

**CERTIFICATE OF SERVICE**  
 I certify that I mailed  
 1 copies of PRO  
 to timothy  
 & \_\_\_\_\_  
 \_\_\_\_\_  
 Date \_\_\_\_\_ Signed \_\_\_\_\_

FILED  
 COURT OF APPEALS  
 DIVISION II

09 APR 24 PM 1:02

STATE OF WASHINGTON  
 BY CM  
 DEPUTY

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION \_\_\_\_\_

) 041056979  
 )  
 ) NO. 041015555 **37753-5**  
 )  
 ) **PERSONAL RESTRAINT PETITION**

Bruce Deymon Price  
 Petitioner's Full Name

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of the form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

I, Bruce Deymon Price  
 (Full name and current address)

Apply for relief from confinement. I am  am not \_\_\_\_\_ now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order: Supervision Violation  
 (Identify type of court order)  
First violation "Failing to Obey All Laws"

- The court in which I was sentenced is: Pierce County Superior Court
- I was convicted of the crime of: INTENT TO DELIVER & Feloony Elude, Escape 2<sup>nd</sup>
- I was sentenced after (check one) Trial \_\_\_\_\_ Plea of Guilty  on 1-10-06  
Date of Sentence
- The Judge who imposed sentence was Judge Brian Tolleson
- My lawyer at trial court was STEPHEN J. DELRICH WSBA#59263  
Name and Address if known

PETITIONER MAY FILE THE  
 PETITION WITHOUT PAYMENT OF  
 A FILING FEE

[Signature]  
 COURT CLERK 5/12/08

6. I did \_\_\_ did not  appeal from the decision of the trial court. (If the answer is that I did), I appealed to: \_\_\_\_\_  
Name of court or courts to which appeal took place

7. My lawyer for my appeal was: \_\_\_\_\_  
Name and address if known or write "none"

The decision of the appellate court was \_\_\_ was not \_\_\_ published. (If the answer is that it was published, and I have this information) the decision is published in \_\_\_\_\_

8. Since my conviction I have \_\_\_ have not \_\_\_ asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked, the court I asked was \_\_\_\_\_). Relief was denied on \_\_\_\_\_  
Name of court

\_\_\_\_\_ Date of Decision or, if more than one, all dates)

(If you have answered in question 7 that you did ask for relief), the name of your lawyer in the proceedings mentioned in my answer was \_\_\_\_\_  
Name and address if known

9. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### B. GROUNDS FOR RELIEF:

(If I claim more than one reason for relief from confinement, I will attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc). I claim that I have \_\_\_\_\_ reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

\_\_\_\_\_ Ground  
(First, Second, etc)

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): Alleges he was denied due process in a DOSA  
revocation hearing where evidence submitted was insufficient  
and did not support the revoking of his DOSA program.

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) DOC hearing official's  
failure to conduct a hearing before that department prior  
to the imposition of any sanctions.

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known". \_\_\_\_\_  
State v. Roy(Whether DOSA can be revoked solely based on the  
failure of defendant to obey all laws. Whether revocation was  
improperly held by the department of corrections.

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") U.S. Const.Amend.XIV, RCW 9.94A.120(6)(c),  
RCW 9.94A.660(3), WAC 137-104, RCW 9.94A737(3), State v. Roy 126 Wn.  
App. 124, State v. Grayson,154 Wn.2d 333

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: Other relief is not available under the circumstances.

#### C. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

1. I do  do not \_\_\_\_\_ ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$ 0 in my prison or institution account.

3. I do  do not \_\_\_\_\_ ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a lawyer.

4. I am \_\_\_\_\_ am not  employed. My salary or wages amount to \$ 0 a month. My employer is unemployed  
Name and address of employer \_\_\_\_\_

5. During the past 12 months I did \_\_\_\_\_ did not  get any money from a business, profession or other form of self-employment. (If I did, it was \_\_\_\_\_  
Type of self-employment  
And the total income I received was \$ 0.

6. During the past 12 months I:

Did \_\_\_ Did Not  Receive any rent payments. If so, the total I received was \$ \_\_\_\_\_

Did \_\_\_ Did Not  Receive any interest. If so, the total I received was \$ \_\_\_\_\_

Did \_\_\_ Did Not  Receive any dividends. If so, the total I received was \$ \_\_\_\_\_

Did \_\_\_ Did Not  Receive any other money. If so the total I received was \$ \_\_\_\_\_

Do \_\_\_ Do Not  Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ 0.

Do \_\_\_ Do Not  Have any savings or checking accounts. If so, the total amount in all accounts is \$ 0.

Do \_\_\_ Do Not  Own stocks, bonds or notes. If so, their total value is: \$ \_\_\_\_\_.

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
<u>None</u>	
_____	
_____	
_____	

8. I am \_\_\_\_\_ am not  married. If I am married, my wife or husband's name and address is:

\_\_\_\_\_  
\_\_\_\_\_

3. I do  do not  ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a lawyer.

4. I am  am not  employed. My salary or wages amount to \$ 0 a month. My employer is \_\_\_\_\_  
Name and address of employer

5. During the past 12 months I did  did not  get any money from a business, profession or other form of self-employment. (If I did, it was \_\_\_\_\_  
Type of self-employment  
And the total income I received was \$ 0.

6. During the past 12 months I:

Did  Did Not  Receive any rent payments. If so, the total I received was \$ 0

Did  Did Not  Receive any interest. If so, the total I received was \$ 0

Did  Did Not  Receive any dividends. If so, the total I received was \$ 0

Did  Did Not  Receive any other money. If so the total I received was \$ 0

Do  Do Not  Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ 0.

Do  Do Not  Have any savings or checking accounts. If so, the total amount in all accounts is \$ 0

Do  Do Not  Own stocks, bonds or notes. If so, their total value is: \$ 0.

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

Items	Value
<u>None</u>	

8. I am  am not  married. If I am married, my wife or husband's name and address is:  
\_\_\_\_\_  
\_\_\_\_\_

9. All of the persons who need me to support them are listed below:

Name & Address	Relationship	Age

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount
UNKNOWN	CUSTODY BILLS

D. REQUEST FOR RELIEF:

I want this court to:

Vacate my conviction and give me a new trial

Vacate my conviction and dismiss the criminal charges against me without a new trial

Other: \_\_\_\_\_  
(Please Specify)



FILED  
COURT OF APPEALS  
DIVISION II

08 APR 24 PM 1:02

STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

WASHINGTON STATE COURT OF APPEALS,  
DIVISION II

BRUCE PRICE  
                  Petitioner,  
  
          v.  
  
STATE OF WASHINGTON, et al.  
Department Of Corrections.  
  
                  Respondents.

CASE NO:

SUPPLEMENT BRIEF IN  
SUPPORT OF PERSONAL  
RESTRAINT PETITION:

Appellant is a state prisoner who, is presently confined at Monroe Correctional center, who alleges that he was denied Due Process in a DOSA ~~revocation~~ hearing.

Appellant alleges that he is restrained under the provisions of RAP 16.4(b), and that the restraint is unlawful under the provisions, of RAP 16.4(c), RAP 16.4(a) that he is restrained by the jointly operations of the Superior Court's, Judgment sentence and the Department of Corrections regulations of DOSA requirements that his restraint is unlawful because it was accomplished in violations of DOC's regulations and the laws of Washington State.

Appellant alleges that his sentence is invalid on its face, because he was denied due process of law in a DOSA ~~revocation~~ proceedings.

**ISSUES :**

1. Whether Price received an impartial hearing in a DOSA decision ?
2. Whether Price Due Process rights were infringed upon in a DOSA proceedings ?
3. Whether Price is subject to DOSA revocations, where DOSA sentences can only be revoked if there have been 2 prior hearings.

**DISCUSSION :**

The DOSA program is an attempt to provide treatment for some offenders judged likely to benefit from it such as Price. It authorizes trial judges to give eligible nonviolent drug offenders, a reduced sentence, treatment, and increase supervision in an attempt to help them recover from their addictions, See RCW 9.94A.660. Under a DOSA sentence, the defendant serves only about one-half of a standard range sentence in prison and he receives substance abuse treatment while incarcerated. That afterward he or she is released into closely monitored community supervision and treatment for the balance of the sentence. Price had significant incentive to comply with the conditions of his DOSA, since any failure to would result in serving the remainder of the sentence in prison RCW 9.94A.660(2).

**Categorical Decisions and Sentence Alternatives ;**

This Court is asked to consider whether the hearing officer abused her discretion by categorically refusing to consider Price's a DOSA sentence again..

## 1. FACTUAL AND PROCEDURAL BACKGROUND

On 8/19/07 at about 12:30AM at the Great American Casino in Tacoma, WA police were summoned for a domestic dispute. Mr. Price was reportedly seen by security guard, Jason Peterson holding on to the front of Vanessa Campeau's shirt. The reporting guard alleged he saw Ms. Campeau being slammed against the wall and then Mr. Price attempted to throw her to the ground.

The report stated that when Mr. Price saw the security officer, he walked away from Ms. Campeau. The report also stated that Mr. Price left the scene but, attempted to return but, was refused by the officer's. The report states that Ms. Campeau requested law enforcement help, and the Lakewood Police were called. The report further states that Ms. Campeau had visible abrasions on her hand, marks on her arm, and her bra was broken. She signed a sworn statement which was included in the police reports.

On 10/3/07 a community custody hearing was held at Monroe Correctional Center, regarding the alleged violations of the conditions, of supervision for Price. This hearing was chaired by Linda Hooper, Hearing Officer and parties present for this hearing were, Lindsay Johanson and Lori Black, community corrections officer. Upon convening the hearing, proper notice of allegations, hearing rights and waiver.

Price acknowledged his rights to appeal any decision. Community corrections officer Carrillo was called to testify. Ms. Carrillo stated she saw the video tape of the alleged incident but, that the actual altercation was not on the tape, but she did see several security people coming to Ms. Campeau's aid, and that she saw the victim with the staff and their actions were centered on Ms. Campeau's bra. There was no audio on this tape. Ms. Carrillo spoke with the head of the security at the casino. Ms. Carrillo stated that she could positively identify Mr. Price as the man on the tape.

During this hearing Mr. Price asked to call the victim, Ms. Campeau as a witness. She was called, and willing to testify. Ms. Campeau stated that Mr. Price did not slam her against the wall, nor did he try to throw her to the ground. Ms. Campeau testified that she was drunk, and does not have a full memory of the night, but she would remember if Price slammed her against the wall/car. She stated she was trying to go her own separate way and Price grabbed her by the shirt and that she did not request the security staff to call police.

Price denied he struck Ms. Campeau and her statement supports his claim. Price was found guilty that he did grab her.

#### Violation 2

Reports reveal that on 8/19/07 at 10:22AM Tacoma Police were called for a domestic dispute. The report states that Ms. Campeau said she had been involved in an altercation earlier that same morning at the Great American Casino. That she left the casino to pick up her children then on to her mother's home. When she arrived, Price was inside the home and they got involved in an argument and her mother intervened. They secured themselves, mother, grandmother and children inside the master bedroom where they stayed until about 7:00AM at which time Price became persistent that they all return to Olympia. Ms. Campeau stated she hid the car keys and Price became angrier, saying, "I'm gonna show you what the fuck I'm gonna do." Campeau stated the two small children tried to call police that Price grabbed a knife yelling "you're not calling 911...and get your ass in here." Campeau stated Price was waving the knife in the air and that he threatened to slash her tires that eventually, Ms. Campeau was able to call police and fled the residence. See report where Price questioned Ms. Campeau to explain what happened that night.

Price was found guilty of violation 2 based on the testimony of the victim which was different from the police report.

### Violation 3

On 8/20/-07 Price was ordered by his community corrections officer to have no contact with Ms. Campeau. The report alleges violations, that Price continues to contact Ms. Campeau by telephone, and text messages on 9/10/07. information received by the aunt of price,. Price was found not guilty of this violation as to there was no direct evidence of contact between the two.

### Violation 4

On September 10, 2007 Community Corrections Carrillo left a message with price's aunt to have him contact Department of Corrections immediately. The aunt assured officer carrillo that she would have price to call right away. A second call was made to the aunt, and a message was left on the answering machine. Price did not report.

Price stated he never got the message. Price was found not guilty because there was no evidence he received either message to report.

### FACTS

Prior to sentencing Price requested a DOSA, while the DOSA report is not in the record, all parties appear to agree that he was screened and found eligible ,

Petitioner contends that he has a constitutionally based liberty interest right to which he was deprived of in an erroneous DOSA revocation hearing that denied him Due Process .

That such liberty interest right are protected under due process. Ferguson v. Dept. of Corrections, 816 P.2d 134, 139-4- (Alaska 1991)); This Court must address the issue of whether price received sufficient consideration to the facts of restoring his DOSA program ? and whether denying price restoration of DOSA was an abuse of discretion by the hearing officer ? That this Court's decision whether to grant, or restore DOSA is in fact reviewable. RCW 9.94A.585(1), See also, State v. Ammons, 105 Wn.2d 175, 183, 713 P.2d 719, 718 P.2d 796 (1986));

Petitioner contends that his DOSA hearing was procedurally defective that, prison official's or this Court should order a new hearing that complies with the laws of Washington and, DOSA rules. See Benny v. O'Brien, 763 F.Supp. 242, 245 (D.Kan. 1990)); (Where that revocation hearing was ordered reversed on appeal.

That the regulations the hearing officer violated creates a liberty interest that entitles petitioner to procedural protections under Due Process. Howard v. Grinage, 6 F.3d 410, 413, (6th Cir. 1993)); See also, Morrissey v. Brewer, 408 U.S. 471, 480-82, 92 S.Ct. 2593 (1971));

Petitioner arguments is for any DOSA violations alleged committed while on community custody, DOC's practices is to afford the procedural due process protections established in Morrissey v. Brewer, even including the preponderance of the evidence standard of proof, which ensures any violation finding will be based on verified facts and accurate knowledge. In re Pers, Restraint of McNeal, 99 Wn.App. 617, 619, 994 P.2d 890 (2000)); WAC 137-104-050(14), (Where DOC has a obligation to proving allegations by a preponderance of the evidence.

## ARGUMENT 2

Petitioner contends that if he had any contact with law enforcements that, he was never charged with a crime and that Ms. Campeau statement contradict the incident report of the casino security people's.

That any facts of an alleged assault were not and could not be substantiated, probation officer first testified and stated that she saw the incident on video tape is questionable, further stating the actual altercation was not on tape.

The witness Ms. Campeau stated she was drunk, and did not recall the incident but, she would have remembered if she was slammed against a car or, if she was assaulted. Price was in fact holding onto Ms. Campeau because she was stumbling and falling, That all he was doing was stabilizing her from falling because she was intoxicated.

## **INSUFFICIENCY OF EVIDENCE**

The appellant contends he is obliged to prove that, after viewing the evidence in the light most favorable to the state, or in this case DOSA revocation hearing. RCW 9.41.280.

That the issues here is whether the hearing officer findings are supported by substantial evidence and whether the substantial findings support the conclusion of law. See, *Batchelder v. City of Seattle*, 77 Wn.App. 154, 158, 890 P.2d 25 (1995));

The petitioner argument is even if their were police contact that he was not charged with a crime. that he is entitled to relief under the cumulative error doctrine that several errors occurred at his revocation hearing that warrants reversal by this Court and the errors denied him a fair hearing. *Hodges*, 118 Wn.App. at 673-74.

That DOC has the discretion to correct this error but declined to pursuant RCW 9.94A.660(5). Price argument is the hearing officer acted outside her authority by revoking Price DOSA sentence and imposing the remainder of his sentence under RCW 9.94A.660(3)

Price contends that he has a significant liberty interest in the expectation of community custody as opposed to incarceration including the ability to be with family, and friends, be employed or attend school, and to live a relatively normal life. *McNeal*, 99 Wn.App. at 633.

Price further argues that revocations must be founded upon verified facts and accurate knowledge. Price argues that the evidence submitted was insufficient to support a findings to revoke his DOSA program.

II. CAN A DOSA BE REVOKED SOLELY BASED ON FAILURE OF THE DEFENDANT TO "OBEY ALL LAWS" ?

The issue here is whether the defendant's DOSA should be revoked by DOC for failure to obey all laws, and whether or not the DOC should revoke for that reason alone, rather than whether or not it can.

Petitioner contends that "Obey all laws" appears to be an allowable condition to a DOSA sentence. That RCW 9.94A.660(7)(g) (2007), formerly RCW 9.94A.120(6)(b)(III)(G), allows a DOSA sentence court to impose such other conditions as the court may require such as affirmative conditions. The Drug Offender Sentencing Alternative Examination Report Summary, provides lists obey all laws, municipal, county, state, tribal and federal as an appropriate affirmative condition for a DOSA.

Petitioner argues that the revocation hearing was improperly held by the Department of Corrections. The sole purpose of the revocation hearings is to determine whether or not a defendant DOSA should be revoked for failure to participate in or comply with his treatment program. WAC 137-24-010(2007)), Where a defendant has completed his treatment program, both in-patient and out-patient, but remains on community supervision with other conditions in place, revocation hearings are inappropriate.

The argument here is the defendant should instead have been only subjected to a violation hearing with a graduated sanction system imposed. That RCW 9.94A.737(3) states if an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of any sanctions. The department shall develop hearing procedures and structure of graduated sanctions.

Price's argument is, the first violation of his DOSA condition and he has in fact completed his in-patient, out-patient and aftercare treatment program, he has refrained from using any alcohol or non-prescribed drugs, that he has reported to his community custody officer, as required faithfully.

Whether DOSA statute originally reserved the authority to revoke to the sentence court. The original DOSA statute contained the following language, at 1995 Wa. ALS 108, sec. 3 (codified at 9.94A.120(6)(c));

States if the offender violates any of the sentence conditions in (b) of this subsection, the department of corrections shall impose sanctions administratively with notice to the prosecuting attorney a violation hearing shall be held by this Court.

That if this Court finds that conditions have been willfully violated this Court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range.

That under the original statute while the Department of Corrections (DOC) had the authority to impose sanctions, it did not have the authority to revoke a DOSA and remand a defendant to custody for the remaining balance of his original sentence.

That only this Court or sentencing Court has the authority to take that drastic measure. The revocation hearing was improperly held by the Department of Corrections. and the stated purpose of revocation hearing is to determine whether or not a defendant DOSA should be revoked for failure to participate in or comply with his treatment program which is not the case in this matter. (WAC 137-24-010));

The defendant should have been subjected to a violation hearing with a graduated sanction system imposed. That RCW 9.94A.737(3), states if an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department of prior to the imposition of any imposed sanctions. See chapter 137-104

Petitioner alleges that the hearing conducted by DOC was unlawful and that he is being restrained due to the unlawful operations of DOC's regulations.

The petitioner is asking this Court for the follow relief, to reverse, or modify (reverse in part), DOC's decision or judgment, directing some corrective actions in restoring his DOSA program .

Date: 4-15-08

Respectfully submitted,  
Ernie Pires



STATE OF WASHINGTON )  
 ) ss: AFFIDAVIT  
COUNTY OF SNOHOMISH )

ON 9-14-07 CCO KIM CARRILLO CAME TO MY RESIDENCE FOR TWO REASONS (1) ALLEGEDLY HAVING CONTACT WITH LAW ENFORCEMENT (2) FAILING TO REPORT AS DIRECTED. AT NO POINT DURING THE SEARCH OR ANYTIME DID KIM CARRILLO STATE THAT "I FAILED TO OBEY ALL LAWS" AND I WAS BEING VIOLATED. CCO CARRILLO ADDED THE "OBEY ALL LAWS" VIOLATION TO COVER FOR NOT BEING ABLE TO VIOLATE ME FOR THE (1) HAVING CONTACT WITH LAW ENFORCEMENT (2) FAILING TO REPORT AS DIRECTED

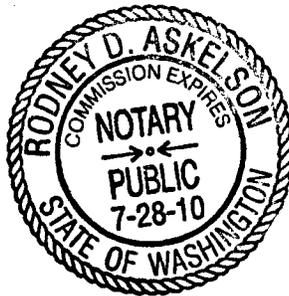
READ DOC REPORT OF ALLEGED VIOLATION ALLEGATIONS 3 & 4 AND IT IS PLAIN TO SEE CCO CARRILLO HAD NO INTENTION OF COMING TO MY RESIDENCE FOR VIOLATIONS 1 & 2.  
I declare under penalty of perjury that the foregoing is true and correct to the best of my

knowledge.

Dated this 22<sup>nd</sup> day of APRIL, 2008

Bruce Pur  
Affiant

NOTARY



Subscribed and Sworn to before me this 22<sup>nd</sup> day of April, 2008

[Signature]  
Notary Public in and for the State of Washington, residing at Mosses, Snohomish County  
My commission expires: 7/28/2010

FILED  
COURT OF APPEALS  
DIVISION II

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF SNOHOMISH )

AFFIDAVIT

08 APR 24 PM 1:02  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

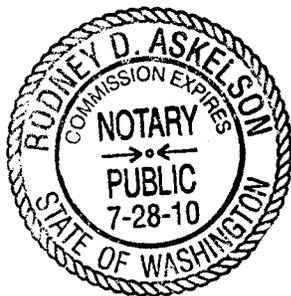
- # 1) 8-20-07 Called CEO Kimberly Carrillo to notify her of possible altercation at casino. called at approx 8:30am to report to Kimberly Carrillo.
- # 2) 8-20-07 at approx 9:30am came in to office as directed by CEO Carrillo to discuss incident.
- # 3) 8-20-07 approx 10:30 while discussing incident two CEO arrested or detain me for Pierce County or Lakewood Police Department.
- # 4) While being detained for Lakewood P.D. CEO Carrillo states that as long as its not a felony I won't be violated because I haven't violated any DOC conditions. I've successfully completed all DOSA requirements.  
8-20-07

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

Dated this 22<sup>nd</sup> day of April, 2008

[Signature]  
Affiant

NOTARY



Subscribed and Sworn to before me this 22<sup>nd</sup> day of April, 2008.

[Signature]  
Notary Public in and for the State of Washington  
residing at Monroe, Snohomish County  
My commission expires: 7/28/2010

STATE OF WASHINGTON )  
 ) ss: AFFIDAVIT  
COUNTY OF SNOHOMISH )

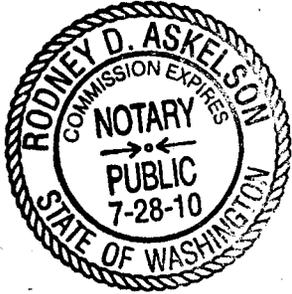
- #5) 8-20-07 AT APPROX 12:30 PM I'M TAKEN TO PIERCE COUNTY JAIL FROM DOC OFFICE BY LAKEWOOD PD.
- #6) 8-21-07 AT APPROX 10:00 AM CCO CARRILLO AND DOSA SUPERVISOR KELLEY STAVE VISIT ME AT THE PC JAIL. CCO CARRILLO STATES THAT ITS JUST A MISTAKE AND I WON'T BE VIOLATED BUT SHE WANT ME TO SIGN A OAP (OFFENDER ACCOUNTABILITY PLAN) STATING THAT I WOULD HAVE NO CONTACT WITH VANESSA COMPEAU, AND THAT THIS WAS THE ONLY ADJUSTMENT MADE TO MY CONDITION OF SUPERVISION. I SIGNED AND AGREED TO THE UPDATED OAP. CCO CARRILLO STATES TO CALL HER AS SOON AS I MAKE BAIL TO LET HER KNOW I'M OUT

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

Dated this 25th day of April, 2008

[Signature]  
Affiant

NOTARY



Subscribed and Sworn to before me this 22nd day of April, 2008

[Signature]  
Notary Public in and for the State of Washington  
residing at Monroe, Snohomish County  
My commission expires: 7/28/2010

STATE OF WASHINGTON )  
 ) ss: AFFIDAVIT  
COUNTY OF SNOHOMISH )

# 7) 8-22-07 I MADE BAIL AN CALLED CCO CARRILLO TO NOTIFY OF MY Release. LEFT A VOICEMAIL THEIR WAS NO ANSWER.

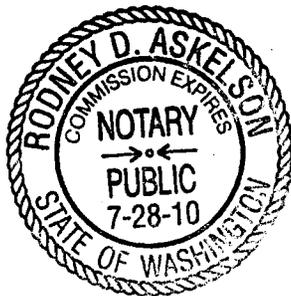
#8) 9-14-07 I AM AT MY APPROVED RESIDENCE AN AT APPROX 9:30AM I ANSWER THE DOOR AN CCO CARRILLO AND CCO NEEDHAM, CCO SKIP WORTH, CCO VILLANUEVA AND TACOMA Police ARE AT MY RESIDENCE. I AM PLACED IN HANDCUFFS AND MY HOME AND THE VEHICLES ARE EXTENSIVELY SEARCHED. THE SEARCH ~~DOES~~ ENDS IN AN UNSUCCESSFUL ATTEMPT TO FIND DRUGS WHICH I FIND OUT LATER THAT VANESSA CAMPEAU HAD BEEN CALLING CARRILLO STATING I HAD DRUGS USED DRUGS. BUT I NEVER GAVE A DIRTY UA.

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

Dated this 28<sup>th</sup> day of April, 2008

[Signature]  
Affiant

NOTARY



Subscribed and Sworn to before me this 22<sup>nd</sup> day of April, 2008.

[Signature]  
Notary Public in and for the State of Washington  
residing at Monroe, Snohomish County  
My commission expires: 7/28/2010

STATE OF WASHINGTON )  
 ) ss: AFFIDAVIT  
COUNTY OF SNOHOMISH )

#9) 9-14-07 AFTER THE Home E Vehicle search I'm taken down to DOC office AND ASKED ABOUT HAVING CONTACT WITH TACOMA Police AND WHY DIDN'T I REPORT THE CONTACT. I TOLD THEM CARILLO INCLUDED THAT I DIDN'T HAVE CONTACT WITH THE TACOMA Police AND IF I DID HAVE CONTACT WITH Police IT WOULD HAVE SHOWED UP ON THE COMPUTER LIKE ANY OTHER TIME IF I HAD CONTACT WITH Police.

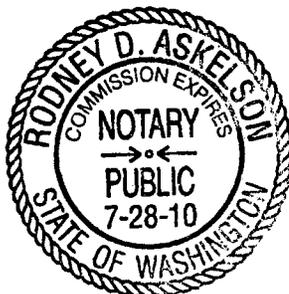
#10) 9-14-07 LEO CARILLO WAS UNSUCCESSFUL WITH THE ATTEMPT OF VIOLATING FOR NOT REPORTING CONTACT WITH Police "CARILLO STATED SHE NEEDED TO GET APPROVAL FROM HER SUPERVISOR CCS MILLER TO RELEASE ME BECAUSE I DID NOT HAVE CONTACT WITH Police AS WAS ASSUMED.

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

Dated this 22<sup>nd</sup> day of April, 2008

[Signature]  
Affiant

NOTARY



Subscribed and Sworn to before me this 22<sup>nd</sup> day of April, 2008

[Signature]  
Notary Public in and for the State of Washington  
residing at Moune, Snohomish County  
My commission expires: 7/28/2010

STATE OF WASHINGTON )  
 ) ss: AFFIDAVIT  
COUNTY OF SNOHOMISH )

#11) 9-14-07 AT THIS TIME THE ALTERCATION THAT TOOK PLACE AT THE CASINO ON 8-19-07 WHICH WAS RESOLVED ON 8-21-07 WHEN ECO CARRELL AN DOSA ~~supervisor~~ SUPERVISOR KELLEY STAVE CAME TO THE JAIL AND SAID "YOU HAVE NOT VIOLATED YOUR DOSA" BUT I WANT YOU TO SIGN THIS OAP WITH A CONDITION I HAVE NO CONTACT WITH VANESSA CAMPBELL. I SIGNED THE OAP. FROM 8-22-07 UNTIL 9-14-07 THE INCIDENT I HAD AT CASINO WAS NEVER BROUGHT UP OR TALKED ABOUT IT WAS TAKEN CARE OF, RESOLVED THROUGH OAP.

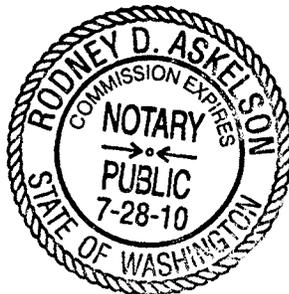
#12) 9-14-07 I WAS TAKEN TO PIERCE COUNTY JAIL AFTER BEING ACCUSED OF HAVING CONTACT WITH VANESSA CAMPBELL BECAUSE THEY GOT A CALL SAYING I HAD TRIED TO CONTACT HER. I STATED "I HAD NOT HAD ANY CONTACT WITH VANESSA CAMPBELL. CCS MILLER SAID SHE THINKS I DID HAVE CONTACT WITH V. CAMPBELL AND I WAS TAKEN TO JAIL AND LATER TRANSFERRED TO MOUNTAIN CONNECTION COMPLEX.

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

Dated this 25<sup>th</sup> day of April, 2008

[Signature]  
Affiant

NOTARY



Subscribed and Sworn to before me this 21<sup>st</sup> day of April, 2008

[Signature]  
Notary Public in and for the State of Washington  
residing at Mount, Snohomish County  
My commission expires: 7/28/2010

STATE OF WASHINGTON )  
 ) ss: AFFIDAVIT  
COUNTY OF SNOHOMISH )

#13)

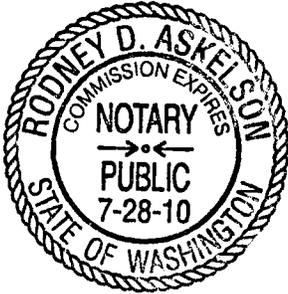
9-18-07 CCO Carrillo Decided to Be creative with alleged violations. CCO Carrillo placed the incident from 8-19-07 which was resolved by signing the OAP when CCO Carrillo and CCS Stave came to visit me in the County Jail. Also CCO Carrillo placed an allegation that I was not ever involved in or charged not even arrested also dated 8-19-07. Harassing Ms Vanessa Campeau. CCO Carrillo placed only Police reports and brief description of what the reports say giving the hearing officer only room to assume that these were violations that recently happened and have not been addressed, which is not true.  
14) 10-3-07 A hearing was held on four (4) violations three (3) for failing to obey all laws and one (1) for failing to report. I made a plea of not guilty on all alleged violations. I was found guilty of the two violations dated 45 days prior to hearing in which one (1) of the violations I have no arrest or contact no charge. The allegation for which I was arrested at DOC and taken into custody was resolved through the OAP the violation date 8-11-07. I was found not guilty for no contact order violation and failing to report which was the initial reason for being arrested at home on 9-14-07. CCO Carrillo added the violations 8-19-07 to increase the punishment and ask for DSA revocation. Moreover, there has not been a conviction for one violation. Nor a charge for other alleged violation.

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

Dated this 22<sup>nd</sup> day of April, 2008

[Signature]  
Affiant

NOTARY



Subscribed and Sworn to before me this 22<sup>nd</sup> day of April, 2008

[Signature]  
Notary Public in and for the State of Washington, residing at Alouse, Snohomish County  
My commission expires: 7/28/2010