73872-1

NO. 73872-1-I

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

FILED
Sep 18, 2015
Court of Appeals
Division I
State of Washington

In re the Personal Restraint Petition of: MATTHEW RAY DOUGLAS SCHLEY, Petitioner.	RESPONSE OF THE DEPARTMENT OF CORRECTIONS

Respondent, the Department of Corrections (Department or DOC), responds to Schley's personal restraint petition pursuant to RAP 16.9. While Schley was in prison under two Drug Offender Sentencing Alternative (DOSA) sentences, he fought with another inmate in the DOSA program. Both inmates received injuries consistent with a fight. Schley claimed there was no fight and that he injured himself during restless sleep. He received a major infraction for fighting, based on the "some evidence" standard for prison disciplinary proceedings. The fight also led to his termination from the treatment program, which requires termination if an inmate assaults another inmate who is also in the DOSA program. Termination, in turn, led to DOC revoking his DOSA, because the DOSA statute requires revocation if an offender is terminated from treatment. Schley claims DOC revoked him based only on some evidence rather than a preponderance of the evidence. But it is undisputed he was terminated from treatment. That was sufficient evidence to revoke.

I. BASIS OF CUSTODY

Schley is in prison pursuant to two King County convictions. The first is a conviction by plea for second degree burglary, committed in August 2013. Exhibit 1, Judgment and Sentence, Cause No. 13-1-15302-1 KNT. The trial court (the Honorable Bill A. Bowman) imposed a DOSA sentence of 29.75 months in prison and 29.75 months of community custody. Exhibit 1 at 4. The second is a conviction by plea for first degree theft, committed in March 2014. Exhibit 2, Judgment and Sentence, Cause No. 14-1-01874-2 KNT. The trial court (the Honorable Bill A. Bowman) imposed a DOSA sentence of 25 months in prison and 25 months of community custody, to run concurrently to the first DOSA sentence. Exhibit 1 at 4. His current early release date on the post-revocation term is August 2, 2017. Exhibit 3, at 1 ("ERD: 08/02/2017").

II. STATEMENT OF THE CASE

Schley was sentenced to two prison-based DOSA sentences for theft and burglary convictions. Exhibit 1; Exhibit 2. On January 21, 2015, after he arrived to prison, he signed a form that notified him that a violation of the prison's chemical dependency treatment program rules could result in revocation of his DOSA. Exhibit 4, Chemical Dependency DOSA Agreement. That same day, he signed another form stating that any threat or act of violence toward another chemical dependency

treatment program member "WILL result in termination from" the treatment program. Exhibit 5, Chemical Dependency Treatment Participation Requirements. Similarly, the treatment program has three categories of rules, with the most important being the "cardinal rules." Exhibit 6, Community Behavior Expectations, at 1. The first cardinal rule is no physical violence. *Id.*

Schley began his group therapy sessions in the treatment program on January 22, 2015. Exhibit 7, OMNI Chronos, at entry dated 01/22/2015. Four days later, Schley violated cardinal rule number one by fighting with another inmate. Exhibit 8, Serious Infraction Report; Exhibit 9, Cardinal Rule Violation Notice.[1] According to confidential informants, Schley taunted another inmate in the treatment program by calling him "Mr. DOSA," telling the other inmate that the other inmate could not think for himself, and telling him "fuck you." Exhibit 8. After the other inmate responded by calling Schley a "little bitch," Schley swung at the inmate and missed and then grabbed the other inmate's throat and arm and the two fought. *Id.* Schley received numerous minor injuries, including cuts, scrapes, and red marks, consistent with being in a physical altercation. *Id.*

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[1] The initial serious infraction report indicates that the fight occurred on January 26, 2015. Exhibit 8; Exhibit 3, at 12 (showing incident date for Infraction Group Number 14 at January 21, 2015). The DOSA revocation hearing documents and other documents mistakenly state that the fight occurred on January 27, 2015. But that was merely the date that Schley was placed in segregation. Exhibit 3, at 3.

The DOC held an infraction hearing on February 9, 2015. Exhibit 8. At the hearing, Schley stated that his back injuries are from coming off his bunk and that he never fought with the other inmate. *Id.* Based on the physical evidence of the inmates' injuries and witness information, the hearing officer found him guilty of a serious infraction and sanctioned him to 15 days in segregation and 15 days loss of good conduct time. *Id.*

On February 10, 2010, the treatment program then terminated Schley for having violated the program's cardinal rule against fighting. Exhibit 7, at entries dated 01/29/2015, 02/11/2015; Exhibit 10, Chemical Dependency Clinical Staffing. This in turn resulted in Schley being subject to a DOSA revocation hearing for committing a "762" serious infraction, which is an infraction of being terminated from treatment. *See* WAC 137-25-030 ("762 - Failing to complete, or administrative termination from, DOSA substance abuse treatment program."); Exhibit 11, Initial Serious Infraction Report; Exhibit 12, DOSA Notice of Allegation, Hearing, Rights, and Waiver.

At the hearing on April 2, 2015, the hearing officer revoked Schley's DOSA, as required by statute. Exhibit 13, DOSA 762 Infraction Hearing Report; Exhibit 14, Hearing and Decision Summary Report; Exhibit 15, Confinement Order; RCW 9.94A.662(3) ("An offender who fails to complete the program or who is administratively terminated from

the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court."). The hearing officer noted that the most significant evidence at the hearing was testimony and evidence that Schley was in direct violation of the treatment program's cardinal rule of no tolerance for violence. Exhibit 13, at 4. The hearing officer's full reasons are as follows:

> I found Mr. Schley guilty of the 762 based on the preponderance evidence standard and the testimony and evidence presented at the time of the hearing. CCIII Tipton provided sufficient evidence for a guilty finding which included the testimony of the witnesses he included. CUS Lawson reviewed the #505 infraction information and deemed to have met the expectations of DOC's policies for addressing infractions CPM Bennett reviewed the appeal Mr. Schley brought forth which included all evidence presented to the prison hearing officer. CPM Bennett felt the hearing officer made a sound decision and affirmed the guilty finding of the #505. Although the #505 major infraction in and of itself was not reheard, I allowed the testimony of CUS Lawson and CPM Bennet to testify based on their training and experience with prison based infractions. I considered their testimony to be reliable and credible and expressed the DOC's procedures were properly followed. Their testimony spoke to the process and procedure of how DOC conducts prison based hearings. When Mr. Schley appealed the hearing officer's decision is was affirmed through the appeal process.
>
> The most significant witness testimony and evidence presented at the hearing came from CDPM Zander who testified why a #762 major infraction was considered the appropriate means of addressing the actions of Mr. Schley. CDPM Zander testified that based on the physical violence Mr. Schley was found guilty of, this action is what put him in direct violation of the treatment

program's cardinal rule: "no tolerance for violence." This cardinal rule was presented to Mr. Schley prior to him entering the treatment program.

I imposed the 762 infraction and, as a result, Mr. Schley's DOSA sentence was revoked. An official start time and remaining days will need to be determined by DOC records.

Mr. Schley was given a chance by the sentencing judge when he allowed Mr. Schley the opportunity to complete a DOSA treatment program. This opportunity allowed him to avoid approximately half his prison sentence in exchange for his agreement to comply and participate in chemical dependency treatment. This was clearly explained to Mr. Schley at sentencing and again when he entered into the therapeutic chemical dependency program where he signed his DOSA Agreement.

Mr. Schley entered the orientation phase of the program on 01/22/2015, and the altercation took place on 01/27/2015 – not a long time within the program however, time enough to review the expectations of the program and know that violence will not be tolerated. Mr. Schley was given multiple opportunities realize the program had a no tolerance to violence and yet within 7 days of the program he received a major infraction for fighting. Mr. Schley placed his DOSA sentence in jeopardy by his behaviors and unfortunately will not be allowed to participate in treatment per his DOSA sentence.

Given his reported risk factors, risk management identification classification, criminal record, and disciplinary history, I believe this sanction holds Mr. Schley appropriately accountable under the rules and expectations of his DOSA Sentence.

Exhibit 13, at 4-5.

Schley appealed his revocation to the DOC Regional Appeals Panel. Exhibit 16, Appeal. The Appeals Panel denied the appeal. Exhibit 17, Appeals Panel Decision. He then submitted a second-level appeal to the DOC Risk Management Director. Exhibit 18, Second-Level Appeal. She denied the appeal, concurring with the appeals panel's decision. Exhibit 19, Letter from Risk Management Director.

III. ISSUE PRESENTED

Did a preponderance of the evidence support the hearing officer's guilty finding?

IV. STANDARD OF REVIEW

A petitioner who challenges a decision from which he has had "no previous or alternative avenue for obtaining state judicial review" must show that he is under restraint and the restraint is unlawful. *In re Pers. Restraint of Cashaw*, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4(a), (c). Under RAP 16.4, a petitioner may obtain relief by showing either a constitutional violation or a violation of state law. RAP 16.4(c)(2), (6); *see Cashaw*, at 148. This review standard applies to petitions challenging the results of DOC community custody hearings. *See In re Pers. Restraint of Dalluge*, 162 Wn.2d 814, 817, 177 P.3d 675 (2008).

A petitioner must set forth a statement of "the facts upon which the claim of unlawful restraint of petitioner is based and the evidence available

to support the factual allegations, . . . [and] why the petitioner's restraint is unlawful for one or more of the reasons specified in rule 16.4(c)." RAP 16.7(a)(2). However, bare assertions and conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 886, 828 P .2d 1086, *cert. denied*, 113 S. Ct. 421 (1992).

V. ARGUMENT

Schley Received the Minimum Due Process Required at His Hearing, Including Use of the Preponderance of the Evidence Standard

Schley claims the hearing officer at his DOSA revocation hearing found him guilty of a 762 infraction simply because a prior hearing officer had found him guilty of a 505 infraction, which required only some evidence to determine guilt. He claims that because of this, the hearing officer in the DOSA revocation hearing failed to apply the proper preponderance of the evidence standard. In fact, he was found guilty of a 762 infraction because he was terminated from the DOSA treatment program. That he was terminated is undisputed.

An individual facing a community custody hearing is entitled to the procedural protections established in *Morrissey v. Brewer*, 408 U.S. 471, 92 S. Ct. 2593, 33 L. Ed. 2d 484 (1972), for parole revocation hearings as well as application of the preponderance of the evidence burden of proof. *In re*

McKay, 127 Wn. App. 165, 170, 110 P.3d 856 (2005). The minimum due process requirements include:

> (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a "neutral and detached" hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the fact finders as to the evidence relied on and reasons for revoking parole.

In re McNeal, 99 Wn. App. 617, 628-29, 994 P.2d 890 (2000) (citing *Morrissey*, 408 U.S. at 489, and *In re Personal Restraint of Boone*, 103 Wn.2d 224, 231, 691 P.2d 964 (1984), *abrogation on other grounds recognized by In re Stockwell*, 179 Wn.2d 588, 598, 316 P.3d 1007 (2014)); *see also* WAC 137-24-030(10) ("The department has the obligation of proving each of the allegations of violations by a preponderance of the evidence."). The preponderance of the evidence standard requires that the evidence establish the proposition at issue is more probably true than not true. *In re the Dependency of H.W.*, 92 Wn. App. 420, 425, 961 P.2d 963 (1998); *In re Sego*, 82 Wn.2d 736, 739 n.2, 513 P.2d 831, 833 n.2 (1973).

Schley does not dispute that he was terminated from the treatment program. His termination is what requires the DOSA revocation, not his

fighting. By statute, if he is terminated from the program, his DOSA must be revoked. RCW 9.94A.662(3).

Even if one accepted Schley's view that the hearing officer revoked his DOSA because of the fight, a preponderance of the evidence supported that decision because the only evidence in support of Schley's version of events was his own self-serving testimony that he caused the marks on his own body during restless sleep. This is simply not believable, especially given that other offenders saw the fight, and the inmate he fought with also had physical injuries. Therefore, his claim is without merit.

VI. CONCLUSION

Respondent respectfully requests that this Court deny Schley's petition and dismiss this case with prejudice.

RESPECTFULLY SUBMITTED this 18th day of September, 2015.

ROBERT W. FERGUSON
Attorney General

s/ Ronda D. Larson
RONDA D. LARSON, WSBA #31833
Assistant Attorney General
Corrections Division, OID #91025
PO Box 40116
Olympia WA 98504-0116
RondaL1@atg.wa.gov

CERTIFICATE OF SERVICE

I certify that on the date below I caused to be electronically filed the foregoing document with the Clerk of the Court using the electronic filing system and I hereby certify that I have mailed by United States Postal Service the document to the following non electronic filing participant:

MATTHEW SCHLEY, DOC #746992
COYOTE RIDGE CORRECTIONS CENTER
PO BOX 769
CONNELL WA 99326-0769

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

EXECUTED this 18th day of September, 2015, at Olympia, WA.

s/ Cherrie Melby
CHERRIE MELBY
Legal Assistant

FILED
KING COUNTY, WASHINGTON

OCT 10 2014

SUPERIOR COURT CLERK
BY Karla Gabrielson
DEPUTY

DOC

COMMITMENT ISSUED OCT 13 2014

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MATTHEW RAYDOUGLAS SCHLEY, Defendant.	)	No. 13-1-15302-1 KNT **JUDGMENT AND SENTENCE FELONY (FJS)**

746992
10.14.14
(A)

I. HEARING

I.1 The defendant, the defendant's lawyer, Teri R. Kemp, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: DONALD SCHLEY, ARIEL DRAEGER

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:
2.1 **CURRENT OFFENSE(S):** The defendant was found guilty on 09/12/2014 by Plea of:

Count No.: I Crime: Burglary In The Second Degree
RCW: 9A.52.030 Crime Code: 02316
Date of Crime: 08/08/2013 through 08/09/2013

☐ Additional current offenses are attached in **Appendix A**

EXHIBIT 1

SPECIAL VERDICT or FINDING(S):

(a) ☐ While armed with a **firearm** in count(s) _____ RCW 9.94A.533(3).
(b) ☐ While armed with a **deadly weapon** other than a firearm in count(s)_____ RCW 9.94A.533(4).
(c) ☐ With a **sexual motivation** in count(s) _____ RCW 9.94A.835.
(d) ☐ A V.U.C.S.A offense committed in a **protected zone** in count(s) _____ RCW 69.50.435.
(e) ☐ **Vehicular homicide** ☐ Violent traffic offense ☐ DUI ☐ Reckless ☐ Disregard.
(f) ☐ **Vehicular homicide** by DUI with _____ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
(g) ☐ **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
(h) ☐ **Domestic violence** as defined in RCW 10.99.020 was pled and proved for count(s)_____.
(i) ☐ Current offenses **encompassing the same criminal conduct** in this cause are count(s)_____ RCW 9.94A.589(1)(a).
(j) ☐ **Aggravating circumstances** as to count(s) _____: _____

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

☒ Criminal history is attached in **Appendix B.**
☐ One point added for offense(s) committed while under community placement for count(s) _____

2.4 **SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	14	III			51 to 68 months	10 yrs. and/or $20,000

☐ Additional current offense sentencing data is attached in **Appendix C.**

2.5 **EXCEPTIONAL SENTENCE**

☐ Findings of Fact and Conclusions of Law as to sentence above the standard range:

Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s) _____.

Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) _____. ☐ The court would impose the same sentence on the basis of any one of the aggravating circumstances.

☐ An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.

☐ An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.

The State ☐ did ☐ did not recommend a similar sentence (RCW 9.94A.480(4)).

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and **Appendix A.**
☐ The Court DISMISSES Count(s) _____.

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

[ ] This offense is a felony firearm offense (defined in RCW 9.41.010). Having considered relevant factors, including criminal history, propensity for violence endangering persons, and any prior NGI findings, the Court requires that the defendant register as a firearm offender, in compliance with 2013 Laws, Chapter 183, section 4. The details of the registration requirements are included in the attached **Appendix L.**

4.1 **RESTITUTION, VICTIM ASSESSMENT, AND DNA FEE:**

☐ Defendant shall pay restitution to the Clerk of this Court as set forth in attached **Appendix E.**

☐ Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.

☒ Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.

☒ Date to be set.

☒ Defendant waives right to be present at future restitution hearing(s).

☐ Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment in the amount of **$500** (RCW 7.68.035 - mandatory).
Defendant shall pay DNA collection fee in the amount of **$100** (RCW 43.43.7541 - mandatory).

4.2 **OTHER FINANCIAL OBLIGATIONS:** Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

(a) ☐ $_____, Court costs (RCW 9.94A.030, RCW 10.01.160); ☒ Court costs are waived;

(b) ☐ $_____, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030); ☒ Recoupment is waived;

(c) ☐ $_____, Fine ; ☐ $1,000 Fine for VUCSA ☐ $2,000, Fine for subsequent VUCSA (RCW 69.50.430); ☒ VUCSA fine waived;

(d) ☐ $_____, King County Interlocal Drug Fund (RCW 9.94A.030); ☒ Drug Fund payment is waived;

(e) ☐ $_____, $100 State Crime Laboratory Fee (RCW 43.43.690); ☒ Laboratory fee waived;

(f) ☐ $_____, Incarceration costs (RCW 9.94A.760(2)); ☒ Incarceration costs waived;

(g) ☐ $_____, Other costs for: _____.

4.3 **PAYMENT SCHEDULE:** The **TOTAL FINANCIAL OBLIGATION** set in this order is $ 100
Restitution may be added in the future. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☐ Not less than $_____ per month;
☒ On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.
☒ Court Clerk's trust fees are waived. ☒ Interest is waived except with respect to restitution.

4.4 (a) **PRISON-BASED** SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (DOSA)(for sentences imposed after 10-1-05) : The Court finds the defendant eligible pursuant to RCW 9.94A.660 and, having reviewed an examination report and concluded that a DOSA sentence is appropriate, waives imposition of sentence within the standard range and sentences the defendant as follows:

The defendant is sentenced to the following term(s) of confinement in the custody of the Dept. of Corrections (DOC) to commence ☒ immediately; ☐ by _____ at _____ a.m./p.m.:

29.75 months (if crime after 6/6/06, 12 month minimum) on Count No. 2;

_____ months (if crime after 6/6/06, 12 month minimum) on Count No. _____;

_____ months (if crime after 6/6/06, 12 month minimum) on Count No. _____;

The above term(s) of confinement represents one-half of the midpoint of the standard range or, if the crime occurred after 6-6-06, twelve months if that is greater than one-half of the midpoint.

The terms imposed herein shall be served concurrently.
The term(s) imposed herein shall run ☐ CONSECUTIVE ☒ CONCURRENT to cause No(s) 14-C-01874-2 KNT

The term(s) imposed herein shall run ☐ CONSECUTIVE ☐ CONCURRENT to any previously imposed commitment not referred to in this judgment.

Credit is given for time served in King County Jail or EHD solely for confinement under this cause number pursuant to RCW 9.94A.505(6): ☐ _____ day(s) or ☒ days determined by the King County Jail.
☐ Credit is given for days determined by the King County Jail to have been served in the King County Supervised Community Option (Enhanced CCAP) solely under this cause number.
☐ The court authorizes earned early release credit consistent with the local correctional facility standards for days spent in the King County Supervised Community Option (Enhanced CCAP).
☐ Jail term is satisfied; defendant shall be released under this cause.

While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

COMMUNITY CUSTODY: The court further imposes 29.75 months, one-half of the midpoint of the standard range, as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

(1) The defendant shall undergo and successfully complete a substance abuse program approved by the Division of Alcohol and Substance Abuse of the Dept. of Social and Health Services;
(2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.

NON-COMPLIANCE. RCW 9.94A.660(5): If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

The court further imposes an additional term of Community Custody of 12 months upon failure to complete or administrative termination from DOSA program if any of these offenses is a crime against a person (RCW 9.94A.411) or a felony violation of RCW 69.50/52. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.7 herein.

4.4 (b) **RESIDENTIAL TREATMENT-BASED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (DOSA)(for sentences imposed after 10-1-05) (available if the midpoint of the standard range is 24 months or less):** The Court finds the defendant eligible pursuant to RCW 9.94A.660 and, having reviewed an examination report and concluded that a DOSA sentence is appropriate, waives imposition of sentence within the standard range and sentences the defendant on Count(s) _____ as follows:

The defendant shall serve 24 months in community custody under the supervision of the DOC, on the condition that the defendant enters and remains in residential chemical dependency treatment certified under RCW Ch. 70.96 for _____ (between 3 and 6) months. The DOC shall make chemical dependency assessment and treatment services available during the term of community custody, within available resources.

Pending DOC placement in residential chemical dependency treatment, the defendant is ordered to attend a DOC day reporting center and follow all applicable rules. The defendant shall report to DOC to begin the DOC day reporting program within 24 hours of release.

The defendant shall comply with the treatment and other conditions proposed in the examination report, as mandated by RCW 9.94A.665(2)(a). Frequency and length of treatment and monitoring plan are specified in the **EXAMINATION REPORT ATTACHED AS APPENDIX 1.**

A progress hearing is set in this court, during the residential treatment, for _____ (90 days from sentencing date). Additional progress hearings may be set.

A treatment termination hearing is set in this court three months before the expiration of the community custody term, for _____ (date).

Before the progress hearing and the treatment termination hearing, the treatment provider and the DOC shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, including recommendations regarding termination from treatment.

NON-COMPLIANCE. RCW 9.94A.665(4): At the progress hearing or treatment termination hearing, the court may modify the conditions of community custody, authorize termination of community custody status on expiration of the community custody term, or impose a term of total confinement equal to one-half the midpoint of the standard range, along with a term of community custody.

4.5 **ADDITIONAL COMMUNITY CUSTODY CONDITIONS OF DOSA SENTENCE:** The court further imposes the following non-mandatory conditions of Community Custody (if checked):

☒ The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.
☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
☐ Devote time to a specific employment or training.
☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
☒ Report as directed to a community corrections officer.
☒ Pay all court ordered legal financial obligations.
☐ Perform _____ community restitution hours on a schedule set by DOC.
☐ Stay out of designated areas as follows: _____

☐ Other conditions as set forth in **APPENDIX F.**

4.6 **ADDITIONAL CONFINEMENT:** The court may order the defendant to serve a term of total confinement within the standard range at any time during the period of community custody if the defendant violates the conditions of sentence or if the defendant is failing to make satisfactory progress in treatment.

4.7 **CONDITIONS OF COMMUNITY CUSTODY IMPOSED AFTER TERMINATION OF DOSA:**

☒ The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.

☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.

☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.

☒ Report as directed to a community corrections officer.

☒ Pay all court ordered legal financial obligations.

☐ Stay out of designated areas as follows: _____

☐ Other conditions: _____

4.8 **DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in **APPENDIX G.**

☐ **HIV TESTING:** For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in **APPENDIX G.**

4.9 ☐ **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in **APPENDIX I** during the term of community supervision. **APPENDIX I** is attached and incorporated by reference into this Judgment and Sentence.

5.0 ☒ **NO CONTACT:** For the maximum term of 10 years, defendant shall have no contact with PUBLIC STORAGE (1801 R STREET SE, AUBURN)

Date: 10.10.14

JUDGE

Print Name: _____

Presented by:

35411

Deputy Prosecuting Attorney, WSBA#

Print Name: _____

Approved as to form:

Attorney for Defendant, WSBA# 25701

Print Name: _____

10/10/2014

FINGER PRINTS

RIGHT HAND
FINGERPRINTS OF:
MATTHEW RAYDOUGLAS
SCHLEY

DEFENDANT'S SIGNATURE: M Schley
DEFENDANT'S ADDRESS: DOC

Dated: 10/10/14

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK

By: Karla Gabuelson
DEPUTY CLERK

JUDGE

CERTIFICATE

I, _____
CLERK OF THIS COURT, CERITIFY THAT THE ABOVE IS A TRUE COPY OF THE JUDGMENT AND SENTENCE IN THIS ACTION ON RECORD IN MY OFFICE.
DATED: _____

_____
CLERK

By: _____
DEPUTY CLERK

OFFENDER IDENTIFICATION

S.I.D. NO. WA15150497

DOB: [redacted]

SEX: Male

RACE: White/Caucasian

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MATTHEW RAYDOUGLAS SCHLEY, Defendant.	)	No. 13-1-15302-1 KNT JUDGMENT AND SENTENCE, (FELONY) - APPENDIX B, CRIMINAL HISTORY

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
Felon In Possession Of Firearm And Ammunition	12-17-2002	AF	01-cr-02093	U.S. District Court Spokane WA
Cont Subst Viol - Section (A)	02-20-2002	AF	01-1-00148-4	Kittitas Superior Court WA
cont subst viol - section (d)	12-30-1999	AF	99-1-00899-0	Lewis Superior Court WA
explosive lic required	12-30-1999	AF	99-1-00899-0	Lewis Superior Court WA
cont subst viol - section (d)	06-28-1999	AF	99-1-00396-3	Lewis Superior Court WA
cont subst vio a: mfg/delvr/p	08-01-1997	AF	97-1-04072-4	King Superior Court WA
burglary 2nd degree	02-09-1996	AF	95-1-00779-8	King Superior Court WA
burg 2	09-22-1993	JF	93-8-02375-0	King Superior Court WA
burg 2	11-09-1990	JF	90-8-00162-3	Mason Superior Court WA
cont subst viol	08-30-1990	JF	90-8-00115-1	Mason Superior Court WA
burg 2	09-22-1989	JF	89-8-00106-9	Mason Superior Court WA
burg 2	09-22-1989	JF	89-8-00106-9	Mason Superior Court WA
burg 2	09-22-1989	JF	89-8-00106-9	Mason Superior Court WA

[ ] **The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):**

Date: 1-10-14

JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MATTHEW RAYDOUGLAS SCHLEY, Defendant.	)	No. 13-1-15302-1 KNT APPENDIX G ORDER FOR BIOLOGICAL TESTING AND COUNSELING

(1) **DNA IDENTIFICATION (RCW 43.43.754):**

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2) ☐ **HIV TESTING AND COUNSELING (RCW 70.24.340):**

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 10·10·14

JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

State of Washington, #3 Plaintiff,	No. 13-1-15302-1 KNT
vs.	
MATTHEW RAYDOUGLAS SCHLEY Defendant.	FELONY WARRANT OF COMMITMENT 1: (X) DEPARTMENT OF CORRECTIONS

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF KING COUNTY

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of King, that the defendant be punished as specified in the Judgment and Sentence, a full true and correct copy of which is attached hereto.

(X) 1. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody.)

YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the State pending delivery to the proper officers of the Department of Social and Health Services.

YOU, THE PROPER OFFICERS OF THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, ARE COMMANDED to receive the defendant for evaluation as ordered in the Judgment and Sentence.

Dated: ***October 13, 2014***

By direction of the Honorable

Bill A. Bowman
Judge

BARBARA MINER, Clerk
By: O. Arceo,
Deputy Clerk

DOC 746592
JAIL LOCATION RJ-029L
BA# 214006379
CCN# 1654508
SID# WA15150457
DOB [redacted]

DOC
COMMITMENT ISSUED OCT 13 2014

FILED
KING COUNTY, WASHINGTON

OCT 10 2014

SUPERIOR COURT CLERK
BY Karla Gabrielson
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MATTHEW RAYDOUGLAS SCHLEY, Defendant.	)	No. 14-C-01874-2 KNT **JUDGMENT AND SENTENCE FELONY (FJS)**

746993
10.14.14
B

I. HEARING

I.1 The defendant, the defendant's lawyer, Teri R. Kemp, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: ARIEL DEAEGER, DONALD SCHLEY

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:
2.1 **CURRENT OFFENSE(S):** The defendant was found guilty on 09/16/2014 by Plea of:

Count No.: I Crime: Theft In The First Degree
RCW: 9A.56.030(1)(b) and 9A.56.020(1)(a) Crime Code: 02518
Date of Crime: 03/03/2014 through 03/04/2014

☐ Additional current offenses are attached in Appendix A

EXHIBIT 2

SPECIAL VERDICT or FINDING(S):

(a) ☐ While armed with a **firearm** in count(s) _____ RCW 9.94A.533(3).
(b) ☐ While armed with a **deadly weapon** other than a firearm in count(s)_____ RCW 9.94A.533(4).
(c) ☐ With a **sexual motivation** in count(s) _____ RCW 9.94A.835.
(d) ☐ A V.U.C.S.A offense committed in a **protected zone** in count(s) _____ RCW 69.50.435.
(e) ☐ **Vehicular homicide** ☐ Violent traffic offense ☐ DUI ☐ Reckless ☐ Disregard.
(f) ☐ **Vehicular homicide** by DUI with _____ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
(g) ☐ **Non-parental kidnapping** or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
(h) ☐ **Domestic violence** as defined in RCW 10.99.020 was pled and proved for count(s)_____.
(i) ☐ Current offenses **encompassing the same criminal conduct** in this cause are count(s)_____ RCW 9.94A.589(1)(a).
(j) ☐ **Aggravating circumstances** as to count(s) _____: _____

2.2 **OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____

2.3 **CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

☒ Criminal history is attached in **Appendix B.**
☐ One point added for offense(s) committed while under community placement for count(s) _____

2.4 **SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count I	11	II			43 to 57 months	10 yrs. and/or $20,000

☐ Additional current offense sentencing data is attached in **Appendix C.**

2.5 **EXCEPTIONAL SENTENCE**

☐ Findings of Fact and Conclusions of Law as to sentence above the standard range:

Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s) _____.

Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) _____. ☐ The court would impose the same sentence on the basis of any one of the aggravating circumstances.

☐ An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.

☐ An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.

The State ☐ did ☐ did not recommend a similar sentence (RCW 9.94A.480(4)).

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and **Appendix A.**
☐ The Court DISMISSES Count(s) _____.

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

[ ] This offense is a felony firearm offense (defined in RCW 9.41.010). Having considered relevant factors, including criminal history, propensity for violence endangering persons, and any prior NGI findings, the Court requires that the defendant register as a firearm offender, in compliance with 2013 Laws, Chapter 183, section 4. The details of the registration requirements are included in the attached **Appendix L**.

4.1 **RESTITUTION, VICTIM ASSESSMENT, AND DNA FEE:**

☐ Defendant shall pay restitution to the Clerk of this Court as set forth in attached **Appendix E**.

☐ Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.

☒ Restitution to be determined at future restitution hearing on (Date) _____ at _____ m.

☒ Date to be set.

☒ Defendant waives right to be present at future restitution hearing(s).

☐ Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment in the amount of **$500** (RCW 7.68.035 - mandatory).
Defendant shall pay DNA collection fee in the amount of **$100** (RCW 43.43.7541 - mandatory).

4.2 **OTHER FINANCIAL OBLIGATIONS**: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

(a) ☐ $_____, Court costs (RCW 9.94A.030, RCW 10.01.160); ☒ Court costs are waived;

(b) ☐ $_____, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030); ☒ Recoupment is waived;

(c) ☐ $_____, Fine ; ☐ $1,000, Fine for VUCSA ☐ $2,000, Fine for subsequent VUCSA (RCW 69.50.430); ☒ VUCSA fine waived;

(d) ☐ $_____, King County Interlocal Drug Fund (RCW 9.94A.030); ☒ Drug Fund payment is waived;

(e) ☐ $_____, $100 State Crime Laboratory Fee (RCW 43.43.690); ☒ Laboratory fee waived;

(f) ☐ $_____, Incarceration costs (RCW 9.94A.760(2)); ☒ Incarceration costs waived;

(g) ☐ $_____, Other costs for: _____.

4.3 **PAYMENT SCHEDULE**: The **TOTAL FINANCIAL OBLIGATION** set in this order is $ 600
Restitution may be added in the future. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☐ Not less than $_____ per month;
☒ On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. **The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied.** Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.
☒ Court Clerk's trust fees are waived. ☒ Interest is waived except with respect to restitution.

4.4 (a) . **PRISON-BASED** SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (DOSA)(for sentences imposed after 10-1-05) : The Court finds the defendant eligible pursuant to RCW 9.94A.660 and, having reviewed an examination report and concluded that a DOSA sentence is appropriate, waives imposition of sentence within the standard range and sentences the defendant as follows:

The defendant is sentenced to the following term(s) of confinement in the custody of the Dept. of Corrections (DOC) to commence ☒ immediately; ☐ by _____ at _____ a.m./p.m.:

25 months (if crime after 6/6/06, 12 month minimum) on Count No. 2;

_____ months (if crime after 6/6/06, 12 month minimum) on Count No. _____;

_____ months (if crime after 6/6/06, 12 month minimum) on Count No. _____;

The above term(s) of confinement represents one-half of the midpoint of the standard range or, if the crime occurred after 6-6-06, twelve months if that is greater than one-half of the midpoint.

The terms imposed herein shall be served concurrently.
The term(s) imposed herein shall run ☐ CONSECUTIVE ☒ CONCURRENT to cause No(s) 13-1-15302-1 KNT

The term(s) imposed herein shall run ☐ CONSECUTIVE ☐ CONCURRENT to any previously imposed commitment not referred to in this judgment.

Credit is given for time served in King County Jail or EHD solely for confinement under this cause number pursuant to RCW 9.94A.505(6): ☐ _____ day(s) or ☒ days determined by the King County Jail.
☐ Credit is given for days determined by the King County Jail to have been served in the King County Supervised Community Option (Enhanced CCAP) solely under this cause number.
☐ The court authorizes earned early release credit consistent with the local correctional facility standards for days spent in the King County Supervised Community Option (Enhanced CCAP).
☐ Jail term is satisfied; defendant shall be released under this cause.

While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

COMMUNITY CUSTODY: The court further imposes 25 months, one-half of the midpoint of the standard range, as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

(1) The defendant shall undergo and successfully complete a substance abuse program approved by the Division of Alcohol and Substance Abuse of the Dept. of Social and Health Services;
(2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.

NON-COMPLIANCE. RCW 9.94A.660(5): If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

The court further imposes an additional term of Community Custody of 12 months upon failure to complete or administrative termination from DOSA program if any of these offenses is a crime against a person (RCW 9.94A.411) or a felony violation of RCW 69.50/52. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.7 herein.

4.4 (b) **RESIDENTIAL TREATMENT-BASED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (DOSA)(for sentences imposed after 10-1-05) (available if the midpoint of the standard range is 24 months or less):** The Court finds the defendant eligible pursuant to RCW 9.94A.660 and, having reviewed an examination report and concluded that a DOSA sentence is appropriate, waives imposition of sentence within the standard range and sentences the defendant on Count(s) _____ as follows:

The defendant shall serve 24 months in community custody under the supervision of the DOC, on the condition that the defendant enters and remains in residential chemical dependency treatment certified under RCW Ch. 70.96 for _____ (between 3 and 6) months. The DOC shall make chemical dependency assessment and treatment services available during the term of community custody, within available resources.

Pending DOC placement in residential chemical dependency treatment, the defendant is ordered to attend a DOC day reporting center and follow all applicable rules. The defendant shall report to DOC to begin the DOC day reporting program within 24 hours of release.

The defendant shall comply with the treatment and other conditions proposed in the examination report, as mandated by RCW 9.94A.665(2)(a). Frequency and length of treatment and monitoring plan are specified in the **EXAMINATION REPORT ATTACHED AS APPENDIX 1.**

A progress hearing is set in this court, during the residential treatment, for _____ (90 days from sentencing date). Additional progress hearings may be set.

A treatment termination hearing is set in this court three months before the expiration of the community custody term, for _____ (date).

Before the progress hearing and the treatment termination hearing, the treatment provider and the DOC shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, including recommendations regarding termination from treatment.

NON-COMPLIANCE. RCW 9.94A.665(4): At the progress hearing or treatment termination hearing, the court may modify the conditions of community custody, authorize termination of community custody status on expiration of the community custody term, or impose a term of total confinement equal to one-half the midpoint of the standard range, along with a term of community custody.

4.5 **ADDITIONAL COMMUNITY CUSTODY CONDITIONS OF DOSA SENTENCE:** The court further imposes the following non-mandatory conditions of Community Custody (if checked):

☒ The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.
☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
☐ Devote time to a specific employment or training.
☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
☒ Report as directed to a community corrections officer.
☒ Pay all court ordered legal financial obligations.
☐ Perform _____ community restitution hours on a schedule set by DOC.
☐ Stay out of designated areas as follows: _____

☐ Other conditions as set forth in **APPENDIX F.**

4.6 **ADDITIONAL CONFINEMENT:** The court may order the defendant to serve a term of total confinement within the standard range at any time during the period of community custody if the defendant violates the conditions of sentence or if the defendant is failing to make satisfactory progress in treatment.

4.7 **CONDITIONS OF COMMUNITY CUSTODY IMPOSED AFTER TERMINATION OF DOSA:**

☒ The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance.

☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.

☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.

☒ Report as directed to a community corrections officer.

☒ Pay all court ordered legal financial obligations.

☐ Stay out of designated areas as follows: _____

☐ Other conditions: _____

4.8 **DNA TESTING.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing, as ordered in **APPENDIX G.**

☐ **HIV TESTING:** For sex offense, prostitution offense, drug offense associated with the use of hypodermic needles, the defendant shall submit to HIV testing as ordered in **APPENDIX G.**

4.9 ☐ **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in **APPENDIX I** during the term of community supervision. **APPENDIX I** is attached and incorporated by reference into this Judgment and Sentence.

5.0 ☒ **NO CONTACT:** For the maximum term of 10 years, defendant shall have no contact with [redacted] AND MAPLE VALLEY PUBLIC WORKS

Date: 10.10.14

JUDGE

Print Name: _____

Presented by:

35411

Deputy Prosecuting Attorney, WSBA#

Print Name: _____

Approved as to form:

24701

Attorney for Defendant, WSBA #

Print Name: PETER KOLTOLCAMP

10/10/2014

FINGER PRINTS

RIGHT HAND
FINGERPRINTS OF:
MATTHEW RAYDOUGLAS
SCHLEY

DEFENDANT'S SIGNATURE: M Schley
DEFENDANT'S ADDRESS: DOC

Dated: 10/10/14

ATTESTED BY: BARBARA MINER,
SUPERIOR COURT CLERK

By: Kula Dahlquist
DEPUTY CLERK

JUDGE

CERTIFICATE

I, _____
CLERK OF THIS COURT, CERITIFY THAT THE ABOVE IS A TRUE COPY OF THE JUDGMENT AND SENTENCE IN THIS ACTION ON RECORD IN MY OFFICE.
DATED: _____

CLERK

By: _____
DEPUTY CLERK

OFFENDER IDENTIFICATION

S.I.D. NO. WA15150497

DOB: [redacted]

SEX: Male

RACE: White/Caucasian

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MATTHEW RAYDOUGLAS SCHLEY, Defendant.	)	No. 14-C-0184-2 KNT JUDGMENT AND SENTENCE, (FELONY) - APPENDIX B, CRIMINAL HISTORY

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
Felon In Possession Of Firearm And Ammunition	12-17-2002	AF	01-cr-02093	U.S. District Court Spokane WA
Cont Subst Viol - Section (A)	02-20-2002	AF	01-1-00148-4	Kittitas Superior Court WA
cont subst viol - section (d)	12-30-1999	AF	99-1-00899-0	Lewis Superior Court WA
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cont subst viol - section (d)	06-28-1999	AF	99-1-00396-3	Lewis Superior Court WA
cont subst viol a: mfg/delvr/p	08-01-1997	AF	97-1-04072-4	King Superior Court WA
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burg 2	09-22-1993	JF	93-8-02375-0	King Superior Court WA
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cont subst viol	08-30-1990	JF	90-8-00115-1	Mason Superior Court WA
burg 2	09-22-1989	JF	89-8-00106-9	Mason Superior Court WA
burg 2	09-22-1989	JF	89-8-00106-9	Mason Superior Court WA
burg 2	09-22-1989	JF	89-8-00106-9	Mason Superior Court WA

[ ] **The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):**

Date: 10.10.14

JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON, Plaintiff, vs. MATTHEW RAYDOUGLAS SCHLEY, Defendant.	)	No. 14-C-01874-2 KNT APPENDIX G ORDER FOR BIOLOGICAL TESTING AND COUNSELING

(1) **DNA IDENTIFICATION (RCW 43.43.754):**

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2) ☐ **HIV TESTING AND COUNSELING (RCW 70.24.340):**

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date: 10.10.14

JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

State of Washington, Plaintiff,	No. 14-C-01874-2 KNT
vs.	
MATTHEW RAYDOUGLAS SCHLEY Defendant.	FELONY WARRANT OF COMMITMENT 1. (X) DEPARTMENT OF CORRECTIONS

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF KING COUNTY

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of King, that the defendant be punished as specified in the Judgment and Sentence, a full true and correct copy of which is attached hereto.

(X) 1. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody.)

YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the State pending delivery to the proper officers of the Department of Social and Health Services.

YOU, THE PROPER OFFICERS OF THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, ARE COMMANDED to receive the defendant for evaluation as ordered in the Judgment and Sentence.

Dated: ***October 13, 2014***

By direction of the Honorable

Bill A. Bowman

Judge

BARBARA MINER, Clerk

By

O. Arceo,

Deputy Clerk

DOC 746992

JAIL LOCATION RJ-029L

BA# 214006379

CCN# 1654508

SID# WA15150497

DOB [redacted]

Theft 1

25mo

Inmate: SCHLEY, Matthew Raydouglas (746992)

Gender: Male	DOB: [redacted]	Age: 39	Category: Regular Inmate	Body Status: Active Inmate
RLC: HV	Wrap-Around: No	Comm. Concern: No	Custody Level: Medium	Location: CRCC — A / AD061L
ERD: 08/02/2017				CC/CCO: Sawyer, Ann M

Offender Information (Combined)

Prison Max Expiration Date:	02/12/2019	Last Static Risk Assessment Date:	10/27/2014	DOSA:	
Planned Release Date:		Last Offender Need Assessment Date:	11/04/2014	ISRB?	No
Earned Release Date:	08/02/2017	RLC Override Reason:		CCB?	No
ESR Sex Offender Level:				SOSSA?	No
ESR Sex Offender Level Date:		Offender Release Plan:	Unknown	WEP?	No
County Sex Offender Level:		Victim Witness Eligible?	No		
Registration Required?		County Of First Felony Conviction:	Mason		
ORCS?	Unknown	P U L H E S D X T 2 1 1 1 1 2 2 1 1			
DD?	Unknown				
SMICNF?	No				

Sentence Structure (Field)

Cause: AF – 131153021 – King

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Matthew Schley	10/10/2014	Active	Property
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
MON	08/02/2017		

Count: 1 – RCW 9A.52.030 – Burglary 2

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
08/02/2017	0Y, 0M, 0D	0		02/28/2024
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
No	N			

Cause: AG – 141018742 – King

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Matthew Schley	10/10/2014	Active	Property
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
MON	08/02/2017		

EXHIBIT 3

Count: 1 – RCW 9A.56.030(1)(b) – Theft 1 - Property of Any Value or Motor Vehicle

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
08/02/2017	0Y, 0M, 0D	0		09/07/2024
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
No	N			

Sentence Structure (Inmate)

Cause: AF – 131153021 – King

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Matthew Schley	10/10/2014	
Time Start Date:	Confinement Length:	Earned Release Date:	
10/14/2014	0Y, 59M, 15D	08/02/2017	

Count: 1 – RCW 9A.52.030 – Burglary 2

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 59M, 15D	33.33%	08/02/2017	02/12/2019	02/28/2024	No

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

Cause: AG – 141018742 – King

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Matthew Schley	10/10/2014	
Time Start Date:	Confinement Length:	Earned Release Date:	
10/14/2014	0Y, 50M, 0D	01/31/2017	

Count: 1 – RCW 9A.56.030(1)(b) – Theft 1 - Property of Any Value or Motor Vehicle

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 50M, 0D	33.33%	01/31/2017	05/08/2018	09/07/2024	No

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

External / Internal Movements

Movement Date/Time	From Location	To Location		Movement Type		Movement Reason		Created By
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CRCC	08/19/2015	AD061L	Sawyer, Ann M	71016236	08/20/2015	Poses A Threat To The Orderly		Thorson, Teresa K

						Running Of The Facility		
CRCC	08/19/2015	AD061L	Unassigned			Poses A Threat To The Orderly Running Of The Facility		Pfaff, Ryan A
CRCC	08/13/2015	EA371L	Unassigned					Pettitt, Andy L
08/13/2015 12:36:45	Benton	CRCC		Temporary Absence From Prison		Medical Completed		Pettitt, Andy L
08/13/2015 10:18:26	CRCC	Benton		Temporary Absence From Prison		Medical Needs		Pettitt, Andy L
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CRCC	07/30/2015	EA371L	Unassigned					Pettitt, Andy L
07/30/2015 12:00:04	Benton	CRCC		Temporary Absence From Prison		Medical Completed		Pettitt, Andy L
07/30/2015 09:48:07	CRCC	Benton		Temporary Absence From Prison		Medical Needs		Pettitt, Andy L
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CRCC	05/07/2015	EA371L	Nolan-Blum, Kasey M	71022267	05/08/2015			Morrison, Ski C
CRCC	05/07/2015	EA371L	Unassigned					Pettitt, Andy L
05/07/2015 12:00:04	WCC-RC	CRCC		Transfer Between Prisons		Custody Demotion		Ferguson, Justin A
05/07/2015 05:02:35	WCC-RC	CRCC		Transfer Between Prisons		Custody Demotion		Roman, Ramses
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	02/11/2015	5F10U	Unassigned					Roman, Ramses
02/11/2015 02:17:14	OCC	WCC-RC		Transfer Between Prisons		Disciplinary Problem		Colby, Deborah C
02/11/2015 08:20:02	OCC	WCC-RC		Transfer Between Prisons		Disciplinary Problem		Olekas, Pamela J
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
OCC	01/27/2015	OS03L	Tipton, Joseph R	70048348	01/27/2015	Pending Investigation		Olekas, Pamela J
OCC	01/27/2015	OS03L		70048316	01/12/2015			

			Obenland, Sheri M			Pending Investigation		Olekas, Pamela J
OCC	01/11/2015	OG05U	Obenland, Sheri M	70048316	01/12/2015			Tipton, Joseph R
OCC	01/11/2015	OG05U	Gillespie, Thomas F	70048325	01/07/2015			Price, Ginger L
OCC	01/07/2015	HC20L	Gillespie, Thomas F	70048325	01/07/2015			Alwarth, Basim S
			Gillespie, Thomas F	70048325	01/07/2015			Anderson, Theresa A
01/07/2015 09:48:48	WCC-RC	OCC		Transfer Between Prisons		Initial Classification		Dematteis, Deanna J
01/07/2015 04:43:25	WCC-RC	OCC		Transfer Between Prisons		Initial Classification		Roman, Ramses
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	01/05/2015	4F02L	Unassigned					Roman, Ramses
WCC-RC	11/17/2014	4F02L	Unassigned					Roman, Ramses
11/17/2014 08:29:42	WCC-IMU	WCC-RC		Transfer Between Prisons		Custody Change		Colombo, Alan J
11/17/2014 08:19:51	WCC-IMU	WCC-RC		Transfer Between Prisons		Custody Change		Colombo, Alan J
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-IMU	11/06/2014	D103	Unassigned			Poses A Threat To The Orderly Running Of The Facility		Colombo, Alan J
11/06/2014 03:02:03	Thurston	WCC-IMU		Temporary Absence From Prison		Medical Completed		Waldecker, Robert R
11/06/2014 12:19:29	WCC-IMU	Thurston		Temporary Absence From Prison		Dental Needs		Ricker, Eugene K
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-IMU	11/05/2014	D103	Unassigned			Poses A Threat To The Orderly Running Of The Facility		Ricker, Eugene K
11/05/2014 12:52:08	WCC-RC	WCC-IMU		Transfer Between Prisons		Management Problem		Ricker, Eugene K
11/05/2014 12:50:19	WCC-RC	WCC-IMU		Transfer Between Prisons		Management Problem		Ricker, Eugene K

Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	10/14/2014	2G04U	Farr, Elaine M	70045155	10/28/2014			Ricker, Eugene K
WCC-RC	10/14/2014	2G04U	Unassigned					Ricker, Eugene K
10/14/2014 11:22:22	King	WCC-RC		Admission To Prison		Initial Classification		Colby, Deborah C
05/21/2007 07:56:00	SCCC	King		Release From Prison		Released To Detainer		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
SCCC	02/24/2007	H5050U	(Vacant)	70044457	02/24/2007			System, Obts
SCCC	02/19/2007	H5067U	(Vacant)	70044457	02/24/2007			System, Obts
SCCC	02/19/2007	H5067U	(Vacant)	70044335	02/07/2007			System, Obts
SCCC	02/07/2007	H5053U	(Vacant)	70044335	02/07/2007			System, Obts
SCCC	11/13/2006	GB13U	(Vacant)	70044335	02/07/2007			System, Obts
SCCC	11/13/2006	GB13U	Unassigned					System, Obts
SCCC	10/07/2006	GB11U	Unassigned					System, Obts
SCCC	08/06/2006	GD32U	Unassigned					System, Obts
SCCC	06/05/2006	GD22U	Unassigned					System, Obts
06/05/2006 08:30:00	WCC-RC	SCCC		Transfer Between Prisons		Redirected		System, Obts
06/05/2006 06:00:00	WCC-RC	SCCC		Transfer Between Prisons		Redirected		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	70044320	06/05/2006			System, Obts
WCC-RC	05/31/2006	5D11L	Unassigned					System, Obts
05/31/2006 01:30:00	WSP-Main	WCC-RC		Transfer Between Prisons		Redirected		System, Obts
05/31/2006 05:30:00	WSP-Main	SCCC		Transfer Between Prisons		Redirected		System, Obts

Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WSP-Main	05/23/2006	6C044	Unassigned					System, Obts
			(Vacant)	70046477	05/23/2006			System, Obts
WSP-Main	05/17/2006	7A041	Unassigned					System, Obts
05/17/2006 12:10:00	WSP-MSC	WSP-Main		Transfer Between Prisons		Program Change		System, Obts
05/17/2006 11:45:00	WSP-MSC	WSP-Main		Transfer Between Prisons		Program Change		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	BG59	05/17/2006			System, Obts
WSP-MSC	05/12/2006	AC2091	Unassigned					System, Obts
05/12/2006 09:30:00	WSP-Main	WSP-MSC		Transfer Between Prisons		Program Change		System, Obts
05/12/2006 09:00:00	WSP-Main	WSP-MSC		Transfer Between Prisons		Program Change		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WSP-Main	03/22/2006	6B171	(Vacant)	70045906	05/12/2006			System, Obts
WSP-Main	03/22/2006	6B171	Unassigned					System, Obts
			(Vacant)	70046477	03/22/2006			System, Obts
WSP-Main	03/01/2006	4C062	(Vacant)	BG55	03/01/2006			System, Obts
WSP-Main	02/23/2006	6C093	(Vacant)	BG55	03/01/2006			System, Obts
WSP-Main	02/23/2006	6C093	Unassigned					System, Obts
02/23/2006 02:09:00	WCC-RC	WSP-Main		Transfer Between Prisons		Return From Court		System, Obts
02/23/2006 06:00:00	WCC-RC	WSP-Main		Transfer Between Prisons		Return From Court		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	02/10/2006	5D10U	Unassigned					System, Obts

02/10/2006 12:30:00	Lewis	WCC-RC		Temporary Absence From Prison		Return From Court		System, Obts
01/13/2006 06:00:00	WCC-RC	Lewis		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
WCC-RC	01/11/2006	4A15L	Unassigned					System, Obts
01/11/2006 02:30:00	WSP-Main	WCC-RC		Transfer Between Prisons		Court Order		System, Obts
01/11/2006 05:30:00	WSP-Main	WCC-RC		Transfer Between Prisons		Court Order		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WSP-Main	01/02/2006	6F031	Unassigned					System, Obts
			(Vacant)	70046477	01/02/2006			System, Obts
WSP-Main	12/24/2005	4D242	(Vacant)	BG55	12/24/2005			System, Obts
WSP-Main	10/31/2005	6C051	(Vacant)	BG55	12/24/2005			System, Obts
WSP-Main	10/31/2005	6C051	Unassigned					System, Obts
WSP-Main	10/18/2005	6E062	Unassigned					System, Obts
			(Vacant)	70046477	10/18/2005			System, Obts
WSP-Main	10/16/2005	7A101	(Vacant)	BG59	10/16/2005			System, Obts
WSP-Main	10/14/2005	1B16N	(Vacant)	BG59	10/16/2005			System, Obts
WSP-Main	10/14/2005	1B16N	Unassigned					System, Obts
10/14/2005 06:05:00	WSP-MSC	WSP-Main		Transfer Between Prisons		Disciplinary Problem		System, Obts
10/14/2005 06:00:00	WSP-MSC	WSP-Main		Transfer Between Prisons		Disciplinary Problem		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	BG55	10/14/2005			System, Obts
WSP-MSC	02/08/2005	S3C161	Unassigned					System, Obts

02/08/2005 10:37:00	WSP-Main	WSP-MSC		Transfer Between Prisons		Medical Completed		System, Obts
02/08/2005 10:36:00	WSP-Main	WSP-MSC		Transfer Between Prisons		Medical Completed		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	0239	02/08/2005			System, Obts
02/07/2005 02:45:00	Walla Walla	WSP-Main		Temporary Absence From Prison		Medical Completed		System, Obts
02/07/2005 06:30:00	WSP-Main	Walla Walla		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
WSP-Main	02/06/2005	22052	Unassigned					System, Obts
02/06/2005 07:17:00	WSP-MSC	WSP-Main		Transfer Between Prisons		Medical Needs		System, Obts
02/06/2005 07:00:00	WSP-MSC	WSP-Main		Transfer Between Prisons		Medical Needs		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	BG58	02/06/2005			System, Obts
WSP-MSC	10/26/2004	S3C161	(Vacant)	0239	07/28/2004			System, Obts
WSP-MSC	07/28/2004	S3C162	(Vacant)	0239	07/28/2004			System, Obts
WSP-MSC	07/20/2004	BA3122	(Vacant)	0239	07/28/2004			System, Obts
WSP-MSC	07/20/2004	BA3122	Unassigned					System, Obts
07/20/2004 04:15:00	AHCC	WSP-MSC		Transfer Between Prisons		Security Risk		System, Obts
07/20/2004 10:55:00	AHCC	WSP-MSC		Transfer Between Prisons		Security Risk		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	70045906	07/20/2004			System, Obts
AHCC	05/08/2004	NA42L	Unassigned					System, Obts
AHCC	11/04/2003	NA42U	Unassigned					System, Obts

11/04/2003 11:00:00		US Marshall		Temporary Absence From Prison		Return From Court		System, Obts
10/09/2003 01:15:00	US Marshal			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
AHCC	03/25/2003	NA15L	(Vacant)	70049145	04/01/2003			System, Obts
AHCC	03/25/2003	NA15L	Unassigned					System, Obts
03/25/2003 12:00:00	WSP-Main	AHCC		Transfer Between Prisons		Program Change		System, Obts
03/25/2003 05:30:00	WSP-Main	AHCC		Transfer Between Prisons		Program Change		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	70049261	03/25/2003			System, Obts
WSP-Main	02/26/2003	7F011	(Vacant)	BG59	02/26/2003			System, Obts
WSP-Main	01/13/2003	6E083	(Vacant)	BG59	02/26/2003			System, Obts
WSP-Main	01/13/2003	6E083	Unassigned					System, Obts
01/13/2003 01:20:00		US Marshall		Temporary Absence From Prison		Return From Court		System, Obts
06/12/2002 09:00:00	US Marshal			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
WSP-Main	05/14/2002	6E113	Unassigned					System, Obts
			(Vacant)	70046477	05/14/2002			System, Obts
WSP-Main	05/09/2002	7A102	Unassigned					System, Obts
05/09/2002 11:30:00	WCC-RC	WSP-Main		Transfer Between Prisons		Redirected		System, Obts
05/09/2002 06:00:00	WCC-RC	WSP-Main		Transfer Between Prisons		Redirected		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	BG59	05/09/2002			System, Obts

WCC-RC	03/18/2002	5G15U	(Vacant)	70045071	03/15/2002			System, Obts
WCC-RC	03/15/2002	5G13F	(Vacant)	70045071	03/15/2002			System, Obts
WCC-RC	02/21/2002	2B04U	(Vacant)	70045071	03/15/2002			System, Obts
WCC-RC	02/21/2002	2B04U	(Vacant)	70045179	02/21/2002			System, Obts
02/21/2002 04:00:00	Kittitas	WCC-RC		Admission To Prison		Initial Classification		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	70045179	02/21/2002			System, Obts
03/05/2001 09:42:00	CBCC-Close Cust	Cowlitz		Release From Prison		CCI Transfer		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CBCC-Close Cust	09/29/2000	AD11L	Unassigned					System, Obts
09/29/2000 11:00:00	CBCC-MSC	CBCC-Close Cust		Transfer Between Prisons		Custody Demotion		System, Obts
09/29/2000 10:59:00	CBCC-MSC	CBCC-Close Cust		Transfer Between Prisons		Custody Demotion		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CBCC-MSC	05/25/2000	GA18L	(Vacant)	70051837	09/29/2000			System, Obts
CBCC-MSC	05/25/2000	GA18L	Unassigned					System, Obts
05/25/2000 04:16:00	CBCC-Close Cust	CBCC-MSC		Transfer Between Prisons		Program Change		System, Obts
05/25/2000 04:15:00	CBCC-Close Cust	CBCC-MSC		Transfer Between Prisons		Program Change		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CBCC-Close Cust	05/11/2000	ED06L	(Vacant)	70051838	05/25/2000			System, Obts
CBCC-Close Cust	05/11/2000	ED06L	Unassigned					System, Obts
	05/09/2000	BI10L	Unassigned					System, Obts

CBCC-Close Cust								
05/09/2000 07:25:00	CBCC-MSC	CBCC-Close Cust		Transfer Between Prisons		Custody Demotion		System, Obts
05/09/2000 07:24:00	CBCC-MSC	CBCC-Close Cust		Transfer Between Prisons		Custody Demotion		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	70051925	05/09/2000			System, Obts
CBCC-MSC	02/05/2000	HA23L	Unassigned					System, Obts
CBCC-MSC	01/26/2000	HA17U	Unassigned					System, Obts
01/26/2000 09:55:00	WCC-RC	CBCC-MSC		Transfer Between Prisons		Initial Classification		System, Obts
01/26/2000 06:00:00	WCC-RC	CBCC-MSC		Transfer Between Prisons		Initial Classification		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	70052010	01/26/2000			System, Obts
WCC-RC	01/07/2000	3D10U	(Vacant)	70045179	01/07/2000			System, Obts
01/07/2000 11:55:00	Lewis	WCC-RC		Admission To Prison		Initial Classification		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
			(Vacant)	70045179	01/07/2000			System, Obts

Infraction Summary

Offender Infraction

Infraction Group Number	Overall Infraction Report Status	Hearing Type	Infraction Data Indicator	Incident Date	Violation Codes
1	Hearing Complete	Full Hearing	Serious	On 03/12/2000	657
2	Hearing Complete	Full Hearing	Serious	On 05/09/2000	651
3	Hearing Complete	Full Hearing	Serious	On 09/02/2000	658
4	Hearing Complete	Full Hearing	Serious	On 09/06/2000	657
5	Hearing Complete	Full Hearing	Serious	On 06/07/2002	755
6	Hearing Complete	Full Hearing	Serious	On 09/25/2003	658
7	Hearing Complete	Full Hearing	Serious	On 12/02/2003	610
8	Hearing Complete	Full Hearing	Serious	On 06/30/2005	734 , 710 , 600
11	Hearing Complete	Full Hearing	Serious	On 10/14/2005	716
12	Hearing Complete	Full Hearing	Serious	On 12/24/2005	600

Infraction Group Number	Overall Infraction Report Status	Hearing Type	Infraction Data Indicator	Incident Date	Violation Codes
14	Complete	Full Hearing	Serious	On 01/26/2015	505
15	Hearing Complete	Full Hearing	Serious	On 02/10/2015	762
16	Hearing Complete	Full Hearing	Serious	On 08/19/2015	505

Department of Corrections
WASHINGTON STATE

CHEMICAL DEPENDENCY DOSA AGREEMENT (PRISON, RESIDENTIAL, AND COMMUNITY)

The 1999 Legislature passed a Special Drug Offender Sentencing Alternative – SHB 1006. This legislation was effective on July 25, 1999, and applies to all offenders who committed their crime on or after that date.

1. Your Judgment and Sentence (J&S) indicates that the sentencing judge has granted you a Drug Offender Sentencing Alternative (DOSA).

2. A DOSA sentence requires that you participate in treatment offered by the Department of Corrections or a contracted community residential program. You will undergo a comprehensive substance abuse assessment and will receive treatment services based on custody level, capacity, length of total confinement, and treatment needs.

3. You will be required to maintain your current DOSA eligibility status as stated in DOC 670.655 Special Drug Offender Sentencing Alternative.

4. If you have a mental impairment that would prevent your participation and/or completion in any Chemical Dependency treatment modality, you will be referred to a community based treatment provider in order to ensure that the conditions of your DOSA sentence are met.

5. You will be on supervision in the community after release from Prison or residential treatment. During this time, you will be required to continue in substance abuse treatment on an outpatient basis. The length of your outpatient treatment will be determined by your treatment needs and the treatment provider but not less than six (6) months.

6. If you are approved to seek treatment resources outside of the Department and at your own expense, failure to pay for these services may constitute a violation of your supervision.

7. If you fail to successfully complete the requirements set forth in the J&S and/or conditions imposed by the Department, you will be subject to administrative sanctions by the Department, which may include the revocation of your DOSA sentence. The Department may reclassify you and impose the unexpired term of the original sentence, as imposed by the court.

8. As part of your DOSA sentence, the transferring facility will develop an appropriate transition plan. The plan may include transfer to a designated Work Release designed to accommodate your individual treatment needs.

9. If you refuse to abide by the terms and conditions imposed by the treatment program, which includes the use of any alcohol and/or drugs, you may be referred to the Department's Hearings Unit or the court for possible revocation of your DOSA sentence, which can result in reclassification to serve the remaining original balance of your sentence as imposed by the sentencing court.

10. For Prison DOSAs:

    After alternatives to retain you in the program have been addressed and it has been concluded that termination is appropriate, you may be "administratively" terminated from the DOSA chemical dependency treatment program as determined and documented by the primary CD professional and based on:

    a) A pattern of behavioral issues that have been continual and responses to interventions have been unsuccessful.

    b) A lack of progression towards the goals of a treatment plan as determined by the primary CDP and staffed with his/her supervisor.

    c) Any major infraction that causes a change in custody level or the violation of condition(s) outlined in the CD Treatment Participation Requirements DOC 14-039 or the DOSA Agreement DOC 14-042.

    d) An offender's continual behavior that causes placement in an Intensive Management Unit for a length of time whereby s/he is unavailable to participate in CD treatment based on the offender's ERD and the triage for admission to CD services.

EXHIBIT 4

I have read or have had read to me the terms and conditions of this agreement, and:

☒ I agree that I will fully participate in all required substance abuse treatment programs.

☐ I am refusing participation in the DOSA treatment program. I understand that a Department administrative hearing will be held and I may be reclassified and serve the unexpired term of my original sentence or I may be referred back to the sentencing court for reconsideration of my sentence.

MATTHEW Schley Name (print)	746992 DOC Number
Matthew Schley Signature	01-~~18~~ 21-15 Date
K GRAHAM-DUNN Staff Witness(print)	
K Graham-Dunn COP Signature	01.21.2015 Date

The records contained herein are protected by the Federal Confidentiality Regulations 42 CFR Part 2. The Federal rules prohibit further disclosure of this information to parties outside of the Department of Corrections unless such disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CRF Part 2.

Department of Corrections
WASHINGTON STATE

CHEMICAL DEPENDENCY TREATMENT PARTICIPATION REQUIREMENTS

Program Branch Site: OCC
Treatment Modality: LTR/TC
Start Date, Days/Times: Wednesday 01.21.2015 8:30 am

TREATMENT PARTICIPATION EXPECTATIONS

In order to participate as a patient in the DOC Chemical Dependency treatment program, I HEREBY AGREE TO:

1. Remain free of alcohol and other drug use -I will provide documentation per DOC 420.380 Drug/Alcohol Testing for any prescribed medication.
2. Participate in UA and other drug testing per DOC 420.380 Drug/Alcohol Testing.
3. Refrain from any other criminal activity - I will report any subsequent arrests or legal proceedings while I am in treatment.
4. Refrain from any physical violence, threats or acts of physical violence, abusive arguing, or inappropriate language.
5. Attend all regularly scheduled individual and group sessions - I will arrive on time and remain until excused by my counselor.
6. Actively participate in counseling sessions, and in both planning and implementing my initial and continued care treatment plans.
7. Respect and protect the privacy, rights, and confidentiality of other patient/offenders.
8. Ask my treatment counselor to explain any program expectations, rights, or responsibilities that I do not fully understand, and acknowledge any difficulty I may have in reading, writing, or comprehending English
9. Sign and abide by DOC 14-042 Drug Offender Sentencing Alternative (DOSA) Agreement, if I received a DOSA sentence.
10. Recognize that I am receiving treatment in a correctional setting. I understand that there may be situations in which, due to safety and security, I may be viewed by individuals not engaged in chemical dependency treatment. I further understand that the information discussed in my group and individual treatment sessions will be maintained in the strictest confidentiality.

TREATMENT COMPLETION PROTOCOL: In order to successfully complete treatment:

1. I will attend and participate in treatment as scheduled and recommended by my assessment and admission counselor(s),
2. I will complete my individual treatment plan as agreed upon with my treatment counselor, and
3. I will remain in treatment for at least 3 months in the community and until I receive a successful completion certificate.

TREATMENT TERMINATION PROTOCOL: Chemical Dependency Professionals have the authority to request that I submit to drug testing per DOC 420.380 Drug/Alcohol Testing, and to dismiss patient/offenders from class, groups, or the program for violation of these rules or "just cause".

The following behaviors MAY result in termination from the Department's CD treatment program:

1. Misconduct which does not rise to the level of threatening behavior, but is harmful or disruptive to the treatment environment.
2. Two treatment absences within the same modality.
3. Failure to abide by the expectations outlined above, including failure to participate or make progress in treatment as prescribed and agreed upon in my individualized treatment plan.

The following behaviors WILL result in termination from the Department's CD treatment program:

1. Any threat or act of violence toward staff or another patient.
2. Possession of a weapon on or at the treatment site.
3. Gang related activities or harassment of staff or another patient.

EXHIBIT 5

4. Sexual misconduct toward staff or another patient.

5. Failure to appear and submit as directed to 3 urine/drug tests and/or receiving 3 positive tests within the same treatment modality. I understand that "positive" includes insufficient samples, adulterants, and non-prescribed or unreported medication.

6. Three absences within the same treatment modality. **I understand that exceptions may be allowed in the event of a legitimate, verifiable reason for an absence, such as injury, illness, or incarceration.**

7. Violating another patient's privacy and confidentiality treatment rights.

GRIEVANCE PROCEDURE: Should a patient/offender consider him/herself to have been treated unfairly, the DOC 550.100 Offender Grievance Program is available upon request.

I hereby agree to having read, or had read to me, all the above terms and conditions, and agree to abide by them.

Matthew Schley — Patient/Offender Signature — 1-21-15 Date

K Graham-Dunn COP — Counselor Signature — 01. 21. 2015 Date

The records contained herein are protected by the Federal Confidentiality Regulations 42 CFR Part 2. The Federal rules prohibit further disclosure of this information to parties outside of the Department of Corrections unless such disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2.

COMMUNITY BEHAVIOR EXPECTATIONS

The following is a list of Pro Social behaviors: Provide a personal example

Abstinence _____

Accountable _____

Considerate _____

Courageous _____

Dependable _____

Empathetic _____

Honest _____

Humble _____

Inclusive _____

Integrity _____

Non Threatening _____

Open minded _____

Patient _____

Reliable _____

Respectful _____

Responsible _____

Self Disciplined _____

Straight Forward _____

Thinking things through _____

Unselfish _____

There are three categories of behavior expectations in a Therapeutic Community (TC): CARDINAL, MAJOR, & HOUSE RULES.

CARDINAL RULES – For the Safety and Security of the Community

At the top of the list in a TC are those expectations considered absolute. These are called *Cardinal Rules* and violation of many of these rules will result in an infraction.

1. No physical violence, threats of physical violence, or intimidation against any person.
2. No possession or use of drugs or alcoholic beverages.
3. No sexual acting out of any kind.
4. No racial or ethnic slurs.
5. No gambling.
6. No pornography.
7. No theft i.e., as defined by Department of Corrections major infraction.
8. No possession of a weapon of any kind.
9. No destruction of property.
10. No gang representation, participation, or recruiting at any time.
11. No contraband.
12. No violation of any act defined as a misdemeanor and/or felony by the laws of the state of Washington or the United States of America.
13. No refusal to participate in any assigned program activity.
14. No tattooing or tattoo paraphernalia.

EXHIBIT 6

COMMUNITY BEHAVIOR EXPECTATIONS

MAJOR RULES– *Standards & Boundaries for the Behavior of the Community*

These are the rules that govern how people will interact with each other and how they go about their daily lives in the TC, in order to maintain a safe environment. Whether an infraction is upheld or not, there may be TC steps of interaction implemented.

1. No dishonesty to Community members or staff.
2. No disrespect to peers or staff.
3. Follow written policies, rules, and guidelines.
4. No TV, lying or sleeping on bunks during programming hours.
5. Give correct respectful response after receiving awareness or when receiving consequences.
6. Be on time for all scheduled work and Community activities.
7. Follow all proper lines of communication.
8. No misuse of the steps of interaction.
9. No lending or borrowing.
10. No horseplay.
11. While passing individuals on the breezeway, or hallways, Community members will step to the right out of common courtesy and respect for oncoming traffic.
12. No cutting in or out of line.
13. During all Community activities:
    A. TC dress code:
        - ✓ Requires Community shirt and state issued pants to be worn at all times.
        - ✓ Exceptions include:
            - Recreation.
            - During non program hours while in living unit.
            - Unless directed otherwise by rational authority.

    B. Follow code of conduct.
14. No talking to or any communication including non verbal with general population.
15. Wear your state ID and phase/crew card, at all times, as issued by rational authority.
16. No profanity.
17. Must use the facilities on your own tier. "Do not go out of bounds."
18. No food or drink, of any kind, during formal Community activities, classes or meetings unless authorized by rational authority.
19. Give proper introduction when addressing the Community in any group or during Community activities, unless directed by rational authority.
20. No unauthorized groups.
21. No walking out of any TC activities unless excused by staff and logged by expeditor.
22. No theft as defined by DOC Minor Infractions.
23. No talking while in PROPs i.e., structured movement, in line, etc.
24. Report all written infractions to SOD within 24 hours.

I have gained this by philosophy: that I do without being commanded what others do only from fear of the law
Aristotle, *Greek critic, philosopher, physicist, & zoologist (384 BC - 322 BC)*

HOUSE RULES

Keep the Environment of the Community Safe

House rules involve how jobs are performed, how members address each other and how feedback is given.

1. Community members will use their own assigned bunk and locker and/or cubicle area only. No going into another Community member's locker, even with permission.
2. If issued, locks must be secure at all times.
3. No slamming of doors.
4. TC members will shower, brush teeth, comb hair (men with long hair will have it neat and tied back during formal Community activities), and wear clean clothes.
5. TC members must participate in weekly linen exchange.
6. TC members will be in proper attire prior to leaving the shower area.
7. All personal items will be stored only in your own area.
8. No loitering.
9. Follow posted TV schedule.
10. Clothing must be clean, neat, in good repair, and unaltered.
11. No hats or sunglasses worn in any building unless authorized by rational authority.
12. Pick up after yourself and dispose of any trash properly, whether yours or not (personal space and TC environment).
13. No talking through windows.
14. No spitting.
15. Silence will be indicated by a raised hand and will be followed by all members raising a hand and remaining silent during Community events.
16. No sagging pants.
17. No hands in pockets during any group or Community activities.
18. Do not put feet up on furniture.
19. No sliding of any furniture chairs or tables.
20. No saving seats.
21. No impulsive verbal reactions or blurting out.
22. Must have handbook and materials for Community activities.
23. Must demonstrate "Proper Respect of People" (PROPs) as well as during all groups and interactions with Community members and staff.
24. No throwing of objects.
25. No use of telephone during program hours.
26. Community members will address others using formal name; Mr. _____ or Ms. _____

This is your house - your Community - respect it and keep it clean. It is a reflection of yourself and your Community and your recovery.

"A man's homeland is wherever he prospers." Aristophanes, *388 B.C. Greek Athenian comic dramatist (450 BC - 388 BC)*

Inmate: SCHLEY, Matthew Raydouglas (746992)

Gender: Male	DOB: [redacted]	Age: 39	Category: Regular Inmate	Body Status: Active Inmate
RLC: HV	Wrap-Around: No	Comm. Concern: No	Custody Level: Medium	Location: CRCC — A / AD061L
ERD: 08/02/2017				CC/CCO: Sawyer, Ann M

Details	Text
Date & Time Created: 04/16/2015 10:14 AM Offender Location At Occurrence: WCC-RC Date & Time Of Occurrence: 04/16/2015 DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Soliz, Dominga Events: Hearings Appeal (HA)	Mailed appeal panel decision authored by appeal panel lead Sherry Ray to P this date. Panel decision was to affirm the decision of the hearing officer at hearing held on 4.2.15.
Date & Time Created: 04/02/2015 12:46 PM Offender Location At Occurrence: WCC-RC Date & Time Of Occurrence: 04/02/2015 DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Jackson, Sheryl L Events: Hearings Officer (HR)	762 DOSA REVOCATION HEARING HELD THIS DATE AT WCC. CCIII TIPTON PRESENTED THE CASE. P FOUND GUILTY OF 1 ALLEGATION. 1) #762 O/A 02/10/2015. DOSA SENTENCE WAS REVOKED ON CAUSE #131153021.
Date & Time Created: 03/19/2015 12:41 PM Offender Location At Occurrence: WCC-RC Date & Time Of Occurrence: 03/19/2015 DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Wichert, Kelly J Events: Hearings Officer (HR)	Was scheduled for 762 hearing at WCC. I determined that another Hearing Officer needed to hear as I heard the co-defendants hearing. Normally I could hear and remain non biased however not in this case. Will be set over for a couple weeks down rd. No loss of liberties as he is currently serving DOSA sentence as an inmate. Schley agreed with the postponement and he was notified. Records also notified of reschedule.
Date & Time Created: 02/11/2015 07:43 AM Offender Location At Occurrence: OCC Date & Time Of Occurrence: 02/10/2015 05:00 PM DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Graham-Dunn, Kittie L Events: Substance Abuse (JH)	PO is discharged from LTT/TC due to non-chemically related rule violation with a recommendation to continue and complete LTT program. CC notified by email.
Date & Time Created: 01/29/2015 11:31 AM Offender Location At Occurrence: OCC Date & Time Of Occurrence: 01/28/2015 07:30 AM DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Graham-Dunn, Kittie L Events: Substance Abuse (JH)	PO is non-compliant with LTR/TC treatment expectations, due to placement in SHU for fighting with another program participant. CC notified by email.
Date & Time Created: 01/28/2015 06:35 AM Offender Location At Occurrence: OCC Date & Time Of Occurrence: 01/28/2015 DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Obenland, Sheri M Events: Behavioral (JA)	P and Offender Tang #372961 were placed in segregation for fighting on 1/27/15. Both fighters had entered into the TC program prior to the fight.

EXHIBIT 7

Details	Text
Date & Time Created: 01/27/2015 02:53 PM Offender Location At Occurrence: OCC Date & Time Of Occurrence: 01/22/2015 08:00 AM DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Graham-Dunn, Kittie L Events: Substance Abuse (JH)	PO attended the scheduled first LTR group activity on 01.22.2015. P is assigned to CDP Dunn. CC notified by email.
Date & Time Created: 01/22/2015 08:29 AM Offender Location At Occurrence: OCC Date & Time Of Occurrence: 01/21/2015 08:30 AM DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Graham-Dunn, Kittie L Events: Substance Abuse (JH)	PO (patient/offender) attended scheduled Substance Use treatment Admit appointment on 01.21.2015. P to begin treatment groups on 01.22.2015@OCC. PO is assigned to CDP Dunn. Consistent with DOC FORM 14-039, Treatment Participation Requirements, DOC patient/offenders (PO) involved in substance abuse treatment are required to abstain form all mood altering substance including cannabis and alcohol. The PO was informed of this requirement during the admission appointment and signed DOC for 14-039. Please complete an admission urinalysis test for baseline and as part of the patient's ongoing drug testing requirements, please include testing for cannabis. I am requesting an admit UA. CC notified by email on 01.22.15.
Date & Time Created: 01/12/2015 08:44 AM Offender Location At Occurrence: OCC Date & Time Of Occurrence: 01/09/2015 DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Capp, Lori R Events: Comment (CM)	Offender has signed DOC 21-992 "New Offender Orientation Checklist" and completed the OCC Orientation on 01/09/14. Hard copy of DOC 21-992 scanned to OnBase.
Date & Time Created: 01/08/2015 07:16 AM Offender Location At Occurrence: OCC Date & Time Of Occurrence: 01/08/2015 DOC No.: 746992 Offender Name: SCHLEY, Matthew Raydouglas Author Name: Gillespie, Thomas F Events: Comment (CM) , Release Planning/Issues (RP)	Offender Schley says he is willing to program while in prison and knows as part of his DOSA sentence he will need to participate in CD tx. He says he has family/community support in King Co (his country of origin is Mason). He has no firm release plan at this time. He says he has a home he owns in S. King Co but he is unsure if he will be able to go there or not. He says he completed the 11th grade and ultimately obtained a GED. He says he has worked as a millwright, electrician and welder in the community. Offender Schley was present for the intake interview with CC3 Gillespie and participated in the process. He stated that he understood all facility expectations and will comply with his facility plan. I have reviewed the in-effect plan and verified that risk areas are identified. He has been given a copy of his signed letter of expectation. He arrived at OCC on 1/7/15. He met with me and his classification questions were answered. His risk areas have been identified on the ONA and they are appropriate. He was referred for programming to address needs areas. Separation concerns were addressed and prohibited placement at WSP, AHCC, and AHCC-MSC. He has been apprised that he can purchase his criminal conviction record from WSP. He was notified of his NCO's and he understands he will be held accountable for any violations. He is currently eligible for 10 day release. He was targeted MI1 by HQ at his initial on 4/23/14l. An ORP will be submitted 6 months before his ERD.

Department of Corrections
WASHINGTON STATE

DISCIPLINARY HEARING MINUTE

SERIOUS INFRACTION REPORT

Facility: OCC

Infraction Group Number: 14

OMNI 1916

EMPLOYEE REPORT

Name: SCHLEY, Matthew R.

DOC #: 746992

Date: 1/26/2015

Number of rule(s) violated: 505 - FIGHTING
633 - ASSAULT/OFFENDER

Time: 0900

Place: Living Unit

Details in full: At the conclusion of an investigation, it was determined that, on 1-26-15 at approximately 0900 hours during an assigned Therapeutic Community Housing Unit Cleaning Day, Offender Schley , E #746992 got into a verbal argument with Offender Tang, E 372961. Schley started the verbal argument by calling Tang Mr. DOSA and saying that Tang could't think for himself. When Tang stated that he just wanted to get home to his family, Offender Schley said "fuck you". Tang then called Schley a little bitch. Schley then swung on Tang and missed but then grabbed Tang's throat and arm and they fell back on the bed. Tang then hit Schley a couple of times and kicked him off the bed onto the floor. Schley had numerous marks on his body, cuts, scrapes, and red marks, that are consistent with being in a fight. The body of this infraction is a summary of confidential information used as evidence to support this infraction.

Witnesses:

LORI K. LAWSON
Reporting Employee (Print)

Lori K. Lawson
Reporting Employee Signature

FACT FINDING DURING HEARING

Was offender informed of right to remain silent? ☒ Yes ☐ No

Date of Hearing: 2/9/2015

PLEA: GUILTY
NOT GUILTY 505, 633
NO PLEA

Did the offender make statement after being informed of his/her rights? ☒ Yes ☐ No

If so, what? My back injuries is from coming off of my bunk. I'm never had an argument with offender Tang. I didn't call Trang "Mr. DOSA". Trang never called me a little bitch. Tang never punched me. I never swung at Trang.

DECISION

FINDING: GUILTY 505
NOT GUILTY 633
DISMISSED
REDUCED

Facts and evidence found: First hand and second hand witness information validates a verbal argument and physical altercation between this offender and Offender Tang. Physical evidence mutual physical altercation occurred between both offenders.

Sanction(s): 15 days segregation applied
15 days loss of good conduct time applied

Reason for sanction(s): Credit for time served in Segregation. First 505

Recommendations (Non-Sanction): Refer to FRMT for suitability reviewwith FRMT.

EXHIBIT 8

Brian McPherson
Hearing Officer (Print)

Hearing Officer Signature

2-10-15
Date

John Aldana
Superintendent/designee (Print)

John Aldana
Superintendent/designee Signature

2/10/15
Date

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribution: **ORIGINAL** – Imaging System/Central File **COPY** – Offender, Board, Hearing Officer

DOC 20-051 (Rev. 09/16/13) E-Form
Scan Code IF01

DOC 460.000

CARDINAL RULES – **For the Safety of the Community.** #1

At the top of the list in a TC are those rules considered absolute. These are called Cardinal Rules and breaking these results in very serious consequences.

DATE / Time of Cardinal Rule Violation: 1-27-15 0900

TO: Mr. Schley

FROM: Ms Zander

Behavior: engaged in fight with fellow TC member
(Provide description of specific behavior)

Witnesses _____

TIME / DATE of DOC Notification: _____

DOC Staff Signature: [illegible]

SOD Signature: B COP

EXHIBIT 9

Department of Corrections
WASHINGTON STATE

CHEMICAL DEPENDENCY CLINICAL STAFFING

☐ ERD: 10.23.2015 (court ordered) ☐ ISRB ☒ Other DOSA

P/O Name: SCHLEY, Matthew
DOC#: 746992
Level of care/ Phase: 111.3 / Discharge
Date: 02.10.2015
Drug of choice: Methamphetamine
Last use: 02.05.2014
Facility: OCC
Admitted: 01.22.2015

Purpose for Staffing:
☒ Infraction ☐ TX Plan ☐ C/I ☒ Info Sharing ☐ Phase Up
(Only Complete Dimensions With Clinical Concerns)

Dimension 1: Withdrawal: 0; Admit UA requested.
Dimension 2: Biomedical Complications: 0; no current problems identified. TB screen completed.
Dimension 3: Emotional/Behavioral Complications: 2; P has dx in this dimension and receiving monitoring and rx. P has substance use-related anti-social behaviors, STG suspected White Supremicist/Nationalist. P continued substance use against medical advice, and has family relationship problems due to his sustance use, parental rights terminated in 2002, Significant Other is currently receiving tx for substance abuse.
Dimension 4: Readiness for Change: 3; P in Precontemplation stage of change, tx motivated by DOSA. PO received WAC505-Fighting during first week of tx.
Dimension 5: Relapse Potential: 3; P reports ability to maintain abstinence in controlled environment. 20x attempts to discontinue use, unsuccessful.
Dimension 6: Recovery Environment (For transfer to community): 3; P has poor job hx due to substance use, continues association w/ anti-social peers, significant family hx of substance use, homeless, minimal family support from an Aunt.
Specific Question/Statement for Staff: Notification of Removal/Discharge from LTR/TC due to non-chemically related rule violation.
Action Plan: Remove / administrative termination from LTR/TC Discharge on 02.10.2015, prepare TARGET Discharge, Chrono. -Kg CDP

Treatment Plan Written ☒ Yes ☐ No Problem #: 1,2 Dimension #: 3

Staff Signature	Date	Staff Signature	Date
Kgraham-Dunn CDP	02.10.15	[illegible]	2/10/15
[illegible] CDP	2.10.15	JSB CDP	2/10/15
[illegible] CDP	2-10-15	Lori Lawson CUS	2/10/15
[illegible] CDP	2/10/15	[illegible]	2/10/15
[illegible]	2/10/15		

DOC 14-143 (06/07/10)

EXHIBIT 10

Department of Corrections
WASHINGTON STATE

INITIAL SERIOUS INFRACTION REPORT

Date of Infraction	Offender Name (Last, First)	DOC Number	Housing Assignment
02/19/15	SCHLEY, Matthew	746992	WCC-RC R5- 5F10U
Rule Violation #(s) 762			
Time Occurred 12:00 pm	Place of Incident (Be Specific) OCC- Ozette Programming Complex		Date Occurred 02/10/15
Witness (1)	Days Off	Witness (3)	Days Off
Witness (2)	Days Off	Witness (4)	Days Off

NARRATIVE

State a concise description of the details of the rule violations, covering all elements and answering the questions of When? Where? Who? What? Why? and How? Describe any injuries, property damage, use of force, etc. Attach all related reports.

On 02/10/15, the Multi-Disciplinary Team (MDT) made the decision to terminate Inmate (I/M) Schley from his mandatory DOSA Substance Abuse Treatment program. I/M Schley violated conditions of the DOSA Agreement and DOC 670.655 Special Drug Offender Sentencing Alternative, Page 8, VI -A.-1. -c. by incurring any major infraction that causes a change in custody level or the violation of conditions outlined in the CD Treatment Participation Requirements (DOC 14-039) or the DOSA agreement (DOC 14-042). Specifically, the Department has established a zero-tolerance policy with regard to violence within its CD programs, as reflected in the CD Treatment Participation Requirements, which state that threats or violence toward staff or another patient WILL result in termination from the Department's CD treatment program.

I/M Schley arrived at OCC on 01/07/15 serving two King County DOSA sentences.

On 01/21/15 I/M Schley was assessed at a III.3 Level of Care, and reviewed and signed the DOSA Agreement and CD Treatment Requirements, agreeing to participate, on that date. He began programming in the OCC Therapeutic Community Long-Term Treatment Chemical Dependency Program on 01/22/15.

On 01/27/15, I/M Schley was placed in the OCC Secured Housing Unit (SHU) On Administrative Segregation status, pending investigation of his involvement in a fight with another offender, after both were found to have injuries consistent with involvement in a physical altercation. Investigation determined that the incident occurred in the living unit on an assigned Therapeutic Community Housing Unit Cleaning Day, after a verbal argument escalated when Schley threw a punch which missed, and then grabbed the other offender by the throat and arm. The other offender hit Schley twice in the face and then kicked him off the bed onto the floor. Both were subsequently found guilty of violating WAC 505 (fighting), with sanctions including 15 days disciplinary segregation. He was transferred to WCC-RC on 02/11/15. The disciplinary findings were affirmed upon appeal, on ~~12/17/15.~~ 2/17/15

On 02/10/15, I/M Schley was administratively terminated from the OCC Therapeutic Community Chemical Dependency Treatment Program, due to his violation of mandatory Treatment Programming Requirements, specifically violence against another community member.

EXHIBIT 11

At the time of his termination, I/M Schley had made no progress in treatment, and remained in Phase One of the program after only a few days enrollment in the program.

I/M Schley is in violation of WAC 762 (DOSA failure) due to administrative termination from his DOSA Substance Abuse Treatment Program for the above noted violation of the DOSA Agreement and mandatory CD Treatment Participation Requirements.

Reporting Staff Name (Last, First) (Print Name)	Shift	Days Off
Tipton, J. R.	Days	Sat-Sun

Evidence Taken	Evidence Case Number	Evidence Locker Number	Photo Submitted
☐ Yes ☒ No			☐ Yes ☒ No

Disposition Of Evidence (If Not Placed In Locker)	Placed in:
	Pre-Hearing Confinement ☐ Yes ☒ No Date _____
	Administrative Segregation ☐ Yes ☒ No Date _____

NAME(S) OF ALLEGED VICTIMS OF THIS INCIDENT

Last, First			DOC#
1)	☐ Staff	☐ Volunteer/Visitor/Other	☐ Offender
Last, First			DOC#
2)	☐ Staff	☐ Volunteer/Visitor/Other	☐ Offender

RELATED REPORTS ATTACHED ☒ Supplemental ☐ Medical ☐ Staff Witness Statements ☐ Other (Specify)

Reporting Staff Signature	Date
J. R. Tipton	02/19/15
Infraction Review Officer Signature and Name (Last/First)	Date
Lori Lawson CUS	2/19/15

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Department of Corrections
WASHINGTON STATE

DRUG OFFENDER SENTENCING ALTERNATIVE NOTICE OF ALLEGATION, HEARING, RIGHTS, AND WAIVER

(FOR USE IN PRISON AND WORK RELEASE)

Offender Name	DOC #	Date	Present Location
Schley, Matthew	746992	03/03/15	WCC-RC — R5 / 5F10U

Type of Hearing: DOSA REVOCATION HEARING
☒ 762

Revocation of your DOSA sentence is under consideration for the following alleged violation(s):
Failure to complete or administrative termination from a DOSA substance abuse treatment program on or about: 02/10/15

You are hereby notified that a Department of Corrections hearing is scheduled for:

Hearing Date	Time		Location	Cause #
~~3/19/15~~ 4-2-15 (LC)	TBD	☐ a.m. ☐ p.m.	WCC	13-1-15302-1 14-C-01874-2

The Department of Corrections intends to present the following documents / reports and / or call the following witnesses during the hearing:

A. Initial Serious infraction report citing infraction #762 dated 02/19/15
1. Warrant of Commitment(s) dated 10/13/14
2. Judgment and Sentence(s) dated 10/10/14
3. Facility Plan (2) dated 11/06/14, 01/08/15
4. Drug Offender Sentencing Alternative (DOSA) Agreement dated 01/21/15
5. Substance Abuse Recovery Unit Compound Release of Info dated 01/21/15
6. Chemical Dependency Dimensional Analysis Assessment dated 11/04/14 3.3, updated 02/11/15
7. Chemical Dependency Assessment Summary updated 01/02/15 ASAM 3.3, updated 02/11/15
8. CD Treatment Participation Requirements dated 01/21/15
9. Patient/Offender Contract for Change dated 01/21/15
10. Treatment Plans (2)
11. Community Rules: Cardinal, Major, House
12. Cardinal Rule Violation dated 01/27/15
13. TC Awareness To/From log, TC Push-Up Written log, TC Push-Up Received log
14. Progress notes, significant event notes chronological order
15. Infraction History
16. Big Brother/Little Brother Orientation sheet 01/21/15 and Role Induction Sheet dated 01/21/15
17. Signed staffing form from multidisciplinary treatment team dated 02/10/15
18. Chemical Dependency Discharge Summary dated 02/10/15

You have been charged with the above alleged violation(s) of your Drug Offender Sentencing Alternative (DOSA) Sentence. You have the following rights:

- To receive written notice of the alleged violation of your DOSA sentence.
- To have an electronically recorded hearing conducted within 5 working days of service of this notice.
- To have a neutral hearing officer conduct your hearing.
- To examine, no later than 24 hours before the hearing, all supporting documentary evidence which the Department of Corrections intends to present during the hearing.
- To admit to the allegation. This may limit the scope of the hearing.

EXHIBIT 12

- To be present during the fact-finding and disposition phases of the hearing.
- To present your case to the Hearing Officer. If there is a language or communication barrier, the Hearing Officer will appoint a person qualified to interpret or otherwise assist you. However, no other person may represent you in presenting your case. There is no statutory right to an attorney or counsel and without prior written approval from the Hearings Program Administrator, no attorney will be permitted to represent you.
- To confront and cross-examine witnesses appearing and testifying at the hearing.
- To present documentary evidence on your behalf.
- To testify during the hearing or to remain silent. Your silence will not be held against you.
- To have witnesses provide testimony on your behalf, either in person or in a witnessed statement / affidavit. However, outside witnesses may be excluded due to institutional concerns. The Hearing Officer may also exclude persons from the hearing upon a finding of good cause. In addition, the Hearing Officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of your presence when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony in your presence during the hearing. In either event, you may submit a list of questions to ask the witness(es). Testimony may be limited to evidence relevant to the issues under consideration.
- To receive a written Hearing and Decision Summary including the evidence presented; a finding of guilty or not guilty; and the reasons to support the findings of guilt; and the sanction imposed, immediately following the hearing or, in the event of a deferred decision, within 2 days unless you waive this timeframe.
- To request a copy of the audio recording of the hearing.
- To appeal a sanction to the Regional Appeals Panel, in writing, within 7 calendar days of your receipt of the Hearing and Decision Summary. You may also file a personal restraint petition to appeal the Department's final decision through the Court of Appeals.
- If I waive my right to be present at the hearing, I understand that the Department of Corrections may conduct the hearing in my absence and may impose sanctions that could include loss of my liberty and / or reclassification / revocation of my DOSA sentence.
- To waive any or all of the above rights.

DOC REGIONAL APPEALS PANEL
1016 So. 28th Street 3rd Floor
Tacoma, WA 98409

This is the same address used to request a copy of the audio recording as well.

Admission to Allegation

I admit to the following allegation:		
Offender Signature	Date	Time
Witness Signature/Position	Date	Time

Waiver of Hearing

Offender Signature	Date	Time
Witness Signature/Position	Date	Time

In admitting the violation(s) and waiving the hearing, I understand that the Department of Corrections may still schedule and conduct a hearing to accept my waiver. I further understand that if I am found guilty, the Department may respond by imposing:

1. A loss of earned early release credits; and / or
2. Recommending transfer to another facility; or
3. Reclassifying / revoking the sentence structure in this case to require that the remaining balance of the original sentence be served.

I have read and understand the allegation, the hearing notice, and my rights as described:

ms ms
3-30-15 9:36 AM

Offender Signature	Date	Time
X Matthew Schley	~~X 3-16-15~~	~~X 10:30~~
Witness Signature/Position	Date	Time
Lauri Cole	~~3-16-15~~	~~10:30~~

TYPIST/CCO / 09-244
DATE

3-30-15 9:35 AM
LC LC

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribution: **ORIGINAL** - Hearing File **COPY** - Offender

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

DOSA 762 INFRACTION HEARING REPORT

OFFENDER NAME: SCHLEY, Matthew
CRIME: Burglary 2nd Degree
Theft 1st Degree
COUNTY OF CONVICTION: King
CAUSE #: Cause# 131153021 Burglary 2nd Degree 141018742 Theft in the 1st Degree

DATE: 04/02/2015
DOC NUMBER: 884527

A DOSA 762 Hearing was held on 04/02/2015, at the Washington Corrections Center (WCC), regarding the following alleged infraction of the conditions of DOSA for Mr. Mathew Schley. The hearing was conducted by Hearing Officer Sheryl Jackson and parties present for the hearing were: Class Counselor III (CCIII) Tipton; Community Correctional Officer (CCO) Laura Cole and Mr. Schley. Those who will by telephonically testifying are; Chemical Dependency Program Manager (CDPM) Tamera Zander; Correctional Program Manager (CPM) Jason Bennett; Correctional Unit Supervisor (CUS) Lorie Lawson.

Upon convening the hearing, I determined that Mr. Schley had received proper service of the Notice of Allegations, Hearing, Rights, and Waiver and was served notice on 03/30/2015. I found that he had previously been provided with copies of all of the documentary evidence to be used against him during the hearing. CCO Cole reported that at WCC there is a policy prohibiting any offender from having access to any legal documentation within their specific units. Offenders are served notification of discovery and given an opportunity to review discovery at time of service. If additional time is needed, discovery documents are logged into the Law Library for offenders to have access. CCO Cole testified that she served Mr. Schley and gave him adequate time to review his discovery packet. At the time of the hearing I confirmed with Mr. Schley if he felt he had sufficient time to review his discovery and if he in fact felt comfortable to proceed with his hearing as scheduled. Mr. Schley acknowledged he was ready to proceed.

I provided Mr. Schley with notice of the right to appeal, the address for filing the appeal and an optional form to be used to file an appeal. Mr. Schley acknowledged that he understood his hearing and appeal rights.

Preliminary Matters:
None reported.

The Department of Corrections alleged that the following **infraction** was committed:

1. 762 - Infraction - Failure to complete or administrative termination from a DOSA substance abuse treatment program on or about 02/10/15.

The offender entered the following **plea** to each infraction:

1. Not Guilty

The hearing officer made the following **findings** as to each infraction:

1. Guilty

Evidence Relied Upon:

CCIII Tipton On 02/10/15, the Multi-Disciplinary Team (MDT) made the decision to terminate Inmate (I/M) Schley from his mandatory DOSA Substance Abuse Treatment program. I/M Schley violated conditions of the DOSA Agreement and DOC 670.655 Special Drug Offender Sentencing Alternative, Page 8, VI -A.-1. -c. by incurring any major infraction that causes a change in custody level or the violation of conditions outlined in the CD Treatment Participation Requirements (DOC 14-039) or the DOSA agreement (DOC 14-042). Specifically, the Department has established a zero-tolerance policy with regard to violence within its CD programs, as reflected in the CD Treatment Participation Requirements, which state that threats or violence toward staff or another patient WILL result in termination from the Department's CD treatment program.

I/M Schley arrived at Olympic Correctional Center (OCC) on 01/07/15 serving two King County DOSA sentences.

On 01/21/15 I/M Schley was assessed at a III.3 Level of Care, and reviewed and signed the DOSA Agreement and CD Treatment Requirements, agreeing to participate, on that date. He began programming in the OCC Therapeutic Community Long-Term Treatment Chemical Dependency Program on 01/22/15.

On 01/27/15, I/M Schley was placed in the OCC Secured Housing Unit (SHU) On Administrative Segregation status, pending investigation of his involvement in a fight with another offender, after both were found to have injuries consistent with involvement in a physical altercation. Investigation determined that the incident occurred in the living unit on an assigned Therapeutic Community Housing Unit Cleaning Day, after a verbal argument escalated when Schley threw a punch which missed, and then grabbed the other offender by the throat and arm. The other offender hit Schley twice in the face and then kicked him off the bed onto the floor. Both were subsequently found guilty of violating WAC 505 (fighting), with sanctions including 15 days disciplinary segregation. He was transferred to WCC-RC on 02/11/15. The disciplinary findings were affirmed upon appeal, on 02/17/15.

On 02/10/15, I/M Schley was administratively terminated from the OCC Therapeutic Community Chemical Dependency Treatment Program, due to his violation of mandatory Treatment Programming Requirements, specifically violence against another community member.
At the time of his termination, I/M Schley had made no progress in treatment, and remained in Phase One of the program after only a few days enrollment in the program.

I/M Schley is in violation of WAC 762 (DOSA failure) due to administrative termination from his DOSA Substance Abuse Treatment Program for the above noted violation of the DOSA Agreement and mandatory CD Treatment Participation Requirements.

Mr. Schley pled not guilty to the listed allegation. He reported that in fact there was no altercation between himself and another offender. Mr. Schley indicated that any marks on his physical body were from him having a nightmare and believes he injured himself in his sleep. Mr. Schley believed that the specific inmates (Confidential Informants - CI) heard rumors about an altercation and reported said information to staff. This is why Mr. Schley believes he received the infraction.

At the time of the infraction Mr. Schley supplied 5 witness statements that stated they did not see any altercation between Mr. Schley and another offender. Mr. Schley felt that the Prison Hearing Officer found him guilty solely on the word of the CI and photographs that were not consistent with a fight but in fact are marks resulting from his sleep disorder.

I asked Mr. Schley if he understood that the major infraction #505 was not the matter at hand for this current hearing process and that the evidence presented during the major infraction hearing concerning the #505 could not be in essence re-heard today. I also explained to Mr. Schley that what is being considered today was the totality of his behavior that lead the treatment program to take action and began the termination process thus the #762 DOSA revocation hearing. Mr. Schley stated he understood but the #505 is what the Hearing Officer found him guilty of which generated the treatment program to take action. Mr. Schley also believes the #505 major infraction should not be the basis for a revocation because the standard of evidence was only "some" evidence.

Mr. Schley discussed case law believing that the infraction is not sufficient evidence to terminate his DOSA sentence.

CUS Lawson testified that DOC's prison standard of evidence is "some evidence" and the information was reviewed by her however, she did not score the evidence. The specific documents of the major infraction packet in which she did score, did meet the some evidence standard as required. CUS Lawson denies receiving anything information from the Mental Health counselor, per a statement made by Mr. Schley at the hearing. She testified that she believed that the some evidence standard was met based on her training and professional experience, and in essence Mr. Schley engaged in a fight as the major infraction information indicated.

CPM Bennett testified that he reviewed Mr. Schley's appeal information, the original infraction packet, and a full copy of the CI information received. CPM Bennett feels confident that DOC's policies and procedures concerning the process was followed properly.

CDPM Zander testified that Mr. Schley had only been in the DOSA program for approximately 7 days however, the program has a no tolerance to violence in the program and Mr. Schley was fully informed of this fact via several ways prior to his entering into the program but also through the DOSA agreement he signed, Treatment participation requirements, and through the Big Brother/Little Brother orientation form. Offenders are orientated a day prior to entering the program. CDPM Zander also testified that some major program rule violations include: violence and sexually acting out." CDPM Zander quoted from the Big Brother/Little Brothers orientation from. "I have been orientated to the rules, requirements and procedures of the TC program, any questions I had were answered by my Big brother or an orientation member. I have been informed; any act or threat of violence places me in jeopardy of termination from treatment. I have been instructed how to report threats/acts of violence and to avoid altercations." Mr. Schley initialed each item on said orientation form and signed the form 01/21/2015.

Disposition:

The disposition **recommendation** of the Classification Counselor:

CCIII Tipton recommended that Mr. Schley's DOSA sentence be revoked.

The disposition **recommendation** of the offender:

Mr. Schley appeared frustrated but stated that he still does not believe his DOSA sentence should be jeopardized based on an infraction where the standard was "some" evidence.

Hearing Officer **Disposition,** decision, and reasons:

I found Mr. Schley guilty of the 762 based on the preponderance evidence standard and the testimony and evidence presented at the time of the hearing. CCIII Tipton provided sufficient evidence for a guilty finding which included the testimony of the witnesses he included. CUS Lawson reviewed the #505 infraction information and deemed to have met the expectations of DOC's policies for addressing infractions CPM Bennett reviewed the appeal Mr. Schley brought forth which included all evidence presented to the prison hearing officer. CPM Bennett felt the hearing officer made a sound decision and affirmed the guilty finding of the #505. Although the #505 major infraction in and of itself was not reheard, I allowed the testimony of CUS Lawson and CPM Bennet to testify based on their training and experience with prison based infractions. I considered their testimony to be reliable and credible and expressed the DOC's procedures were properly followed. Their testimony spoke to the process and procedure of how DOC conducts prison based hearings. When Mr. Schley appealed the hearing officer's decision is was affirmed through the appeal process.

The most significant witness testimony and evidence presented at the hearing came from CDPM Zander who testified why a #762 major infraction was considered the appropriate means of addressing the actions of Mr. Schley. CDPM Zander testified that based on the physical violence Mr. Schley was found guilty of, this action is what put him in direct violation of the treatment program's cardinal rule: "no tolerance for violence." This cardinal rule was presented to Mr. Schley prior to him entering the treatment program.

I imposed the 762 infraction and, as a result, Mr. Schley's DOSA sentence was revoked. An official start time and remaining days will need to be determined by DOC records.

Mr. Schley was given a chance by the sentencing judge when he allowed Mr. Schley the opportunity to complete a DOSA treatment program. This opportunity allowed him to avoid approximately half his prison sentence in exchange for his agreement to comply and participate

in chemical dependency treatment. This was clearly explained to Mr. Schley at sentencing and again when he entered into the therapeutic chemical dependency program where he signed his DOSA Agreement.

Mr. Schley entered the orientation phase of the program on 01/22/2015, and the altercation took place on 01/27/2015 – not a long time within the program however, time enough to review the expectations of the program and know that violence will not be tolerated. Mr. Schley was given multiple opportunities realize the program had a no tolerance to violence and yet within 7 days of the program he received a major infraction for fighting. Mr. Schley placed his DOSA sentence in jeopardy by his behaviors and unfortunately will not be allowed to participate in treatment per his DOSA sentence.

Given his reported risk factors, risk management identification classification, criminal record, and disciplinary history, I believe this sanction holds Mr. Schley appropriately accountable under the rules and expectations of his DOSA Sentence.

Sheryl Jackson

Sheryl Jackson
HEARING OFFICER SIGNATURE

DATE

CCO/TYPIST/ A hearing report triple extra copy
DATE

Distribution:
- ☐ Prosecutor
- ☐ Offender
- ☐ County Clerk
- ☐ Central File
- ☐ Field File
- ☐ Hearing File
- ☐ Hearings Program Manager
- ☐ Hearings Officer 2
- ☐ ESRB for CCM only

Department of Corrections
WASHINGTON STATE

HEARING AND DECISION SUMMARY REPORT

Release from DOC Custody/Confinement: ☐ Yes ☐ No (See Confinement Order DOC 09-238)

Offender Name (Last, First)	DOC #	RLC	Date of Birth
Schley, Matthew	746992	HV	[redacted]
Cause Number(s) 13115 3021			

Offender Status ☐ CCI ☒ CCP ☐ CCJ ☐ CCM ☐ CPA ☐ DOSA ☐ W/R ☐ FOS
☐ Misdemeanor/Gross Misdemeanor

Date of Hearing 4/2/15 Location of Hearing WCC

CCO Name CCIII Tipton, CCA Cole

Other Participants CDP Zender

Waived Appearance ☐ Yes ☒ No
Competency Concern ☐ Yes ☒ No
Waived 24 Hour Notice ☐ Yes ☒ No
Interpreter/Staff Assistant ☐ Yes ☒ No
Jurisdiction Confirmed ☒ Yes ☐ No
Appeal Form Provided ☒ Yes ☐ No

Preliminary Matters: None reported

ALLEGATIONS	PLEA	FINDING Guilty/Not Guilty Probable Cause Found
1) #762 Failure to complete or administrative termination from a DOSA substance abuse Tx program 0/2 2/10/15	NG	Guilty

EVIDENCE RELIED UPON (LIST):

☐ J&S ☐ Notice of Allegation, Hearing, Rights and Waiver form ☐ Report of Alleged Violations
☐ Conditions, Requirements, and Instructions form ☐ Chronological Reports ☐ CCO Testimony
☐ Offender Testimony ☐ Negotiated Sanction ☐ Other(listed below):

EXHIBIT 14

Distribution: **Original** – Hearing File, **Copy** – Offender, Field File, Receiving/detaining Facility

Department of Corrections
WASHINGTON STATE

HEARING AND DECISION SUMMARY REPORT

SUMMARY OF FACTS PRESENTED/ REASONS FOR FINDINGS:

For details of hearing please order a copy of the recorded hearing

H.O. has an injured hand

SANCTIONS AND REASONS FOR SANCTION:

DOSA revocation on cause #13115330-1 and AG 141018742

****Obey all Facility Rules**
****Failing to comply with CCO, CCS, and Hearing Officer directives**
****Report in Person to CCO Within one Business Day of Release**

Offender Name(Last, First):	DOC #
Schley	746992

Not present to sign (Angry Attitude)
Offender Signature

4/2/15
Date

Hearing Officer Signature

S Jackson
Hearing Officer Name (Print)

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

Distribution: **Original** – Hearing File, **Copy** – Offender, Field File, Receiving/detaining Facility

Department of Corrections
WASHINGTON STATE

CONFINEMENT ORDER
OAA OFFENDER ☐ YES ☐ NO

DOC SANCTION TIME IS NOT ELIGIBLE FOR GOOD TIME

In the matter of:
NAME Schley, Matthew
CAUSE NUMBER(S) 13115302 1 / 14018742
DOC NUMBER 746902 DOB [redacted]

On 4/2/15, a hearing was conducted in accordance with WAC 137-104. The above captioned offender was found guilty of violating the conditions or requirements of community custody. Pursuant to RCW 9.94A, the undersigned Hearings Officer finds that it is in the public interest to sanction the offender to a term of confinement as follows:

TOTAL CONFINEMENT

☐ The offender is serving a term of community custody for a sex offense committed on or after 6/6/96, and before 7/1/00, and having completed the maximum (CCM) term of total confinement, is therefore sanctioned to a term of confinement in a local correctional facility/jail as follows:

LOCATION _____ START DATE _____ END DATE _____

☒ The offender (CC) is sanctioned to a term of confinement in a county jail or equivalent correctional facility as stated below or, if confinement in such a facility is not available, the offender may be confined in a state correctional facility as follows:

LOCATION WCC START DATE 3/19/15 END DATE TBD

PARTIAL CONFINEMENT

☐ The offender is sanctioned to a term of partial confinement as follows:

LOCATION _____ START DATE _____ END DATE _____

Home detention with electronic monitoring, work crew, or a combination thereof to be arranged and managed through the supervising Community Corrections Officer as follows:

☐ Home Detention with Monitoring START DATE _____ TOTAL DAYS _____
☐ Work Crew START DATE _____ TOTAL DAYS _____

*** During this term of confinement you are required to follow all rules and regulations of the facility. Failure to do so will be a violation of this order and may result in additional sanctions.**

Ordered this 2, day of April, 2015

Signed _____
HEARINGS OFFICER, DEPARTMENT OF CORRECTIONS

EXHIBIT 15

Distribution: **ORIGINAL** – Detaining Agency/Facility via CCO **COPY** – CCO, Offender, Hearing File (**All White**)

Department of Corrections
WASHINGTON STATE

APPEAL OF A DEPARTMENT VIOLATION PROCESS

Offender Name: MATTHEW Schley DOC #: 746992 Arrest/Hearing Date: 4-3-15

Mailing Address for Response: Washington Correction Center

City: Shelton State: WA Zip: 98584

CCO/Hearing Officer: Unknown Wasn't given Document Location/Jail: C-building

PLEASE CHECK THOSE THAT APPLY TO YOUR APPEAL: (Please note you must specifically identify a procedural, jurisdictional, or sanction problem).

Department of Corrections Received APR 08 2015 Western Hearings Records Unit

I am specifically appealing:

☒ **The finding(s) of guilt due to:**

☒ **A procedural issue, as specified below.** (For example, you may appeal that you did not have the opportunity to respond to the allegations or, if appealing a hearing, that you did not have the opportunity to call a necessary witness.)

☐ **A jurisdictional issue, as specified below.** (For example, you may object that you were not on supervision at the time you were arrested or that the violation has already been addressed.)

☐ **The sanction(s) imposed by the Department. Please note you must specifically identify that the sanction imposed was not reasonably related to any of the following:** your crime of conviction, the violation you committed, your risk of reoffending, or the safety of the community.

Describe the reason(s) and/or provide any additional evidence to support your appeal.

I was not allowed to present my defense as hearings officer kept cutting me off and I did respond to the alligations and was told that the alligations had nothing to do with the hearings officers decision and I wasn't allowed to present witness statements. Yet they presented theirs

The desired outcome if my appeal is granted is:

I would like my DOSA returned to me. It was taken with absolutely no evidence, and I wasn't even allowed to defend myself.

Please note you must specifically identify the outcome that you are requesting from the Appeals Panel. The outcome must be something that the Department can provide. For example, the Department cannot change jail policies or procedures.

This appeal must be in writing and postmarked or hand-delivered to the address listed below within 7 days of your sanction being imposed. Appeals are heard approximately every 2 weeks. Sanctions are **NOT STAYED** pending the outcome of an appeal.

APPEALS PANEL
1016 S 28th St. 3rd Floor
TACOMA WA 98409

NOTE: You have a right to file a personal restraint petition under court rules after the final decision of the Department.

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

DOC 09-275 (Rev. 10/01/13) DOC 460.130

EXHIBIT 16

I would like to appeal on the grounds that my the hearings officer found me guilty of 505 infraction, and subsequently a 775 infraction in direct conflict with pg 110 P.3d 856, 127 Wn app 165 McCay 2005 which states that any infraction that results in a DOSA revokation hearing "must" contain evidence that meets the standard for a preponderance of evidence as defined in McCay.

After citing this case law to the hearings officer amidst many interuptions, she and the staff all agreed that the infraction did not meet the preponderance of evidence then she said so what I am the preponderance of evidence and im finding you guilty.

I also tried to read my written prepared defense and was interupted and told that she didnt want to hear me defend the infraction? and then said oh whatever go ahead "i didnt bring my coffee" "but whatever" (this is all on recording). the violation of not being allowed to present my witness statements and not being allowed to respond to the allegations, and the violation of the ruling made by the appealate courts.

I was spoken to condescendingly, and was told that I was wrong, and that she didn't have to have a preponderance to take my dosa this is wrong

Would you please review the audio tape and you will know what im talking about.

I would also like to request a copy of the audio tape to be sent to the law library as I need it for my further defense

Thank you
Matthew Sehlen
746992

Reference: 127 wn app 165 2005 mccay
54.12.-5-1
Preponderance of evidence ruling by appealate courts

Cite 9.94A 660 RCW
CASE LAW

127 Wn. app. 165 2005 Clorah v. McCay Case# 54212-51

"Quote"

"The State Concedes that the Serious nature of a proceeding resulting in revocation of a DOSA Sentence requires a preponderance of the evidence standard of proof

also pg 110 P. 3d 856, 127 Wn app 165 McCay 2005

"Quote"

The assesment depends upon "the extent to which an individual will be Condemned to Suffer a grevious Loss"

McNeal 99 Wash app. 628, 994 P.2d 890

The decision must be based on verified facts and accurate Knowledge

Morrisey 408 U.S. attorney 484, 925 CT 2593

WAC, 137-104-050 (14)

now id like to Show to the Committee that the infraction that resulted in this hearing Does not Meet the Criteria to be considered a "Preponderance" of evidence, and because of the great extent to which I will be Condemned to Suffer a grevious Loss, this case is not qualified to justify the revocation of my DOSA as it is not Based upon "Verified facts and accurate Knowledge"

Seeing as the Statements made by the Confidential informants do NOT Support the Known facts of this Case and Statements made by inmates "Convicted Criminals" is unreliable and NOT Considered "accurate Knowledge" as defined by (McCarty 99 Wash app 628, 994 P 2d 890) and the Summary report and other evidence used in this infraction Does NOT meet the Criteria To be Considered a "preponderance of evidence"

~~also there are no marks or other writing on myself that are consistant with the statement made by the confidential informant and there are no marks that would be considered consistant with fighting on myself seeing as there are none on face, hands, knuckles, neck etc~~

I am appealing To this Comittee on the behalf of my family and myself To allow me the opportunity To continue with my DOSA programing So that I can receive the help I need To become a Clean and Sober, Productive member of Society and better Serve my family as a father and husband.

Statement #2

~~#2 I appeal to the Committee on behalf of my family and myself to allow me the opportunity to continue with my D.O.P.P. programming so that I can receive the help I need to become a clean, sober, productive member of Society and better serve my family as a father and husband.~~

~~other~~ facts for consideration: I supplied 5 witness statements from inmates that were present upon the cleaning day this supposedly happened and they stated that nothing happened.

The hearings officer acting as prosecutor in this hearing based his decision solely on the confidential informants statements, to which only one of them claims to have witnessed it, the others are "second" hand with rumors ~~and more heresay~~ All defined as heresay

The only "physical" evidence presented was a series of pictures that Do not show any injuries except for scratches on my lower back which were verified as caused by my sleeping disorder and are not consistant with fighting injuries as they are not on face, hands, head, knuckles

as stated on the Serious infraction Report the (Details in full) is a statement from Confidential informants, and states clearly that "the body of this infraction is a summary of confidential information "used as evidence" To support this infraction

There is no marks consistant with an altercation on either Mr Tang or myself as in definition injuries known to be consistant with fighting occur upon the Hands, Knuckles, face, Head, neck, etc and Tang had absolutely no marks and the scratches on my lower back were from my bunk and were reported to my psychiatrist at occ while discussing my sleeping disorder prior to this incident

also on the confidential information Review checklist, Cus Peterson made a false summary by stating that the confidential information was "reliable and credible" based on 7 Reasons 1 he checked the box that states the confidential source had previously given reliable information and then contradicts this statement by writing next to it "No or unknown" yet still uses this as a reason?

#2 (The confidential source had no apparent motive to fabricate the information.) it is known by staff and inmates that what people do to get rid of people they don't like in the program is to X them out. make false statements or drop anonymous kites to get them kicked out of the program and i had already informed my counselor here at Shelton of conflict with two inmates at OCC and had attempted multiple times even writing to olympia to place keep seperates to no avail. All prior to being sent to OCC

#4 (The confidential source provided first hand information) seeing as only one person provided first hand info this statement is also erroneous as the CUS is admitting the 4 other second hand statements under false pretenses as 1st hand information

#5 (The confidential information is internally consistant and is consistant with other "known" facts.) this is also false because within the employee report by Lori Lawson the C.I stated he saw me grab Tang by the throat then saw Tang hit me twice in the face and kicked me off bed - yet i had no punch marks on my face. Tang had no consistant marks upon his

throat neither one of us had marks of any kind on our hands or knuckles in conclusion there is no injuries that are consistant with the statement made by the confidential informants

#6 (other evidence cooberates the confidential information) As stated prior there are no injuries that are consistant with the statements, as there is only one injury that is photographed upon my lower back which has been reported and verified, and is not consistant with any injuries that should have resulted from the statements version of the events, As to which I stay with and will always stick to the truth that nothing happened between Mr Tang and I and this whole problem was orchestrated by inmates either on their own or in accordance with the two individuals had attempted to place keep seperate on had ingaged in the practice of X ing me out and unfortunatly involved Mr Tang and falsified statements to attain that goal

in Conclusion, I believe I have demonstrated To the Comittee that although the CUS had what is Termed "Some evidence" which allows the infraction and Conviction under DOC Rules. There is NOT Sufficient evidence as defined under "McCAY 127 Wn app 165 2005) To Qualify as A "preponderance of evidence" and as there are no "verified facts" either Physical or through "reliable information" it Cannot be defined as "accurate knowledge" and because of "the extent to which I will Suffer a grevious loss" i.e. the loss of 20 more months from my family, ~~my fa~~ my children and wife deprived of our Soul provider and my freedom, ~~[illegible]~~ I hope that the Comittee Sees this case in the Same light as I do, and grants me the priviladge of continuing my DOSA Sentence.

Thank you for your Time

I would also like to point out, that "Someone" Raised my awareness for "Disrespect" on the Same Date I was in the hole, which further Validates my Claim of a Concerted effort to get me Kicked out of the program.

This is A Rough copy of the Defense prepared and was told it wasn't relevant to the Revoke hearing which is crucial to the Decision and was not allowed to read it

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. BOX 41100 • Olympia, Washington 98504-1100

APPEALS PANEL DECISION

FROM: DOC Appeals Panel

TO: Schley, Matthew **DOC #:** 746992 **Date:** 04/14/15

On 04/02/15, you were either sanctioned to 1-3 days of confinement or a hearing was conducted for violations of your conditions of supervision/custody.

On 04/10/15, your appeal was received in which you requested a review of a sanction or decision of the Hearing Officer. You specifically appealed:

- ☒ A decision based on a procedural issue
- ☐ A decision based on a jurisdictional issue
- ☐ A sanction imposed that was not reasonably related to:
  - Your crime of conviction
  - The violation you committed
  - Your risk of reoffending
  - The safety of the community

AND THEREFORE

The decision is to:

- ☒ Affirm the process and decision.
- ☐ Modify the sanction as stated below.
- ☐ Remand for a hearing. You will be notified of the hearing date.
- ☐ Reverse and vacate the process.

Comments: This Appeals Panel has reviewed all documents provided from the above hearing and have listened to the audio recording as well. In your appeal you state you were not allowed to present your defense at your hearing. You also want the evidence presentenced at your 505 Disciplinary Hearing reviewed as you state a preponderance of evidence standard was not met and, therefore, you want to have your DOSA reinstated.

The Appeal Panel did listen to the audio recording of your hearing and determined you were given several opportunities to present your evidence at this hearing. The Hearing Officer also explained to you that the evidence you were presenting at this hearing was already addressed at your 505 infraction hearing. The Hearing Officer has no jurisdiction regarding the evidence presented at the 505 hearing.

On 01/26/15, you were found guilty at a Disciplinary Hearing for a 505 infraction for fighting. On 02/17/15, the findings were affirmed upon your appeal for this infraction. The Appeals Panel wants to let you know the Hearing Officer and this Appeals Panel does not have any jurisdiction regarding the 505 infraction hearing or the appeal finding that was made on 02/17/15. The Hearing Officer did inform you several times that the only violation that was being addressed at this hearing was the violation for failure to complete or being administratively terminated from your DOSA substance abuse treatment program on 02/10/15.

On 02/10/15, you were terminated from your chemical dependency treatment program because you are in violation of the mandatory treatment programing requirements, which stated there will be no violence against another person. After reviewing this evidence the Appeals Panel believes a preponderance of evidence was met for this violation.

EXHIBIT 17

In Conclusion, because you violated a mandatory treatment program requirement and were terminated from your chemical dependency treatment program the Hearing Officer had no other option but to revoke your DOSA sentence. The Panel denies your appeal and affirms the process and decision.

DOC Appeals Panel Member — Date: 4-15-15

DOC Appeals Panel Member — Date: 4-15-15

DOC Appeals Panel Member — Date: 4-15-15

Distribution: **ORIGINAL** - Hearing File **COPY** - Offender, Central or Field File via CCO, Hearing Officer, Hearing Supervisor, Work Release Supervisor, Imaging System

In Reference To Appeals panel Decision on 04/14/15

Re: Matthew Schley DOC# 746992

Re: 3 level appeal

To Risk management Director

RECEIVED
MAY 01 2015
DOC-RISK MANAGEMENT

EXHIBIT 18

To, Whomever it May Concern

I have attempted to resolve this issue through appeals process, and yet the panel seems to be very adept at sidestepping the issue. The appeals court has already ruled against this type of railroading and has made it very clear that yes "the infraction that results in the DOSA Revoke hearing must be based upon a preponderance of evidence to be elligable for a DOSA Revoke. More specifically in exact McDonnell vs Wolf, 418 US 539, 561-62 945 CT Morrissey 408 US AT 484, 925 CT 2593, McCay 127 Wn app 165 2005 plus WAC Rules 137-104-050 (4) it clearly states in McCay "that due to the serious nature of a DOSA Revoke hearing the infraction that resulted in the hearing must be based on a preponderance of evidence

The hearings officer didnt even consider whether the SOS was based on a preponderance or some evidence, she just found me guilty of a 775 because someone else found me guilty of SOS based on "some evidence" and didnt even consider the difference between the two

or the multiple Court Rulings that prohibit that exact practice, it has been written out very clearly, and precisely yet so far no matter how many ways I try to point this out I get shot down with excuses that have absolutely nothing to do with the legal presedence I have been pointing to. Sidestepping or passing the buck does not negate the facts the appeals Courts and Doc have ruled. I Cannot have my DOSA Revoked unless the infraction that resulted in the DOSA revoke hearing was based upon a preponderance of evidence And it was not, the staff at OCC said it themselves on tape by phone at the hearing.

The logic is simple = if you find someone guilty of a SOS with little or no evidence then by Doc Standard → yes you can find them guilty and take good time etc. ← only

But you cannot use the same infraction that was based on "Some evidence" as evidence or justification to revoke DOSA. And if you say ok well you

were found guilty of 505 So therefore you violated DOSA Rules and that justifies Revocation. The proof of me violating DOSA Rules is whether or not I actually did - yes or no - was that Decision based upon a "preponderance of evidence"? NO then it isn't justification to Revoke. - if you allow an infraction that is based only upon "Some evidence" to be used as justification to revoke my DOSA, then you are allowing the DOSA Revoke to be based upon the very SAME "Some evidence Standard" which DOC and the appealate Courts have Ruled against. They agree that A DOSA Revoke is a very Serious issue that effects the community, the inmate and the Recidivism Rate. This program was set up to rehabilitate offenders not to be abused by or taken away on very flimsy Reasoning. Just because one Cus found me guilty of 505 with no evidence Doesn't automatically make me guilty of a 775 and doesn't justify Revocation of my DOSA that will sentence me to 20 more months and negate a Judges Ruling - the courts and DOC have made it very clear and specific that that process of Revocation is not

To be allowed, I have filed a PRP with the appeal Courts and am going through this process to exaust my remedies, I am hoping that whoever reads this, will actually review the Case Law I have listed, and use some Common Sense and either grant me a new hearing or reinstate my DOSA that was taken in direct violation of multiple Court Rulings mainly MCCAY

Thank you for your Consideration and please forgive my frustrations, my life is on the line and I did not commit this SOS

Sincerely
Matthew Schlegel

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
Hearings Unit
P.O. Box 41103, Olympia, WA 98504-1103

May 15, 2015

Matthew Schley, DOC 746992
Coyote Ridge Corrections Center
E/EA371L
P.O. Box 769
Connell, WA 99326

Re: Second Level Appeal Decision

Dear Mr. Schley:

I am in receipt of your request for a Second Level Appeal review. I have read your request and reviewed your hearing paperwork as well as the audio for your hearing conducted on April 2, 2015.

I concur with the Hearing Officer's decision as well as the decision of the Regional Appeals Panel. Therefore, your request is denied and your sanction will remain.

Sincerely,

Kathy Gastreich
Risk Management Director

/ds

cc: Offender File

EXHIBIT 19

NO. 73872-1-I

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of: MATTHEW RAY DOUGLAS SCHLEY, Petitioner.	DECLARATION OF RONDA LARSON

I, RONDA LARSON, make the following declaration:

1. I am an assistant attorney general (AAG) for the Washington Attorney General's Office (AGO) at the Corrections Division in Olympia, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. I am familiar with the Offender Management Network Information (OMNI) software used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from OMNI. Among other things, OMNI tracks information regarding an offender's location and custody.

3. I printed out correct copies of the OMNI Legal Face Sheet and chronos for Matthew Schley, DOC No. 746992, to be used as exhibits.

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EXHIBIT 20

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 September 2015, at Olympia, Washington.

Ronda J. Larson

RONDA LARSON

NO. 73872-1-I

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of: MATTHEW RAY DOUGLAS SCHLEY, Petitioner.	DECLARATION OF KRISTEN ABENDROTH

I, KRISTEN ABENDROTH, make the following declaration:

1. I am an Office Assistant 3 (OA3) for the Department of Corrections (DOC) at the Western Hearings Unit in Tacoma, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The DOC maintains a hearing file for each offender subject to community custody violation hearings. This file contains information on an offender's sentence structure and documents relevant to his supervision. As an OA3, I am a custodian of records kept by DOC in the ordinary course of business.

3. Upon request of the Attorney General's Office, I provided correct copies of several documents from the hearing file of offender Matthew Schley, DOC No. 746992, to be used as exhibits. These include the Judgments and Sentences for King County Cause Nos. 13-1-15302-1 KNT and 14-1-01874-2 KNT; a Chemical Dependency DOSA Agreement; a Chemical Dependency Treatment Participation

EXHIBIT 21

Requirements; a Community Behavior Expectations; a Serious Infraction Report dated January 26, 2015; a Cardinal Rules Violation Notice; a Chemical Dependency Clinical Staffing; an Initial Serious Infraction Report; a Drug Offender Sentencing Alternative Notice of Allegation, Hearing, Rights, and Waiver; a DOSA 762 Infraction Hearing Report; a Hearing and Decision Summary Report; a Confinement Order; an Appeal of Department Violation Process; an Appeals Panel Decision; a Second Level Appeal dated May 1, 2015; and a letter from DOC's Risk Management Director dated May 15, 2015.

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 September 2015, at Tacoma, Washington.

Kristen Abendroth

KRISTEN ABENDROTH