is no data to display.					

Reorder Include Transfer Activities

External / Internal Movements

Movement Date/Time	From Location	To Location	Movement Type	Movement Reason	Created By
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Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCCW	04/30/2009	C115B	Sheridan, Heidi A	70048235	05/04/2009			Sheridan, Heidi A
WCCW	04/30/2009	C115B	Albrecht, Sherri L	70048213	08/27/2008			System, Obts
WCCW	04/16/2009	SA223	Albrecht, Sherri L	70048213	08/27/2008	Floor		Compton, Ronald D
WCCW	10/27/2008	MA109L	Albrecht, Sherri L	70048213	08/27/2008			Brown, Terry E
			Albrecht, Sherri L	70048213	08/27/2008			Sheridan, Heidi A
06/10/2008 04:19:00	King	WCCW			Temporary Absence From Prison		Death Bed Visit	System, Obts
06/10/2008 10:16:00	WCCW	King			Temporary Absence From Prison		Death Bed Visit	System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCCW	04/26/2004	MA228L	Reyes, Francis B	70048207	06/04/2008			System, Obts
WCCW	08/15/2000	MA225L	Reyes, Francis B	70048207	06/04/2008			Reyes, Francis B
WCCW	08/15/2000	MA225L	(Vacant)	BT43	01/13/2003			System, Obts
WCCW	08/15/2000	MA225L	(Vacant)	70048065	08/15/2000			System, Obts
WCCW	08/15/2000	MA225L	(Vacant)	70048065	08/15/2000			System, Obts
WCCW	10/25/1999	C231B	(Vacant)	70048235	08/22/1996			System, Obts
04/30/1999 06:17:00	Snohomish	WCCW			Temporary Absence From Prison		Medical Completed	System, Obts
04/30/1999 01:38:00	WCCW	Snohomish			Temporary Absence From Prison		Medical Needs	System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCCW	08/04/1998	C335B	(Vacant)	70048235	08/22/1996			System, Obts
WCCW	03/31/1998	C232B	(Vacant)	70048235	08/22/1996			System, Obts
WCCW	03/13/1998	C134B	(Vacant)	70048235	08/22/1996			System, Obts
								System,

WCCW	03/13/1998	C235A	(Vacant)	70048235	08/22/1996				Obts
WCCW	01/16/1998	C235A	(Vacant)	70048235	08/22/1996				System, Obts
WCCW	12/11/1997	C335B	(Vacant)	70048235	08/22/1996				System, Obts
WCCW	05/22/1997	C232B	(Vacant)	70048235	08/22/1996				System, Obts
WCCW	05/21/1997	C132B	(Vacant)	70048235	08/22/1996				System, Obts
WCCW	03/28/1997	C332A	(Vacant)	70048235	08/22/1996				System, Obts
WCCW	02/22/1997	C133B	(Vacant)	70048235	08/22/1996				System, Obts
WCCW	01/16/1997	C132B	(Vacant)	70048235	08/22/1996				System, Obts
WCCW	08/22/1996	C130A	(Vacant)	70048235	08/22/1996				System, Obts
WCCW	08/22/1996	C130A	(Vacant)	70048235	08/22/1996				System, Obts
			(Vacant)	70048155	08/01/1996				System, Obts
08/01/1996 03:39:00	Snohomish	WCCW		Admission To Prison		Initial Classification			System, Obts
05/14/1995 08:00:00	PLCC (Closed) U01 Is PLCC	Snohomish		Release From Prison		SRA Discharge			System, Obts
04/03/1995 06:41:00	Spokane	PLCC (Closed) U01 Is PLCC		Temporary Absence From Prison		Medical Completed			System, Obts
04/03/1995 03:45:00	PLCC (Closed) U01 Is PLCC	Spokane		Temporary Absence From Prison		Medical Needs			System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By	
			(Vacant)	70050978	01/10/1995				System, Obts
01/10/1995 03:34:00	WCCW-MS	PLCC (Closed) U01 Is PLCC		Transfer Between Prisons		Work Release Terminated			System, Obts
01/10/1995 08:50:00	WCCW-MS	PLCC (Closed) U01 Is PLCC		Transfer Between Prisons		Work Release Terminated			System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By	
WCCW-MS	12/30/1994	LB12	(Vacant)	70048034	12/30/1994				System, Obts

WCCW- MSC	12/30/1994	LB12	(Vacant)	70048034	12/30/1994			System, Obts
12/30/1994 10:35:00	Ratcliff House Work Release	WCCW-MSC		Transfer Between Prisons		Work Release Terminated		System, Obts
12/30/1994 09:38:00	Ratcliff House Work Release	WCCW-MSC		Transfer Between Prisons		Work Release Terminated		System, Obts
12/30/1994 09:37:00	King	Ratcliff House Work Release		Temporary Absence From Prison		Custody Change		System, Obts
12/27/1994 04:00:00	Ratcliff House Work Release	King		Temporary Absence From Prison		Poor Adjustment		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	1617	12/06/1994			System, Obts
12/06/1994 12:07:00	TPR	Ratcliff House Work Release		Transfer Between Prisons		Accepted In Work Release		System, Obts
12/06/1994 10:35:00	TPR	Ratcliff House Work Release		Transfer Between Prisons		Accepted In Work Release		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
TPR	10/11/1994	2052	(Vacant)	0113	08/31/1994			System, Obts
TPR	08/31/1994	2101	(Vacant)	0113	08/31/1994			System, Obts
TPR	08/31/1994	2101	(Vacant)	0113	08/31/1994			System, Obts
08/31/1994 10:05:00	WCCW-MSC	TPR		Transfer Between Prisons		Accepted In Prerelease		System, Obts
08/31/1994 09:00:00	WCCW-MSC	TPR		Transfer Between Prisons		Accepted In Prerelease		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCCW- MSC	08/16/1994	LB05	(Vacant)	70048024	08/16/1994			System, Obts
WCCW- MSC	08/16/1994	LB05	(Vacant)	70048024	08/16/1994			System, Obts
08/16/1994 09:15:00	WCCW	WCCW-MSC		Transfer Between Prisons		Program Change		System, Obts
08/16/1994 09:13:00	WCCW	WCCW-MSC		Transfer Between Prisons		Program Change		System, Obts

08/11/1994 03:55:00	Snohomish	WCCW		Temporary Absence From Prison		Return From Court		System, Obts
08/04/1994 09:37:00	WCCW	Snohomish		Temporary Absence From Prison		Court Order		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	70048207	04/26/1994			System, Obts
WCCW	02/24/1994	C130B	(Vacant)	70048155	01/20/1994			System, Obts
			(Vacant)	70048155	01/20/1994			System, Obts
01/20/1994 02:18:00	King	WCCW		Admission To Prison		Initial Classification		System, Obts

Earned Time

Start Date	End Date	Action Date	Type	Reason	Days
01/20/1994	08/01/1994	01/20/1994	Earned		32.16
08/01/1994	12/01/1994	08/01/1994	Earned		20.33
12/01/1994	01/01/1995	12/01/1994	Not Earned	Not Programming Or Working	5.17
01/01/1995	05/14/1995	01/01/1995	Earned		8.67
08/01/1996	10/01/1997	08/01/1996	Earned		0.00
10/01/1997	11/01/1997	10/01/1997	Not Earned	Not Programming Or Working	0.00
11/01/1997	12/28/1997	11/01/1997	Earned		0.00
12/29/1997	01/30/1998	12/29/1997	Not Earned	Not Programming Or Working	0.00
02/01/1998	07/01/1998	02/01/1998	Earned		0.00
07/01/1998	06/01/1999	07/01/1998	Earned		0.00
06/01/1999	07/01/2000	06/01/1999	Earned		0.00
07/01/2000	09/01/2001	07/01/2000	Earned		0.00
09/01/2001	02/01/2003	09/01/2001	Earned		0.00
02/01/2003	03/01/2004	02/01/2003	Earned		0.00
03/01/2004	03/01/2005	03/01/2004	Earned		0.00
03/01/2005	11/01/2006	03/01/2005	Earned		0.00
11/01/2006	10/01/2007	11/01/2006	Earned		0.00

Infraction Summary

Offender Infraction						
Infraction Group	Overall Infraction Report	Hearing	Infraction Data	Incident	Violation	

Number	Status	Type	Indicator	Date	Codes
1	Hearing Complete	Full Hearing	Serious	On 07/31/1994	657
2	Hearing Complete	Full Hearing	Serious	On 12/22/1994	813
3	Hearing Complete	Full Hearing	Serious	On 12/23/1994	845
4	Hearing Complete	Full Hearing	Serious	On 12/13/1996	714
5	Hearing Complete	Full Hearing	Serious	On 04/14/1997	563
6	Hearing Complete	Full Hearing	Serious	On 07/27/1997	657
7	Hearing Complete	Full Hearing	Serious	On 10/14/1997	557
8	Hearing Complete	Full Hearing	Serious	On 12/28/1997	505
9	Hearing Scheduled	Full Hearing	General	On 12/06/2008	355 , 103
11	Hearing Complete	Full Hearing	Serious	On 04/01/2009	752

Offender Holds

Start Date/Time	Hold Reason	Hold Location	Notes Exist	Authorizing Staff	Hold Until Date	Closed Date	Closed By
04/20/2009 06:27:16	Infraction Hold	WCCW		Larocco, John	05/20/2009	04/21/2009	Larocco, John
04/08/2009 09:50:49	Infraction Hold	WCCW		Crittenden, Nancy A	05/08/2009	04/13/2009	Crittenden, Nancy A
10/28/2008 13:01:28	Facility Plan Review	WCCW		Albrecht, Sherri L	11/27/2008	10/28/2008	Albrecht, Sherri L
08/29/2008 08:40:47	Facility Plan Review	WCCW		Albrecht, Sherri L	11/27/2008	12/19/2008	Albrecht, Sherri L
08/29/2008 08:40:25	Facility Plan Review	WCCW		Albrecht, Sherri L	11/27/2008	12/19/2008	Albrecht, Sherri L
08/29/2008 08:40:05	Facility Plan Review	WCCW		Albrecht, Sherri L	11/27/2008	12/19/2008	Albrecht, Sherri L
09/26/2003 08:28:00	Dental Hold	WCCW		Brown, Terry E	12/26/2003	01/14/2004	
12/29/1997 10:48:00	Infraction Hold	WCCW		System, Obts	01/28/1998	01/16/1998	
07/28/1997 14:08:00	Infraction Hold	WCCW		System, Obts	08/27/1997	08/12/1997	
05/01/1997 09:50:00	Infraction Hold	WCCW		Allred, Dana C	05/24/1997	05/15/1997	
04/15/1997 14:19:00	Infraction Hold	WCCW		Allred, Dana C	05/14/1997	04/30/1997	
12/18/1996 09:42:00	Infraction Hold	WCCW		Allred, Dana C	01/13/1997	04/30/1997	

Custody Facility Plan History

Next Review Date

10/28/2009

Current Incarceration

Review Type/Purpose	Assigned Custody	Override Reason	Location	In-Effect Date	Status
Intake	Medium		WCCW	10/28/2008	In-Effect
Regular Review	Medium			10/18/2007	Archive
Regular Review	Medium			11/07/2006	Archive

Regular Review	Medium		03/01/2005	Archive
Regular Review	Medium		03/09/2004	Archive
Plan Change	Medium		02/25/2003	Archive
Regular Review	Medium		10/18/2001	Archive
Regular Review	Medium		08/03/2000	Archive
Regular Review	Close	Life Without Parole	09/13/1999	Archive
Plan Change	Close	Life Without Parole	08/12/1998	Archive
Regular Review	Close	Life Without Parole	09/09/1997	Archive
Initial	Close	Life Without Parole	08/19/1996	Archive

**COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JACQUELINE MARIE FLETCHER,

Petitioner.

DECLARATION OF
WENDY STIGALL

I, WENDY STIGALL, make the following declaration:

1. I am the Correctional Records Manager (CRM) for the Department of Corrections (DOC) at the Washington Corrections Center (WCC), which is the reception facility for all new male inmates coming to DOC. I have worked in the WCC's records office for 25 years and have been the manager of the office for 15 years. I have knowledge of the facts stated herein and am competent to testify.

2. As a CRM, I am a custodian of records kept by DOC in the ordinary course of business. I emailed a true and correct scanned copy to the Attorney General's Office of the first two pages of and an attachment to the 1993 version of the DOC Statewide Offender Orientation Handbook. Although faint, in the upper right corner of the first page is the handbook's date of January 1993 ("1/93").

3. The title of the handbook is "Washington Corrections Center, Reception Center Male/Female Handbook." Consequently, the

EXHIBIT 2

Washington Corrections Center for Women (WCC-W) must have been using this same handbook in 1993.

4. The attachment to the handbook is a notice dated October 16, 1989, on letterhead of the Corrections Division of the Attorney General's Office. It describes the 1-year time limit for collateral attacks. Female and male inmates arriving to the DOC in 1993 would have received the orientation handbook, including this attachment.

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 15th day of July 2009, at Shelton, Washington.


WENDY STIGALL

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal) NO. 58672-1
Restraint Petition of)
DEBBIE RUNYAN,) AFFIDAVIT OF
) CHASE RIVELAND
)
Petitioner.)
_____)

STATE OF WASHINGTON)
) ss.
County of Thurston)

I, CHASE RIVELAND, having been duly sworn upon oath, depose and say as follows:

1. I am currently the Secretary of the Washington Department of Corrections and have held this position since 1986.

2. On October 17, 1989, I received a memorandum from Assistant Attorney General Kathleen D. Mix informing me of the Department of Corrections' obligations pursuant to Chapter 395, Laws of Washington, 1989. See Attachment A.

3. As a result of the information given me, I instructed the Directors of the Divisions of Prisons, Offender Programs and Community Corrections to take steps to notify the offenders in their custody and/or under their supervision of Chapter 395, Laws of Washington, 1989.

EXHIBIT 3

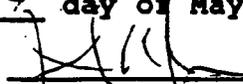
4. I was subsequently informed by the Directors of the Divisions of Prisons, Offender Programs and Community Corrections that my instructions had been followed and that each division had taken steps to accomplish the notification required by Chapter 395, Laws of Washington, 1989.

FURTHER AFFIANT SAYETH NAUGHT.



CHASE RIVELAND

SUBSCRIBED AND SWORN to before me Chase Riveland
_____, this 1st day of May, 1992.



NOTARY PUBLIC in and for
the State of Washington.
My commission expires: 10/14/94



Ken Eikenberry

ATTORNEY GENERAL OF WASHINGTON

CORRECTIONS DIVISION, PZ 11, OLYMPIA, WASHINGTON 98504-4076 (206) 546-1445

October 16, 1989

TO: Chase Riveland
Secretary
Department of Corrections

FROM: Kathleen D. Mix *KDM*
Assistant Attorney General
Corrections Division

SUBJECT: Chapter 395, Laws of 1989
Time Limitations for Collateral Challenges to Criminal
Judgments

As you may be aware, in the last session of the Legislature the Washington Association of Prosecuting Attorneys sponsored a bill to limit the time in which a convicted person could bring a petition or motion for collateral attack on a judgment and sentence in a criminal case. That legislation, Chapter 395, Laws of 1989 became effective July 23, 1989. It states that,

"No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction."

A judgment and sentence becomes "final" for purposes of this section when an appellate court has issued a mandate affirming the judgment below or there has been a denial of certiorari. From the effective date of the statute forward the trial court imposing the judgment and sentence is required to advise the defendant of the time limits set forth by the statute. Apparently, this legislation was a high priority for WAPA and a major effort to eliminate much of the post-conviction litigation that both prosecutors and this office face from convicted persons.

The statute also places an affirmative duty on the Department of Corrections with respect to advising previously sentenced persons as to the one (1) year time limit specified in the statute. Section 5 of Chapter 395 states as follows,

ATTACHMENT A

OFFICE OF THE ATTORNEY GENERAL

Chase Riveland, Secretary, DOC

October 16, 1989

Page 2

"As soon as practicable after the effective date of this section, the Department of Corrections shall attempt to advise the following persons of the time limit specified in Sections 1 and 2 of this Act: Every person who, on the effective date of this section is serving a term of incarceration, probation, parole, or community supervision pursuant to conviction of a felony."

As you can see, this requires the Department to attempt to advise a quite broad category of persons--all incarcerated felons and all individuals on probation, parole or community supervision. Recognizing that this notice requirement is burdensome and may present logistical problems, I recommend you undertake the following actions as soon as possible:

1. All inmates under a sentence of death should be individually advised of the time limit set forth in the statute and provided a copy of the statute. This should occur as soon as possible. I have attached a recommended form letter for this purpose, with the statute attached.
2. All other incarcerated inmates should preferably be provided a copy of the attached letter and statute, on an individual basis. Alternatively, the Department could choose another way to effectively convey the requirements of the statute to the inmate population as a whole. The notice could be conspicuously posted, placed in any notice or newsletter that goes to general population or communicated in some other fashion by which the institution normally communicates matters of general interest. This is less preferable than individual notice to each inmate, but probably meets the requirements of the statute.
3. With respect to probationers, parolees and those on community supervision perhaps posting in the local offices combined with a flyer or handout of some kind would be the best approach given the volume of individuals involved. We can discuss this further with you or Dave Savage, if necessary, to determine what is most practical.

While it may be possible for us to argue that the failure of DOC to advise the class identified in the statute does not alter the statutorily imposed time limit, it would not be advisable to ignore nor delay carrying out the mandated function. The

OFFICE OF THE ATTORNEY GENERAL

Chase Riveland, Secretary, DOC
October 16, 1989
Page 3

Department certainly could be open to criticism by WAPA and the public if litigation is needlessly prolonged because of DOC's failure to advise the inmates of the time limit. This is particularly true with respect to the death row inmates and why we have recommended specific notice to those individuals.

I trust you find this information useful in carrying out this legislative directive. Please let me know if we can be of any further assistance.

KDM:plj

cc: Joseph Lehman, Deputy Secretary, DOC
David Savage, Director, Division of Community Services
Lawrence Kincheloe, Director, DOP
Jack Jones, AAG
Paul Weisser, AAG

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal) NO. 58672-1
Restraint Petition of)
) AFFIDAVIT OF
DEBBIE RUNYAN,) LARRY KINCHELOE
)
) Petitioner.)
)

STATE OF ALASKA) ss.

I, LARRY KINCHELOE, having been duly sworn upon oath, depose and say as follows:

1. I was the duly appointed director of the Washington Department of Corrections' Division of Prisons in October, 1989.

2. In my role as director of the Division of Prisons, I received instructions from Secretary Riveland to accomplish the notification of inmates under my division's supervision as set forth in the October 16, 1989 Memorandum of Kathleen D. Mix, Assistant Attorney General.

3. On October 25, 1989, I sent a memorandum to all Division of Prisons institution Superintendents instructing them to accomplish the notification required by Chapter 395, Laws of Washington, 1989. See Attachment A.

4. I was subsequently informed by the division's institution Superintendents that they

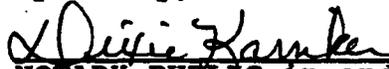
accomplished the notification required by the statute, though differing methods were utilized at each institution.

5. I subsequently informed Secretary Riveland that my division had accomplished the notification required by Chapter 395, Laws of Washington, 1989.

FURTHER AFFIANT SAYETH NAUGHT.


LARRY KINCHELOE

SUBSCRIBED AND SWORN to before me, Dixie
Karriker, this 4th day of May, 1992.


NOTARY PUBLIC in and for
the State of Alaska.
My commission expires: 7/29/95



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
CHASE RIVELAND, SECRETARY

MEMORANDUM

TO: Institution Superintendents

DATE: October 25, 1989

FROM: *Jim Kincheloe*
Larry Kincheloe, Director
Division of Prisons

SUBJECT: Collateral Challenges
Criminal Judgments

Please review the attached AG advisory from Kathy Mix to Secretary Riveland dated October 16, 1989.

In order to comply with this newly enacted legislation, we need to:

1. Individually advise inmates under the sentence of death of the time limit set forth in the statute and provide each with a copy of the statute. See attached suggested form letter. A signature verifying receipt must be obtained from each death row inmate. A copy of the receipts needs to be forwarded to Kathleen Mix, Assistant Attorney General. (Jim Blodgett)
2. Notify all other incarcerated inmates by conspicuously posting a notice of the statute throughout the institution, placing it in a newsletter that goes to the general population or in some other manner by which the institution normally communicates matters of general interest.

Notice of this enhancement to statute should be accomplished as quickly as possible by whatever means is most cost effective yet thorough.

LK:mj

cc: Command Managers

Attachment -

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal) NO. 58672-1
Restraint Petition of)
DEBBIE RUNYAN,) AFFIDAVIT OF
) ELDON VAIL
Petitioner.)
_____)

STATE OF WASHINGTON)
) ss.
County of Pierce)

I, ELDON VAIL, having been duly sworn upon oath, depose and say as follows:

1. I was the Superintendent of the Washington Department of Corrections' Washington Corrections Center for Women in October and November 1989.

2. Near the end of October, 1989, I received a memorandum from Director Larry Kincheloe regarding the need to notify all inmates of Chapter 395, Laws of Washington, 1989.

3. Toward the end of accomplishing the notification required, I caused an administrative bulletin, #89-165, entitled "Time Limitations for Collateral Challenges to Criminal Judgments", to be issued and disseminated on October 31, 1989.

EXHIBIT 5

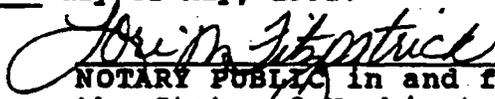
4. The administrative bulletin contained a verbatim copy of the Attorney General's Notice dated October 16, 1989, in regard to Chapter 395, Laws of Washington, 1989. See Attachment A.

5. Dissemination of Administrative Bulletin #89-165, was accomplished by sending four copies to each close-custody unit and two copies to each medium-custody unit for posting on the inmate bulletin boards. In addition, copies of the bulletin were posted on staff reading boards and on the law library bulletin board.

FURTHER AFFIANT SAYETH NAUGHT.


ELDON VAIL

SUBSCRIBED AND SWORN to before me, LORI M.
FITZPATRICK, this 4th day of May, 1992.


NOTARY PUBLIC in and for
the State of Washington.
My commission expires: 9-25-93

CHASE RIVELAND
Secretary



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS
WASHINGTON CORRECTIONS CENTER FOR WOMEN

P.O. Box 17, MS WP-04 • Gig Harbor, Washington 98335-0017 • (206) 858-9101 SCAN 735-1111

ADMINISTRATIVE BULLETIN
WASHINGTON CORRECTIONS CENTER FOR WOMEN

TO: All Inmates
FROM: Eldon Vail, Superintendent
DATE: October 31, 1989
SUBJECT: Time Limitations for Collateral Challenges to Criminal Judgments,
89-165

The Washington State Legislature recently enacted Chapter 395, Laws of 1989 (effective date: July 23, 1989). Section 5 of that statute contains the following requirement which is applicable to all individuals who have received a judgment and sentence in a criminal case:

No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.

A judgment and sentence becomes "final" for purposes of this section when an appellate court has issued a mandate affirming the judgment below or there has been a denial of certiorari.

This notice is provided by the Department of Corrections to advise you of this statutory requirement.

EV:rgl

Attachment

cc: Stan Galvin, Correctional Program Manager
Assistant Attorney General

ATTACHMENT A

**WASHINGTON CORRECTIONS CENTER
RECEPTION CENTER MALE/FEMALE INMATE
HANDBOOK**

INTRODUCTION

This handbook is for your use while assigned to the Reception Center. It will not be replaced if lost or destroyed. Changes in this handbook are posted for 30 days on the unit bulletin board located near the front exit. The information in this handbook answers most questions about the Reception Center. Failure to follow the rules may result in disciplinary action. All inmates are responsible for reading the Inmate Handbook, and to become familiar with the unit rules.

NAME TAGS (I.D. CARDS)

All inmates must wear name tags at all times when out of their cell, except for showering. Name tags will be worn on the front, upper, left corner (lapel or pocket) of the outer garment, with the picture showing. Failure to do so will result in Infraction #103 and #701.

EVACUATION

In the event evacuation becomes necessary, follow staff directions immediately. Do not panic, do not run. Familiarize yourself with the evacuation plan posted on the tiers.

ORIENTATIONS

INITIAL

Conducted by staff at Receiving, after arrival. The purpose of this initial orientation is for staff to obtain vital information pertaining to your needs and also to provide you with handouts which, when read, answer many of your questions.

UNIT

Conducted by staff in your assigned unit. The purpose of unit orientation is to answer questions not specifically addressed in the Reception Center Inmate Handbook.

GENERAL ORIENTATION

Attendance is mandatory. This involves all new commitments and readmissions and occurs during your second week. Unit staff notify you on the day you are to attend. The Grievance Coordinator instructs and provides necessary information so problems may be solved quickly at the lowest possible level. Failure to attend orientation may result in the loss of five days Earned Time.

TESTING/VOCATIONAL/ACADEMIC

Testing is conducted on Mondays for females. Testing for males is conducted Monday through Friday. Testing involves all new commitment, readmissions, and parole violators. Testing is part of the classification process and helps staff determine assignment to future academic classes, vocational training, and suitable work. Unit staff will inform you, in the unit, the day you are to report for testing. Testing for males is located near the west end of the R-Unit breezeway, across from the R-3 entrance. Females will be escorted to the female trailer area by staff. Failure to participate in testing may result in the loss of five days Earned Time.

CLASSIFICATION

Conducted during your third to fifth week. Involves all new commitments, readmissions, parole violators, and inmates who have returned from one year or more on escape. Unit staff notify you the day you are to be classified. No yard or recreation is given on the afternoon of classification until the meeting is completed. Classification is conducted by the Reception Center Correctional Unit Supervisor (CUS) or Classification Counselor. The purpose of this meeting is to formulate a recommendation regarding your custody, program, and future placement. Central Office/Headquarters makes the final decision. You should receive a written note regarding your placement within 30 days of classification.

CHAIN MOVEMENT

You are expected to cooperate in your movement. If you have any questions, wait until staff can assist you. Your cooperation is expected.

CELL SEARCHES

Your cell is subject to searches on a daily basis. Contraband can, and will, result in disciplinary action.

SMOKING

Smoking is allowed in the yard and in your cells only. Cigarette butts are not to be thrown out on the tier.

INFRACTIONS/PRISON DISCIPLINE

Refer to WAC Chapter 137-28 contained as an attachment in the handbook.

NOTE: Appeals to the Hearing Officer or appeals to the Superintendent are to be turned in to the R-Unit booth. A receipt will be issued to you.



Ken Eikenberry

ATTORNEY GENERAL OF WASHINGTON

CORRECTIONS DIVISION 17 11, OLYMPIA, WASHINGTON 98504-2076 (206) 526-1445

October 16, 1989

NOTICE

The Washington State Legislature recently enacted Chapter 395, Laws of 1989 (effective date: July 23, 1989). Section 5 of that statute contains the following requirement which is applicable to all individuals who have received a judgment and sentence in a criminal case:

"No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction."

A judgment and sentence becomes "final" for purposes of this section when an appellate court has issued a mandate affirming the judgment below or there has been a denial of certiorari.

This notice is provided by the Department of Corrections to advise you of this statutory requirement.

KDM:plj

[PERTINENT LAW APPEARS ON REVERSE SIDE]

CHAPTER 395
(Subchapter (House Bill No. 1071)
CRIMINAL JUDGMENTS AND SENTENCES—COLLATERAL ATTACKS—ONE YEAR TIME LIMIT

AN ACT Relating to criminal procedure; amending RCW 7.36.130; adding new sections to chapter 10.73 RCW; and creating new sections

to be enacted by the Legislature of the State of Washington.

NEW SECTION. Sec. 1. (1) No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.

(2) For the purposes of this section, "collateral attack" means any form of postconviction relief other than a direct appeal. "Collateral attack" includes but is not limited to, a personal restraint petition, a habeas corpus petition, a motion to vacate judgment, a motion to withdraw guilty plea, a motion for a new trial, and a motion to arrest judgment.

(3) For the purposes of this section, a judgment becomes final on the last of the following dates:

(a) The date it is filed with the clerk of the trial court;

(b) The date that an appellate court issues its mandate dismissing of a timely direct appeal from the conviction; or

(c) The date that the United States Supreme Court denies a timely petition for certiorari to review a decision affirming the conviction on direct appeal. The filing of a motion to compel denial of certiorari does not prevent a judgment from becoming final.

NEW SECTION. Sec. 2. The time limit specified in section 1 of this act does not apply to a petition or motion that is based solely on one or more of the following grounds:

(1) Newly discovered evidence, if the defendant acted with reasonable diligence in discovering the evidence and filing the petition or motion;

(2) The statute that the defendant was convicted of violating was unconstitutional on its face or as applied to the defendant's conduct;

(3) The conviction was barred by double jeopardy under Amendment V of the United States Constitution or Article I, section 9 of the state Constitution;

(4) The defendant pled not guilty and the evidence introduced at trial was insufficient to support the conviction;

(5) The sentence imposed was in excess of the court's jurisdiction; or

(6) There has been a significant change in the law, whether substantive or procedural, which is material to the conviction, sentence, or other order entered in a criminal or civil proceeding instituted by the state or local government, and either the legislature has expressly provided that the change in the law is to be applied retroactively, or a court, in interpreting a change in the law that lacks express legislative intent regarding retroactive application, determines that sufficient reasons exist to require retroactive application of the changed legal standard.

Sec. 3. Section 445, page 213, Laws of 1854 as law amended by section 3, chapter 256, Laws of 1947 and RCW 7.36.130 are each amended to read as follows:

No court or judge shall inquire into the legality of any judgment or process whereby the party is in custody, or discharge ((him)) the party when the term of commitment has not expired, in either of the cases following:

(1) Upon any process issued on any final judgment of a court of competent jurisdiction except where it is alleged in the petition that rights guaranteed the prisoner by the Constitution of the state of Washington or of the United States have been violated and the petition is filed within the time allowed by sections 1 and 2 of this act.

(2) For any contempt of any court, officer or lady having authority in the premises to commit; but an order of commitment, or for a contempt upon proceedings to enforce the remedy of a party, is not included in any of the foregoing specifications.

(3) Upon a warrant issued from the superior court upon an indictment or information.

NEW SECTION. Sec. 4. At the time judgment and sentence is pronounced in a criminal case, the court shall advise the defendant of the time limit specified in sections 1 and 2 of this act.

NEW SECTION. Sec. 5. As soon as practicable after the effective date of this section, the department of corrections shall attempt to advise the following persons of the time limit specified in sections 1 and 2 of this act: Every person who, on the effective date of this section, is serving a term of incarceration, probation, parole, or community supervision pursuant to conviction of a felony.

NEW SECTION. Sec. 6. Sections 1 and 2 of this act apply only to petitions and motions filed more than one year after the effective date of this section.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. Sections 1, 2, 4, and 9 of this act are each added to chapter 10.73 RCW.

NEW SECTION. Sec. 9. If a person has previously filed a petition for personal restraint, the court of appeals will not consider the petition unless the person certifies that he or she has not filed a previous petition on similar grounds, and shows good cause why the petitioner did not raise the new grounds in the previous petition. Upon receipt of a personal restraint petition, the court of appeals shall review the petition and determine whether the person has previously filed a petition to prisoners and if so, compare them. If upon review, the court of appeals finds that the petitioner has previously raised the same grounds for review, or that the petitioner has failed to show good cause why the ground was not raised earlier, the court of appeals shall dismiss the petition on its own motion without requiring the state to respond to the petition. Upon receipt of a first or subsequent petition, the court of appeals shall, whenever possible, review the petition and determine if the petition is based on grounds grounds. If grounds, the court of appeals shall dismiss the petition on its own motion without first requiring the state to respond to the petition.

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