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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON
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NO. 35657-1-II

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

In re the Personal Restraint Petition of:

JOHNATHON MONTA,

Petitioner.

**SUPPLEMENTAL BRIEF OF RESPONDENT DEPARTMENT OF
CORRECTIONS**

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I. INTRODUCTION

Petitioner Johnathon Monta, DOC #743150, is currently incarcerated at the Washington State Penitentiary (WSP) in Walla Walla, Washington. However, the infraction that gave rise to this personal restraint petition occurred while Mr. Monta was incarcerated at McNeil Island Corrections Center Corrections Center (MICC) in Steilacoom, Washington. Exhibit 1, Declaration of Laura Graham, Attachment A, Offender Based Tracking System (OBTS) Legal Face Sheet.¹ Mr. Monta is in the custody of DOC pursuant to a valid judgment and sentence entered in Pierce County Cause No. 97-1-04388-5 for robbery and assault. Id. His maximum release date is March 7, 2011. Id. His current early release date is February 19, 2009. Id.

II. ISSUES PERTAINING TO ASSIGNMENTS OF ERROR

1. Did Petitioner receive all requisite due process in a prison disciplinary hearing where the Department of Corrections (DOC or Department) provided: (1) written notice of the charges against him at least 24 hours before the hearing, (2) an opportunity to call witnesses and present documentary evidence in his defense, provided that doing so will not be unduly harmful to institutional safety or correctional goals, and (3) a written statement setting forth the disciplinary board's findings of fact.

¹ All exhibits referenced in this Brief are the original exhibits attached to the Response of the Department of Corrections filed in this Court on February 21, 2007. Any new exhibits are referred to as Supplemental Exhibits.

2. Did “some evidence” support the hearing officer’s finding Mr. Monta guilty of the 603 infraction where the hearing officer based his decision on confidential information, reports, and evidence determined to be reliable and credible and where safety concerns justify the nondisclosure of the information.

3. The use of confidential information in prison disciplinary proceedings is within the sound discretion of prison officials. Did the hearing officer properly rely on confidential information upon a finding that: (1) the information was reliable; and (2) that safety considerations prevent the disclosure of the confidential information?

4. The hearing officer properly denied Mr. Monta the opportunity to view the confidential information. Was Mr. Monta afforded all necessary due process when he was given a summary of the confidential information received in the initial serious infraction report?

III. STATEMENT OF THE CASE

On April 6, 2006, Mr. Monta was infractioned for possession, introduction, or transfer of any narcotic, controlled substance, illegal drug or unauthorized drug or drug paraphernalia contrary to WAC 137-28-260(603). Exhibit 2, Declaration of Tonya Gould, Attachment A, Initial Serious Infraction Report. The infraction resulted from information obtained from confidential sources that Mr. Monta took substantial steps with another

person to conspire, promote, and facilitate the introduction of illegal drugs into MICC by having a member of his family send money to an address in the Lakewood, Washington area used as a money drop for drugs. Id.

On April 18, 2006, Mr. Monta received a copy of the Hearing Notice/Appearance Waiver informing him of the charge against him and of his procedural rights. Exhibit 2, Attachment B, Notice/Appearance Waiver Form. Mr. Monta was informed he could request witness statements in his defense. Id. Mr. Monta asked that Chief Investigator, George Gilbert, and the confidential informant appear as witnesses. Id. Mr. Monta's request for the confidential informant to appear was denied, and Mr. Gilbert responded to the request for a witness statement by submitting an email stating that the initial infraction report was his statement. Exhibit 2, Attachment, B; Exhibit 2, Attachment C, April 26, 2006, Email from George Gilbert.

Prior to the hearing, Mr. Monta submitted a public disclosure request, requesting copies of evidence pertaining to the infraction, including but not limited to copies of the envelope and money orders. Exhibit 2, Attachment D, Public Disclosure Request. On May 10, 2006, the DOC responded, notifying Mr. Monta that because the hearing was still pending he would not be provided any information through his request, but would be allowed to see any non-confidential information, and a summary of any confidential information to be used at the hearing. Exhibit 2, Attachment E,

May 10, 2006 Letter from Joni Aiyeku. On June 6, 2006 Mr. Monta received a second letter informing him that nine pages of documents responsive to his public disclosure request had been located. Exhibit 2, Attachment F, June 6, 2006, Letter from Joni Aiyeku. This letter also stated that while DOC could not provide the documents due to his appeal, Mr. Monta could request the documents after the hearing process had concluded.

Id.

Mr. Monta's disciplinary hearing was held on May 22, 2006.² Exhibit 2, Attachment J, Serious Infraction Report. At the Hearing, Mr. Monta submitted witness statements by Larry Monta, Johnna Hibdon, and the email from Chief Investigator George Gilbert was submitted. Exhibit 2, Attachment K, Witness Statement of Larry Monta; Exhibit 2, Attachment L, Witness Statement of Johnna Hibdon; Exhibit 2, Attachment C; Exhibit 2, Attachment J. In his own defense, Mr. Monta stated "no where does any of the information state my name on it was on the money orders or envelope. The return address listed is a trailer court with many residents in it. There is nothing to connect me to any of these money orders, other than my dad living in the trailer court. I did not have any involvement with any drugs at

² While the hearing was originally set for April 24, 2006, Mr. Monta was granted two continuances to allow him time to collect evidence, extending the hearing date first to May 2, 2006, and then to May 22, 2006. Exhibit 2, Attachment G, Request for Continuance; Attachment H, April 24, 2006, Hearing Continuance Memorandum; Attachment I, May 2, 2006, Hearing continuance Memorandum.

MICC.” Exhibit 2, Attachment M, Disciplinary Hearing Minutes and Findings. He otherwise denied the charges. Id.

Lieutenant Jurgensen, after reviewing the confidential information, determined that it was reliable and credible, and that the information needed to be kept confidential for security reasons, and that a summary of the confidential information had already been given to Mr. Monta. Exhibit 2, Attachment N, Confidential Information Review Checklist. Based upon the confidential information and the witness statements Lieutenant Jurgensen found Mr. Monta guilty of the infraction and imposed 90 days loss of good conduct time and 30 days confinement to quarters. Exhibit 2, Attachment M. Mr. Monta appealed and on June 6, 2006, the designee of the Superintendent, Ron Van Boeing, denied the appeal finding Mr. Monta had been afforded all requisite due process. Exhibit 2, Attachment O, May 24, 2006 Appeal Letter; Exhibit 2, Attachment P, Disciplinary Hearing Appeal Decision.

In his petition to this Court, Mr. Monta contends that he was denied due process because he did not see the evidence presented at the hearing and he was denied all reports from confidential informants that were used against him. See Petition at 2. DOC opposes Mr. Monta’s petition and asks that it be dismissed.

IV. ARGUMENT

A. **MR. MONTA WAS AFFORDED ALL REQUISITE DUE PROCESS OF LAW AT HIS PRISON DISCIPLINARY HEARING.**

An inmate subject to a disciplinary hearing resulting in a loss of liberty, unlike the accused in a criminal trial, is entitled only to minimal due process protection. In re Plunkett, 57 Wn. App. 230, 235, 788 P.2d 1090 (1990). In Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963, 41 L. Ed.2d 935 (1974), the Supreme Court set forth the due process rights of a prison inmate at a disciplinary proceeding where state created liberty is at issue. Although the court held that such prisoners do not enjoy the full panoply of due process safeguards, it also held that prisoner is entitled to: (1) written notice of the charges against him at least 24 hours in advance of the hearing; (2) an opportunity to call witnesses and present documentary evidence in his defense, provided that doing so will not be unduly harmful to institutional safety or correctional goals; and (3) a written statement setting forth the disciplinary board's findings of fact. Wolff, 418 U.S. at 563-66, 94 S. Ct. at 2978-79.

Here, all of the due process requirements were met at Mr. Monta's hearing. The record clearly shows he was given notice of the charges against him on April 18, 2006, and the hearing was held more than 24 hours later on May 22, 2006. Exhibit 2, Attachments A and J. Mr. Monta does not dispute

this. He was given the opportunity to request witness statements in his defense and he was given a written statement setting forth the findings of the hearings officer. Exhibit 2, Attachments B, C, J, K, L, and M. Mr. Monta does not dispute this.

Mr. Monta has supplied no evidence to support his claim that his due process rights were violated. Conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. In re Cook, 114 Wn.2d 802, 813. He has failed to meet even the threshold requirement of showing actual and substantial prejudice resulting from any alleged failure to present evidence. In re Burton, 80 Wn. App. at 589. Since Mr. Monta has failed to establish constitutional error resulting in actual prejudice or a complete miscarriage of justice, his petition must be dismissed. In re Rice, 118 Wn.2d 876, 884, 828 P.2d 1086 (1992).

B. THE HEARING OFFICER'S DECISION WAS SUPPORTED BY SOME EVIDENCE.

Implicit in the due process requirement that an inmate receive a written decision is the requirement that the disciplinary finding be supported by "some evidence in the record." Superintendent v. Hill, 472 U.S. 445, 105 S. Ct. 2768, 86 L. Ed. 2d 356 (1985). "Ascertaining whether the 'some evidence' standard is satisfied does not require examination of the entire record, independent assessment of witnesses, or

weighing of the evidence.” Id. “Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board.” Id. (emphasis added). A hearing is not arbitrary or capricious if some evidence supports the decision. In the Matter of Anderson, 112 Wn.2d 546, 772 P.2d 510 (1989). When a prison disciplinary committee finds an inmate guilty of an infraction, that finding must be based on some evidence linking the inmate to the infraction. In re Reismiller, 101 Wn.2d at 297; see also Burton, 80 Wn. App. at 586.

The hearing officer’s responsibility is to weigh the evidence and determine what evidence is reliable for use in making his decisions. The hearing officer’s decision should be granted deference. Hill restricts this Court’s inquiry to an examination of the record for evidence supporting the findings of guilt and rejects the re-evaluation of evidence and re-determinations regarding weight to be granted a given piece of evidence by the reviewing court. Hill, 472 U.S. at 455.

Here, the hearing officer based his decision on confidential information, reports, and evidence determined to be reliable and credible and where safety concerns justify the nondisclosure of the information. Exhibit 2, Attachments J, M and N. The evidence demonstrates that the MICC Investigation Unit obtained an envelope that had been mailed to a person in Lakewood, Washington containing two \$50.00 money orders.

Exhibit 2, Attachments A and J. A confidential informant identified the Lakewood address as an address where inmates sent money as a payment for drugs that were being brought into the facility and the return address on envelope was linked to Mr. Monta. Id.

Based on this evidence, Mr. Monta was found guilty of taking “substantial steps with another person to conspire, promote and facilitate the introduction [of] illegal drug[s] into a correctional facility” in violation of WAC 137-28-260 (603). Exhibit 2, Attachment J at 2.

The evidence clearly indicates that Mr. Monta had a family member send money to an address known as a money drop for drugs to be brought into MICC. The hearing officer correctly found Mr. Monta guilty of the 603 violation based on the confidential evidence and information, demonstrating that there was some evidence for the hearing officer’s guilty finding.

In Mr. Monta’s supplemental brief he claims that there must be some reasonable connection between the evidence and the inmate in order to find the inmate guilty. Brief at 16. Mr. Monta is correct. What Mr. Monta fails to mention is that there is a reasonable connection in this case. One of the envelopes containing money orders sent to the person in the community had a return address belonging to Mr. Monta’s father. Exhibit 2, Attachment A. The hearing officer reviewed the envelope, money

orders and other confidential information and this evidence established that Mr. Monta was guilty of the charged infraction.

Mr. Monta next claims that he was not provided with the envelopes or the money orders for review. Brief at 17. Again, Mr. Monta is correct. The money orders and envelopes in question are part of the confidential information used to find Mr. Monta guilty of this infraction. The hearing officer made a determination that “safety concerns justify nondisclosure of the sources of information.” Exhibit 2, Attachment N. If, however, the Court would like to make an independent determination as to the validity of the confidential information used, Respondent can provide this information to the Court for an *in camera review*.

Mr. Monta next argues that his family members who live at the trailer park from which the money order was sent testified that they did not send any money orders to the Lakewood address and the address in question was that of the entire trailer park, therefore this information could not be linked to Mr. Monta. Brief at 17. This argument fails. The address in question may be for the entire trailer park as Mr. Monta claims, but the name on the envelope is that of Larry Monta, not any other resident of the trailer park. Again, this clearly links Mr. Monta to the evidence. Even more compelling is the fact that Mr. Monta was ordered to provide a urinalysis on January 15, 2006, and he tested positive for marijuana. Supplemental

Exhibit 1, Declaration of Dawn Walker, Attachment A, Inmate Infractions. Yet again, this clearly links Mr. Monta to the evidence. Mr. Monta next claims that other inmates could have had access to his father's address. Brief at 17. What Mr. Monta fails to state is why another inmate would have used this address or his father's name for that matter. As such, this is pure speculation on his part and should not be considered by the Court.

Mr. Monta was provided with a summary of the confidential information relied on. This is the same information used to find Mr. Monta guilty of the 603 infraction. This information is clearly "some" evidence in which the hearing officer can and did find Mr. Monta guilty of the said infraction.

C. THE USE OF CONFIDENTIAL INFORMATION WAS NOT ARBITRARY AND CAPRICIOUS, AND THUS, DID NOT DENY MR. MONTA THE RIGHT TO A FUNDAMENTALLY FAIR HEARING.

The use of confidential information in prison disciplinary proceedings is within the sound discretion of prison officials. Wolff, 418 U.S. at 568-69. In Washington, it is specifically authorized by WAC 137-28-300 (7). In Zimmerlee v. Keeney, 831 F.2d 183, 186 (9th Cir. 1987), the Ninth Circuit set forth the test for establishing whether information supplied by confidential informants is reliable. In Zimmerlee, a two-part test was set out for determining if a disciplinary committee's decision satisfies due

process requirements and the “some evidence” standard when that decision is based on information received by a confidential informant. Zimmerlee held that due process is satisfied when: (1) there is a showing of reliability; and (2) there is an affirmative statement by a prison official stating that safety considerations prevent the disclosure of the informant’s name. Review of both of these prongs is to be deferential. Zimmerlee, 831 F.2d at 186.

The hearing officer’s decision and reliance on information supplied by the confidential informants, satisfies due process requirements and fulfills the standards set forth in Zimmerlee. First, addressing the reliability prong of the Zimmerlee test, the hearing officer determined the confidential information to be reliable and credible, as the sources (1) had no motive to fabricate the information; (2) would not benefit from providing the information, and; (3) were providing first hand information. Exhibit 2, Attachment N. The information was also internally consistent and is consistent with and corroborated by other known facts and evidence. Id. Thus, the decision is in compliance with the first prong of the Zimmerlee test.

Turning to the second prong of the Zimmerlee test, the due process requirements are likewise met. The hearing officer made a determination that “safety concerns justify nondisclosure of the sources of information.”

Exhibit 2, Attachment J, M and N. Therefore, both prongs of Zimmerlee were met at Mr. Monta's hearing.

Mr. Monta was aware his infraction was based upon confidential information as the infraction itself so states. Exhibit 2, Attachment A. Mr. Monta has failed to demonstrate any prejudice resulting from the infraction report's reliance on confidential information.³

Mr. Monta claims in his supplemental brief that the only evidence in the record is the investigating officer's conclusion, based on confidential information, that Mr. Monta was linked to the money orders. Brief at 15. This argument is unsupported by the evidence. The record also contains a summary of the confidential information relied on by the hearing officer, which includes documentary evidence. The hearing officer reviewed all of the confidential information independently and found it to be credible and reliable. Exhibit 2, Attachment N. He did not simply take the investigating officer's word for it, as Mr. Monta implies. Mr. Monta also claims that there is no indication of the factual basis on which the reliability of the confidential information was deemed and it is

³ While Mr. Monta claims that he was denied due process by not being able to have Investigator Gilbert present, WAC 137-28-300 allows staff members to provide written statements rather than testify in person, when they are unavailable, even when their statements are provided to introduce confidential information. WAC 137-28-300(7)(b). As Mr. Gilbert worked at a facility on the other side of the state, it was determined that he was unavailable, and therefore was allowed to introduce confidential information via a written statement. Exhibit 2, Attachments J and M.

not even clear whether the source of the confidential information is an inmate or someone in the community. Brief at 15. The hearing officer need only make an independent evaluation confidential information and find that it is credible and safety considerations prevent disclosure. See Zimmerlee, supra. Again, the hearing officer reviewed all of the confidential information before deeming it credible and reliable. Exhibit 2, Attachment N. He did not simply base this decision on the infraction report as Mr. Monta seems to be implying. Furthermore, the fact that Mr. Monta is not able to determine if the source of the confidential information is an inmate or community citizen does not present a due process concern where the safety of informants is at issue. The fact that Mr. Monta is unable to make this determination is exactly the anticipated result of the Department's insistence in maintaining the confidentiality of information relied upon by the hearing officer.

The finding of reliability coupled with the fact that safety considerations prevented disclosure of the confidential information provided Mr. Monta with sufficient due process. The use of confidential information during Mr. Monta's disciplinary hearing did not deprive him of a fundamentally fair hearing.

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D. AN INMATE DOES NOT HAVE THE RIGHT TO SEE DOCUMENTARY EVIDENCE FROM A CONFIDENTIAL INFORMANT.

The main argument made by Mr. Monta is his supplemental brief is that an inmate has the right to present documentary evidence during a disciplinary hearing. Brief at 9. Respondent agrees that Mr. Monta does have a right to present such evidence. Respondent further agrees that Mr. Monta was given the opportunity to do so. Mr. Monta does not dispute receiving this opportunity but instead suggests that he was unable to do so because he was not permitted access to documents relevant to the charged infraction. Brief at 9.

The only documents Mr. Monta was not allowed to see were confidential. However, Mr. Monta was provided with a summary of what this confidential information contained. Exhibit 2, Attachment A. Mr. Monta claims that he was arbitrarily and capriciously denied access to relevant documents used to find him guilty of the 603 infraction. Brief at 9. The denial to these documents is not and should not be considered arbitrary and capricious as these documents were confidential. Disclosure of these documents to Mr. Monta could jeopardize the safety and security of the institution or potential informants. The hearing officer expressly made such a determination at the hearing. Exhibit 2, Attachment N. The hearing officer could reasonably determine that divulging the source of

confidential information demonstrating a contraband importation conspiracy by incarcerated offenders could result in violent retribution. This sort of security determination is squarely within the discretion of prison administrators and the hearing officer's decision should be granted deference. Hill, 472 U.S. at 455.

Mr. Monta relies extensively on In re Leland, 115 Wn. App. 517, 61 P.3d 357. Brief at 10. Leland is inapposite to the case at bar. Leland involved the Department's failure to provide a prisoner with requested witness statements at an infraction hearing. Leland 115 Wn. App. at 523. In this case, Mr. Monta received all witness statements he requested. Leland does not address the withholding of confidential information. Unlike witness statements, Mr. Monta does not have a right to review confidential information. He only has a right to receive a summary of the confidential information relied upon. In Washington, WAC 137-28-290(2)(f) states that when confidential information is used in a disciplinary hearing for an inmate, the inmate is entitled to a summary of the confidential information and that the summary may be included in the infraction report. WAC 137-28-290(2)(f). The summary provided was more than enough information for Mr. Monta to present a defense and attempt to dispute the information contained in the infraction report. Mr.

Monta failed to overcome the considerable evidence against him and therefore was found guilty of the infraction.

Mr. Monta next claims that DOC failed to provide copies of the confidential information to Mr. Monta even though required to do so by WAC 137-28-270(1)(g). Brief at 11. Again, Mr. Monta's argument fails. WAC 137-28-270(1)(g) clearly states:

(1) In the event of a serious infraction, the staff member who discovers such violation shall prepare and submit an infraction report. The infraction report shall be submitted promptly upon discovery of the incident or upon completion of an investigation. The infraction report must include:

...

(g) Copies of any relevant documentation or supplemental reports. Confidential information and the identities of confidential informants shall not be included;

WAC 137-28-270(1)(g) (emphasis added). As such, Mr. Monta was not to be provided with copies of the confidential information contrary to his assertions. Again, the hearing officer deemed the information submitted by Investigator Gilbert to be confidential and therefore not provided to Mr. Monta. Exhibit 2, Attachment N. The hearing officer's decision should be granted deference. Hill, 472 U.S. at 455.

Mr. Monta next claims that he requested the documents in question in a public disclosure request and the only reason given by DOC as to why

these records would not be provided was that they were exempt from disclosure under the Public Records Act (PRA) because the infraction investigation was still ongoing. Brief at 12. Actually, DOC informed Mr. Monta the documents could not be provided as the investigation was still ongoing, however he could obtain copies once any hearing and/or appeal were completed. Exhibit 2, Attachment E. Mr. Monta was further informed that some of the information he was requesting was confidential and that pursuant to former RCW 42.17.310(1)(e) the confidential documents are exempt from disclosure. Id. The current version of this statute, RCW 42.56.240(2), still allows DOC to withhold records revealing the identity of persons who are witnesses to or victims of crime, if disclosure would endanger any person's life, physical safety, or property. RCW 42.56.240(2). DOC informed Mr. Monta via letter on June 6, 2006, that he could submit a new request for these records once the appeal process for his infraction was completed. Exhibit 2, Attachment F.

However, the Department's alleged failure to properly apply exemptions in the PRA is not determinative in any way of whether Mr. Monta received requisite due process in a prison disciplinary hearing. If Mr. Monta is not satisfied with the Department's application of PRA exemptions and the withholding of documents under the Act, his remedy

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is to commence an action to compel public disclosure pursuant to RCW 42.56.550.

Mr. Monta next claims that he was actually and substantially prejudiced by DOC's refusal to provide copies of the money orders and envelopes. Brief at 13. Mr. Monta in no way explains how the money orders and envelopes would have assisted in his defense, he simply makes a conclusory statement that he was unable to present his best defense without these documents. Regardless of Mr. Monta's conclusory assertions, the information in question is confidential, and therefore Mr. Monta was not entitled to view it. The hearing officer reviewed all of the confidential information and determined that "safety concerns justify nondisclosure of the sources of information." Exhibit 2, Attachment N. Again, the hearing officer's decision should be granted deference. Hill, 472 U.S. at 455. Even assuming that Mr. Monta was entitled to the envelopes and money orders, he fails to demonstrate how this information would have materially altered the prosecution of his defense resulting in actual prejudice. Mr. Monta was able to and did challenge the evidentiary value of the documents at his hearing.

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V. CONCLUSION

For the reasons stated above, Respondent respectfully requests the Court deny and dismiss Mr. Monta's Personal Restraint Petition.

RESPECTFULLY SUBMITTED this 24th day of January, 2008.

ROBERT M. MCKENNA
Attorney General

A handwritten signature in black ink that reads "Jason Howell". The signature is written in a cursive style with a large, sweeping initial "J".

JASON M. HOWELL, WSBA #35527
Assistant Attorney General
Criminal Justice Division
PO Box 40116
Olympia WA 98504-0116
(360) 586-1445

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing
***SUPPLEMENTAL BRIEF OF RESPONDENT DEPARTMENT OF
CORRECTIONS*** on all parties or their counsel of record as follows:

- US Mail Postage Prepaid
- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered By: _____

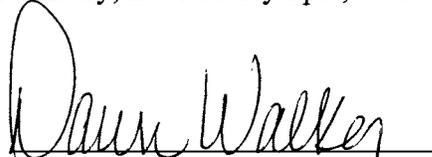
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STATE OF WASHINGTON
BY DEPUTY

TO:

JOHNATHON MONTA, #743150
WASHINGTON STATE PENITENTIARY
1313 NORTH 13TH AVENUE
WALLA WALLA WA 99362

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

EXECUTED this 24th day of January, 2008 at Olympia, WA.


DAWN WALKER

SUPPLEMENTAL EXHIBIT 1

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

In re the Personal Restraint Petition of:

JOHNATHON MONTA,

Petitioner.

DECLARATION OF
DAWN WALKER

I, DAWN WALKER, make the following declaration:

1. I am a legal secretary employed by the Criminal Justice Division of the Attorney General's Office in Olympia, Washington.

2. I am familiar with the Offender Based Tracking System (OBTS) used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from the OBTS. Among other things, information regarding an offender's location, custody, birth date, sentence, infractions and grievances are entered and tracked on OBTS. Attached to this declaration as Attachment A is a true and correct copy of the Inmate Infractions screen for Johnathon Monta, DOC #743150, which I obtained

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Supplemental

from OBTS.

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

SIGNED this 24th day of January, 2008 at Olympia,
Washington.



DAWN WALKER

ATTACHMENT A

DOC NO: 743150 NAME: MONTA, JOHNATHON K. STATUS: ACTIVE

CL: CLOSE

SRA: Y LS: LOC.: WASH STATE PEN

ERD: 02/19/2009

ACT.	VIO.	CELL	INCID	DATE	***DAYS***	***SANCTIONS***					
DATE	TAG	**RULE VIOLATED**	DISPOSED	DOC	PB/SRA	STATUS	1	2	3	4	5
* 01/11/00	N	657 4 GENERAL INFR	1	02/04/00	0000 0000	APPLIED	2A	05	40		
* 02/01/00	N	563 TAMPER FIRE EQ	1	02/04/00	0000 0000	APPLIED	7L	30	90	90	2A
* 05/31/00	N	704 ASSAULT/STAFF	1	06/06/00	0120 0120	APPLIED	2I	20	2L		
* 11/19/00	N	657 4 GENERAL INFR	1	11/27/00	0000 0000	APPLIED	7L	10	60		
* 02/23/01	N	710 TATTOO/PARA.	1	03/02/01	0000 0000	APPLIED	7L	10	60		
* 10/20/01	N	657 4 GENERAL INFR	1	10/31/01	0000 0000	APPLIED	2A	01			
* 10/27/05	N	752 POSITIVE DRG T	1	10/31/05	0030 0030	APPLIED	2L	2I	10		
* 01/19/06	N	752 POSITIVE DRG T	1	01/24/06	0060 0060	APPLIED	2L	2I	20	2G	
* 02/21/06	N	603 POSS. CONT. SU	1	05/22/06	0090 0090	APPLIED	2F	30	2L		
* 09/11/06	N	741 FOOD THEFT > \$	1	09/18/06	0000 0000	APPLIED	2C	30			
* 07/13/07	N	710 TATTOO/PARA.	1	08/14/07	0000 0000	APPLIED	2C	15			

ATTACHMENT A