

NO. 46370-9-II

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

In re Personal Restraint Petition of

JAMES LEE WALTERS,

Petitioner.

**SUPPLEMENTAL BRIEF OF
THE INDETERMINATE SENTENCE REVIEW BOARD**

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I. INTRODUCTION

Walters is an untreated level three sex offender serving a determinate-plus sentence for kidnapping a 13-year-old neighbor girl as she walked home from school and committing indecent liberties on her. During his minimum term, he did not participate in sex offender treatment because he was unwilling to talk about his sex offenses while he was still litigating his conviction.

Near the end of Walters's minimum term, the Board conducted a hearing under RCW 9.95.420(3) (.420 hearing) in July 2013 and found that Walters would likely reoffend if released, mainly because he is untreated. The Board added 36 months to his minimum term. Walters's litigation of his conviction concluded in April 2014. He then applied to the treatment program in June 2014 and was found eligible to participate. He is due to start treatment June 1, 2015.

Walters claims that the Board abused its discretion by denying release based on the fact that he was untreated. But an almost identical claim was rejected by the Washington Supreme Court.

Walters also claims that the hearing body was not neutral and detached because one of the members of the Board indicated she would not consider releasing him before he went through sex offender treatment. But Walters's lack of sex offender treatment is a sufficient reason for the

Board to deny release. The statement regarding his lack of treatment is not evidence of bias.

Finally, Walters also claims that the Board abused its discretion by considering evidence of past charges against Walters without considering the reasons the jury had acquitted him of those charges. But the Board considered the End of Sentence Review Committee report, which explained that the victim could not make a definitive identification of her attacker. Walters does not show any evidence that the Board failed to consider.

II. ISSUES PRESENTED

1. Was the Board within its discretion to deny release at a .420 hearing based on the fact that Walters has not yet gone through sex offender treatment?

2. Was the hearing body at Walters's .420 hearing neutral and detached?

3. Was the Board within its discretion to consider Walters's past charges, of which a jury acquitted him, when the Board found he was more likely than not to commit a sex offense if released?

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III. STATEMENT OF THE CASE

In 2006, Walters abducted a 13-year-old girl on her way home after school. *State v. Walters*, 156 Wn. App. 1026 (No. 64967-1-I¹) (2010) (unpublished). Walters and the girl's family were neighbors in a rural area, and the girl's home was accessible only through a locked gate that crosses the road. *Id.* The school bus driver had seen her enter the gated area after dropping her off. *Id.* The victim's house was about a mile and a half from the gate. *Id.*

That day she had walked for about a mile when she heard a branch snap and turned to see a man in a camouflage mask standing on Walters's property who was wearing clothes that she had seen Walters wear before, because she was best friends with Walters's daughter and had visited his home many times. *Id.* She asked, "Is that you Jimmy?" but did not get a response. She recalled saying something like he should not scare her like that. *Id.* She then started to walk toward her house but was grabbed from behind. Walters placed a towel over her head and put duct tape around her head just below her nose to hold the towel in place. *Id.* He duct-taped her hands in front of her. *Id.* Walters rubbed her buttocks and then lifted her and carried her over his shoulder for a few minutes. *Id.*

¹ His appeal was originally filed in Division Two, which assigned a case number of 38512-1-II. It was then transferred to Division One.

The victim sensed he was taking her through the horse fence that surrounded his property. *Id.* He then set her down on her feet and grabbed her arm and the back of her neck as he led her through the woods. *Id.* They ended up in a hole, where Walters made her sit down. He removed the duct tape from her hands, and she tried to remove the towel from her head, but he stopped her and re-taped her hands behind her back. *Id.* He then put duct tape in her mouth and taped over it. He licked a tear off her face. *Id.* A short time later his cell phone rang. *Id.* The victim said Walters's phone had a distinctive ring. *Id.* She heard him flip open the phone and then close it. *Id.* He then left. The victim struggled out of the tape and went home. She arrived home to find that her parents had been frantically calling around looking for her. *Id.*

Walters was supposed to pick up his son and the victim's brother at the time of the abduction but he failed to show up. *Id.* The victim's parents drove Walters's son home but did not see Walters at the house, although his truck was there. Phone records indicated Walters's cell phone received a call at the time the victim heard the telephone ring. Walters also knew certain details of the abduction before anyone had actually told him about it. *Id.* After a trial, the jury convicted him.

After Walters was convicted, the superior court imposed a minimum term of 68 months of confinement and a maximum term of life.

Exhibit 1, Judgment and Sentence.² His direct appeal became final in May 2011. Exhibit 9, Direct Appeal ACORDS Docket. In March 2013, he filed a personal restraint petition challenging his conviction, and it became final in April 2014. Exhibit 10, PRP ACORDS Docket.

The End of Sentence Review Committee evaluated Walters's risk in 2013 and concluded that if the Board finds him releasable in the future, at that time a forensic psychological evaluation should be completed to see if he meets the criteria for civil commitment as a sexually violent predator under ch. 71.09 RCW. Exhibit 4, End of Sentence Review Committee Report, at 4.

While Walters served his minimum term, he did not participate in sex offender treatment. Exhibit 3, Decisions and Reasons of August 1, 2013, at 4-5. The reason is that he was unwilling to talk about his sex offenses while he was still litigating his conviction. Exhibit 11, Transcript of Releasability Hearing, at 4 ("I want to do this treatment and everything but I can't because they won't let me without sayin' things to go against my rights on fightin' my case."), 5 ("And I filled it out and they rejected it because I couldn't say like, you know, I couldn't do certain things 'cause I'm fightin' my case."), 12 ("it's my understanding you're not am -- even

² References to Exhibits 1-8 refer to the exhibits attached to the Department's original response, while references to Exhibits 9-14 refer to the exhibits attached to this supplemental brief.

admitting to the offense at this point and so, based on that, the Sex Offender Treatment Program is not going to accept you.”); *see also* Exhibit 5, DOC Policy 570.000, at 2-3 (“Eligibility Criteria . . . The offender must acknowledge/recall having committed a sex offense(s) . . .”).

When Walters was about to finish serving his minimum term, excluding early release time, the Board held a .420 hearing on July 10, 2013. Exhibit 3. At the hearing, he could not talk about his offense because he was still litigating his conviction. Exhibit 11, at 5. After the hearing, the Board determined Walters was more likely than not to commit a sex offense if released on conditions, and it added 36 months to his minimum term. Exhibit 3, at 1. The Board explained that Walters is currently in prison due to a very serious sex offense and has not yet participated in programming that would mitigate his risk to reoffend. *Id.* at 4. At one point during the hearing, a Board member stated, “[T]here’s no way that this one member would even think about letting you out without having gone through treatment.” Exhibit 11, at 7.

The Board encouraged Walters to participate in the sex offender treatment program (SOTP). *Id.* at 5. It noted that because “he remains in denial that he committed his sex offense,” it is unknown if he will be accepted into treatment. The Board’s full reasons are as follows:

Mr. Walters is currently in the Bookkeeping program and is working within the prison. He has not received any infractions and his behavior is fine within the unit. He receives extensive family support and visits.

In today's hearing, Mr. Walters indicated he did not want to talk about the index offense as he denies that he committed the sex offense and is still appealing. He also described wanting to do sexual deviancy treatment in the community, rather than in prison. The Board explained to Mr. Walters that he is currently in for a very serious sex offense and at this time has not participated in programming to mitigate that risk, so it is unlikely the Board will find him releasable at this time.

The ESRC has classified Mr. Walters as a Level III for community notification. This was an aggravation from a Level I based on "past intervention did not deter sexual re-offending and documented information that increases risk for sexual re-offense." He was assessed as a low-moderate and low risk to sexually re-offend on two different actuarials. The ESRC also referred Mr. Walters's case to the Sexually Violent Predator sub-committee who recommended a Forensic Psychological Evaluation be completed to see if he meets the criteria under RCW 71.09 if he is found releasable by the Board.

Mr. Walter's has the right to appeal his case; unfortunately, this precludes him by his own choice of fully participating in the Board hearing or the Sex Offender Treatment Program (SOTP). Mr. Walters indicates he would like to do whatever is necessary to get back to his family and is willing to do treatment. However, it is unknown if he will be accepted into treatment if he remains in denial that he committed his sex offense. Mr. Walters is currently seen as too high of a risk to release to the community. He is encouraged to participate in any programming that may be available to him and SOTP once his appeal has been settled.

Exhibit 3, at 4-5.

After Walters's challenges to his conviction were terminated in April 2014, he applied to the sex offender treatment program and was found eligible. Exhibit 6, OMNI Chrono; Exhibit 12, SOTP Application; Exhibit 13, OMNI Chronos, at entries dated 07/21/2014, 10/24/2014. His treatment start date is June 1, 2015. Exhibit 14, Declaration of Shelly Hanson, at ¶ 3. His parole review eligibility date is in July 2016. Exhibit 2, OMNI Legal Face Sheet, at 1.

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*, 123 Wn.2d at 148.

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 (1992).

In regard to offenders serving indeterminate sentences, inmates generally have no liberty interest in being released before serving the full maximum sentence. *In re McCarthy*, 161 Wn.2d 234, 240, ¶ 12, 164 P.3d 1283 (2007). The statutory language of RCW 9.95.420, in particular, gives offenders only a limited liberty interest in “.420” releasability hearings. *Id.* 161 Wn.2d at 245, ¶ 19. To protect offenders' limited liberty interest, due process requires that offenders have minimum procedural protections at .420 hearings. *Id.*

An offender may seek relief by way of a personal restraint petition if he demonstrates that the Board failed to follow its own rules making minimum term determinations. *Cashaw*, 123 Wn.2d at 150. Otherwise, all Board decisions are subject to review only for an abuse of discretion. *In re Dyer*, 175 Wn.2d 186, 196, 283 P.3d 1103 (2012). An abuse of discretion may be found where the Board fails to follow its own procedural rules for parolability hearings or where the Board bases its decision on speculation and conjecture only. *Dyer*, 175 Wn.2d at 196 (citing *In re Dyer (Dyer II)*, 164 Wn.2d 274, 286, 189 P.3d 759 (2008)). “The petitioner bears the burden to prove the ISRB abused its discretion.” *Id.* (citation omitted).

The Court must approach the Board’s decisions “with substantial deference” because “the courts are *not* a super [Board] and will not interfere with a [Board’s] determination in this area unless the [Board] is first shown to have *abused its discretion . . .*” *Dyer*, 175 Wn.2d at 196 (emphasis in original; quotation marks and citations omitted). The courts “will not substitute their discretion for that of the [Board].” *Id.* (quotation marks and citations omitted). A prisoner is “subject entirely to the discretion of the [Board], *which may parole him now or never.*” *Dyer*, 175 Wn.2d at 197 (emphasis in original; quotation marks and citations omitted).

V. ARGUMENT

A. Lack Of Sex Offender Treatment Is A Reasonable Basis To Deny Release

The statute provides that the Board shall release the offender to community custody with appropriate conditions, “unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released.” RCW 9.95.420(3)(a). The Board determined it was more likely than not that Walters will commit a sex offense if released. Walters fails to show the Board abused its discretion. He claims that the simple fact that he is untreated is not in itself an indication that he is more

likely than not to commit sex offense if released. Petitioner's Supplemental Brief at 9-10. But the Supreme Court already rejected this claim in *Dyer*.

In *Dyer*, the Court held that the Board did not abuse its discretion when it denied Dyer parole based on Dyer's refusal to participate in sex offender treatment. *See Dyer*, 175 Wn.2d at 205-06. The Court held that it was irrefutable that Dyer remained an untreated sex offender. *Dyer*, 175 Wn.2d at 199. The Court noted that while sex offender treatment is not a cure for sex offenders, the Board determined that Dyer, "without treatment, remains unable to identify or mitigate the behaviors that directly resulted in his incarceration and remains at risk to reoffend if he is released in the community." *Id.* The Court reiterated that it was not improper for the Board to deny parole partly based on the fact that the offender's denial of guilt made him ineligible for the sex offender treatment program. *Dyer*, 175 Wn.2d at 198-99; *see also In re Dyer*, 164 Wn.2d 274, 288, 189 P.3d 759 (2008).

Unlike the inmate in *Dyer*, Walters came before the Board in 2013 for a releaseability hearing under RCW 9.95.420, rather than a parole hearing under RCW 9.95.100. RCW 9.95.100 includes a presumption against parole release, while RCW 9.95.420 includes a presumption in favor of release. But that distinction does not show that the Board abused

its discretion. While RCW 9.95.420 includes a presumption of release, *Dyer* nevertheless is applicable to Walters because it involves the same simple fact at issue here: a sex offender, without treatment, remains unable to identify or mitigate the behaviors that directly resulted in his incarceration and remains at risk to reoffend if he is released in the community. *Dyer*, 175 Wn.2d at 199. See also *McKune v. Lile*, 536 U.S. 24, 33, 122 S. Ct. 2017, 153 L. Ed.2d 47 (2002) (“Therapists and correctional officers widely agree that clinical rehabilitative programs can enable sex offenders to manage their impulses and in this way reduce recidivism.”); cf., *State v. Post*, 118 Wn.2d 596, 615, 826 P.2d 172 (1992) (“[T]he trial court may impose an exceptional sentence on a sex offender on the basis of his or her future dangerousness where . . . the defendant is not amenable to treatment . . .”).³

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³ See also *Huffington Post*, “Sex Offenders: Recidivism, Re-Entry Policy and Facts,” (11/08/2011) (“Independent studies of the effectiveness of in-prison treatment programs for sex offenders have shown that evidence-based programs can reduce recidivism by up to 15 percent.”) (citing “Evidence-Based Adult Corrections Programs: What Works and What Does Not,” Washington Institute for Public Policy Report 06-01-1201, at 5).

Furthermore, the Board noted the lack of treatment was an especially important factor in light of the seriousness of Walters's crime:

[I]n my history with the Board, I don't think we've ever released anybody with a . . . crime this serious to do treatment in the community . . . [I]t puts the public at too great a risk. We want the treatment done before [w]e've released[.] End of Sentence Review said you were a level three, . . . for community notification. We've released level three offenders, but not with this serious offense with no treatment.

Exhibit 11, at 12.

Walters has since been admitted into the sex offender treatment program. But given the circumstances existing in July 2013, the Board did not abuse its discretion in finding that Walters was not releasable in part due to his lack of prior participation in the treatment program. The Court should deny his petition.

B. The Board Was Neutral And Detached At The .420 Hearing

Walters claims that the Board violated his right to procedural due process when one of the members of the Board indicated during his releasability hearing that she would not consider releasing him before he went through sex offender treatment. Petitioner's Supplemental Brief, at 13-14. Walters claims this is evidence that the hearing body was not neutral and detached. But the statement was for the purpose of emphasizing to Walters the importance of pre-release treatment for him,

given the seriousness of his crime. Furthermore, as discussed above, Walters's lack of sex offender treatment is a sufficient reason for the Board to deny release. Simply stating that fact during the hearing does not indicate bias.

The Washington Supreme Court has stated that there are three types of bias that call for disqualification in quasi-judicial proceedings: (1) Prejudgment concerning issues of fact about the parties; (2) Partiality that shows an attitude for or against a party, as opposed to an attitude for or against issues; and (3) An interest whereby one stands to gain or lose by a decision either way. *Matter of Johnston*, 99 Wn.2d 466, 474, 663 P.2d 457 (1983) (finding no prejudgment bias by a medical disciplinary board in statements during the hearing such as, "the handling of this case was so unheard of in my opinion and the approach to the handling of the case was so poor . . . that this was a very dangerous thing"); *see also State v. Worl*, 91 Wn. App. 88, 955 P.2d 814 (1998) (finding there was no actual or potential bias when the judge intended to inform the defendant of the harm caused to the victim by explaining, "My wife is white, we have two adopted Korean children. They have been harassed and intimidated by skinheads for race When you do a crime, like harassment, based on race, based on hate, they will never forget it."). "Where there is merely a general predilection toward a given result which does not prevent the

agency members from deciding the particular case fairly, however, there is no deprivation of due process.” *Johnston*, 99 Wn.2d at 475.

In this case, the Board member’s statement was simply meant as a follow-up to Walters’s comment that he wanted to do treatment but he could not get admitted because he was not willing to talk about his crime. *See* Exhibit 11, at 4-5. Her statement was intended to inform him that treatment was imperative in his situation. He later said he wanted to do treatment in the community from a private provider that his mother and others were willing to pay for, and the Board member responded, “I don’t—in my history with the Board, I don’t think we’ve ever released anybody with a—a crime this serious to do treatment in the community.” Exhibit 11, at 11-12.

The Board member’s statement was for the proper purpose of communicating to Walters the importance of pre-release treatment in his case. It informed him of the Board’s general predilection toward denying release when a level three sex offender with a serious crime has not been treated. It was not evidence of bias. The Court should reject Walters’s procedural due process claim.

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C. The Board Was Within Its Discretion To Consider The Evidence Of Walters's Prior Charges That Were Dismissed

Walters claims that the Board abused its discretion by considering evidence of past charges against him without considering the reasons that the jury acquitted him of those charges. Petitioner's Supplemental Brief, at 15-16. But the Board considered the End of Sentence Review Committee report, which explained the reason the jury acquitted him: "The victim could not make a definitive identification of her attacker." Exhibit 4, at 3. Walters does not show the Board failed to consider this evidence.

The applicable regulation in Walters's case provides, "All relevant information shall be admissible." WAC 381-90-140. Thus, the Board was well within its discretion to consider 1983 charges that resulted in a jury acquittal. The Board's standard of proof is lower than that required to convict. A criminal conviction cannot be based on anything less than evidence beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 316, 99 S. Ct. 2781, 61 L. Ed.2d 560 (1979). But a decision to extend a previously convicted offender's minimum term must be based on only a preponderance of the evidence. RCW 9.95.420(3)(a) ("The board shall order the offender released . . . unless the board determines by a preponderance of the evidence that . . . it is more likely than not that the offender will commit sex offenses if released."); *cf. Alabama v. Shelton*,

535 U.S. 654, 665, 122 S. Ct. 1764, 152 L. Ed. 2d 888 (2002) (“Once guilt has been established . . . sentencing courts may take into account not only ‘a defendant’s prior convictions, but ... also [his] past criminal behavior, even if no conviction resulted from that behavior.’”).

Accordingly, the Board may consider evidence of uncharged crimes, or evidence of crimes of which an offender was acquitted. *See In re Haynes*, 100 Wn. App. 366, 371, 996 P.2d 637 (2000) (“Any fact or consideration demonstrating that an inmate is not “a fit subject for release is sufficient [for a finding of non-parolability].”).

Walters submits nothing to show that the evidence of the 1983 charges was untrustworthy. He claimed incorrectly during his releasability hearing that he was cleared by DNA evidence. In fact, other forensic evidence linked him to the crime. Exhibit 11, at 15. At the time of his trial, technology to identify DNA did not yet exist. The scientific tests that did exist actually indicated Walters matched the perpetrator:

The police report indicates that Walters participated in a polygraph examination that returned with a notation for deception. The Washington crime lab did a blood comparison on semen recovered from the victim and it was noted that Walters had the same blood type as the contributor of the semen.

Exhibit 4, at 3.

In any case, the Board's decision to extend Walters's minimum term was based primarily on the seriousness of his current crime, coupled with his lack of sex offender treatment. The Board did not even mention the 1983 charges in its list of reasons for extending his minimum term. Exhibit 3, at 4-5. It mentioned only the End of Sentence Review Committee's leveling decision. It is *that* decision which was based in part upon Walters's 1983 charges. Exhibit 4 at 2-3.

Walters has failed to show that the Board abused its discretion. The Court should dismiss his petition.

VI. CONCLUSION

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

RESPECTFULLY SUBMITTED this 1st day of June, 2015.

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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:

STEPHANIE C. CUNNINGHAM
4616 25TH AVENUE NE #552
SEATTLE, WA 98105

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

EXECUTED this 1st day of June, 2015, at Olympia, WA.

s/ Cherrie Melby
CHERRIE MELBY
Legal Assistant

EXHIBIT 9

CASE EVENTS # 649671

Date	Item	Action	Participant
01/05/2012	Court of Appeals case file (pouch) <i>Comment: 3 pouches</i>	Sent by Court	
12/06/2011	Court of Appeals case file (pouch) <i>Comment: to division 2 2 coa</i>	Sent by Court	
05/13/2011	Disposed	Status Changed	
05/13/2011	Mandate	Filed	
05/05/2011	Court of Appeals case file (pouch) <i>Comment: from sc 3 coa</i>	Received by Court	
04/27/2011	Prv denied <i>Comment: Copy of Order denying PRV entered in SC 4/26/11</i>	Received by Court	SUPREME COURT
11/03/2010	Other <i>Comment: Copy of Order filed in SC 11/3/10 that consideration of the PRV is deferred pending a final decision in SC no. 83452-1 St v. Kristina Ranae Grier</i>	Received by Court	SUPREME COURT
08/02/2010	Memorandum <i>Comment: ie #84772-0</i>	Received by Court	SUPREME COURT
07/12/2010	Court of Appeals case file (pouch)	Sent by Court	SUPREME COURT

EXHIBIT 9

	<i>Comment: 3 COA files (Div II transfers case - includes exhibit)</i>		
07/09/2010	Petition for Review Service Date: 2010-07-09 <i>Comment: App's PRV (Corrected)</i>	Filed	ARBENZ, CASEY MATTHEW
07/09/2010	Motion for Waiver of Page Limitation Service Date: 2010-07-09 Hearing Location: None Motion Status: Resolved / Transferred <i>Comment: App's Corrected Motion to File Overlength PRV *forwarded to SC w/ PRV</i>	Filed	ARBENZ, CASEY MATTHEW
07/09/2010	Motion - Other Service Date: 2010-07-09 Hearing Location: None Motion Status: Resolved / Transferred <i>Comment: App's Motion to File Corrected PRV *forwarded to SC w/ PRV</i>	Filed	ARBENZ, CASEY MATTHEW
07/09/2010	Letter <i>Comment: A petition for review, motion to file corrected petition for review, and corrected motion to file overlength petition for review have been filed in the above case. It appears from the record that counsel has been served with a copy of the petition for review and motions. Counsel is advised to review RAP 13.4(d) in regard to the filing of an answer to the petition for review.</i>	Sent by Court	JOHNSON, RICHARD D

07/08/2010	E-mail <i>Comment: E-mail from SC that PRV filed 7/7/10 and counsel will file amended PRV @ COA today.LM</i>	Received by Court	SUPREME COURT
06/07/2010	Decision Filed	Status Changed	
06/07/2010	Opinion Pages: 11 Publishing Status: Unpublished Publishing Decision: Affirmed Opinion Type: Majority Opinion Number: 2010-05747 JUDGE: Lau Linda ROLE: Concurring JUDGE: Schindler Ann ROLE: Concurring JUDGE: Grosse C. Kenneth ROLE: Authoring <i>Comment: "We affirm."</i>	Filed	GROSSE, C. KENNETH
06/07/2010	Trial Court Action <i>Comment: "We affirm."</i>	Not Required	GROSSE, C. KENNETH
04/07/2010	Heard and awaiting decision	Status Changed	
04/07/2010	Oral Argument Hearing <i>Comment: 9:30 AM Schindler Ann Lau Linda Grosse C. Kenneth</i>	Scheduled	
03/19/2010		Filed	

	Ruling on Motions <i>Comment: "After consultation with the panel, the motion is denied."</i>		JOHNSON, RICHARD D
03/17/2010	Motion to Continue Service Date: 2010-03-17 Motion Status: Decision filed <i>Comment: App's Motion to Coninue O/A for one week *to RJ 3/17/10</i>	Filed	FRICKE, WAYNE CLARK
03/09/2010	Oral Argument Setting Letter	Sent by Court	
03/08/2010	Set on a calendar	Status Changed	
02/22/2010	Notice of Unavailability Service Date: 2010-02-22 <i>Comment: Counsel for Resp is unavail for o/a the morn of April 8 as i have o/a in Div II of the COA and, further, I am unavail April 19-22, 2010, as I will be on vacation.</i>	Filed	PROCTOR, KATHLEEN
02/19/2010	Screened	Status Changed	
02/11/2010	Ready	Status Changed	
02/11/2010	Letter <i>Comment: The above case has been transferred to Division I of the Court of Appeals. All matters in connection with the above cause should be addressed to the Court Administrator/Clerk of the Court of Appeals, Division I, One Union Square Building, 600 University Street, Seattle,</i>	Sent by Court	JOHNSON, RICHARD D

	<p><i>Washington 98101.</i></p> <p><i>Counsel are requested to please note the Court of Appeals number in all future references to this case.</i></p> <p><i>This case is scheduled to be set in the April term which runs from April 7-22, 2010. A copy of the 2010 Division I calendar is attached for your reference.</i></p> <p><i>Please review the April sitting dates and inform the court of any date conflicts by February 22, 2010. You will be receiving a setting letter in the next 7 - 10 business days.</i></p> <p><i>If you have any questions, please contact our Reception Desk at 206-464-7750</i></p>		
02/09/2010	Court of Appeals case file (pouch)	Received by Court	
01/29/2010	Court of Appeals case file (pouch)	Sent by Court	
01/29/2010	Order terminating Review	Filed	
01/29/2010	Trial Court Action	Not Required	
01/15/2010	Appellants Reply brief <i>Comment: Brief at printer 1-21-2010</i>	Filed	FRICKE, WAYNE CLARK
12/22/2009	Ruling on Motions <i>Comment: Appellant is granted an extension of time to and including 01/15/10 to file a Reply Brief.</i>	Filed	
12/14/2009	Motion to Extend Time to File	Filed	FRICKE, WAYNE CLARK

12/02/2009	Ruling on Motions <i>Comment: Appellant's motion to amend statement of arrangements is granted. The court accepts the amended statement of arrangements for filing. The supplemental record is due 30 days from the date of this ruling.</i>	Filed	
11/23/2009	Motion to Supplement Record	Filed	FRICKE, WAYNE CLARK
11/19/2009	Ruling on Motions <i>Comment: Respondent's motion to dismiss cross appeal is granted. This matter is now ready for consideration and will be set in due course.</i>	Filed	
11/16/2009	Motion for Dismissal <i>Comment: Motion to Dismiss A Cross-Appeal Under RAP 18.9</i>	Filed	PROCTOR, KATHLEEN
11/16/2009	Respondents brief <i>Comment: \$150.00 sanction due 11-16-2009, original due date 10-27-2009</i>	Filed	PROCTOR, KATHLEEN
10/30/2009	Letter of Sanctions <i>Comment: \$150.00 sanction due 11-16-2009, originald due date 10-27-2009</i>	Sent by Court	PROCTOR, KATHLEEN
10/09/2009	Statement of Additional Grounds for Review <i>Comment: No Additional grounds (comment)</i>	Filed	Walters, James L.

09/02/2009	Letter <i>Comment: Notice of intent to file SAG</i>	Sent by Court	
08/31/2009	Payment for Sanction <i>Comment: See Ruling of 7-29-2009</i>	Received by Court	FRICKE, WAYNE CLARK
08/28/2009	Appellants brief	Filed	FRICKE, WAYNE CLARK
05/15/2009	Ruling on Motions <i>Comment: Appellant is granted an extension of time to and including 07/17/09 to file the Appellant's Opening Brief.</i>	Filed	
05/14/2009	Motion to Extend Time to File	Filed	FRICKE, WAYNE CLARK
04/30/2009	Report of Proceedings <i>Comment: Hearings of 9-9-10,17-18,22-25(pm)-26-2008 and 10-24-2008 See ruling of 4-20-09, Sanctions of \$250.00 due before the close of business on May 4, 2009 See ruling of 2-6-2009 \$250.00 sanction due 4-2-2009</i>	Received by Court	Jameson, Christie
04/29/2009	Letter <i>Comment: April 29, 2009 Christie Jameson Pierce Co Ct Rptr 930 Tacoma Ave So. Room 334 Tacoma, WA, 98042</i>	Sent by Court	

	<p><i>RE: CASE #: 38512-1-II: State of Washington v James Lee Walters</i> <i>Dear Christie Jameson:</i> <i>On April 2, 2009, a sanction in the amount of \$250.00 was imposed for failure to timely file the report of proceedings. On April 28, 2009, report of proceedings was filed without payment of the \$250.00 sanction. This letter is to notify you that at the time the Invoice of Court Reporter is filed, this court will inform the Office of Public Defense that a sanction in the amount of \$250.00 is outstanding. Pursuant to RAP 15.5(b), the Office of Public Defense will ordinarily reduce the amount allowed court reporter by the amount of the sanction. If you have any questions, please contact this office.</i> <i>Very truly yours,</i> <i>David C. Ponzoha</i> <i>Court Clerk</i> <i>DCP:dml</i> <i>cc: Sharon McAferty, Office of Public Defense</i></p>		
02/26/2009	<p>Report of Proceedings</p> <p>Comment: 9-25-2008 (am) \$250.00 sanction due 2-23-2009, origianl due date 2-3-2009</p>	Received by Court	Smith, Kellie
02/06/2009	<p>Ruling on Motions</p> <p>Comment: Appellant (Court Reporter Jameson) is granted an extension of time to and including 04/02/09 to file the Report of Proceedings. The court reporter's</p>	Filed	

	<i>failure to file the transcript by that date will result in the imposition of a sanction in the amount of \$250 against the reporter. Further, the court will consider a Clerk's motion for further sanctions without oral argument if the transcripts are not filed by 04/06/09. In view of the length of this extension, the clerk will forward any further continuance requests for filing the report of proceedings to the Chief Judge for consideration.</i>		
02/06/2009	Letter of Sanctions <i>Comment: \$250.00 sanction due 2-23-2009, original due date 2-3-2009</i>	Sent by Court	Smith, Kellie
01/29/2009	Exhibit <i>Comment: 1 volume of rp May 22, 2007: Millie A Martin; court reporter</i>	Received by Court	
01/29/2009	Clerk's Papers <i>Comment: \$300.00 sanction due 2-10-2009, original due date 1-12-2009</i>	Received by Court	FRICKE, WAYNE CLARK
01/28/2009	Motion to Extend Time to File	Filed	FRICKE, WAYNE CLARK
01/26/2009	Letter of Sanctions <i>Comment: \$300.00 sanction due 2-10-2009, original due date 1-12-2008</i>	Sent by Court	FRICKE, WAYNE CLARK
12/05/2008	Statement of Arrangements	Filed	

	<i>Comment: Attorney for appellant ordered transcription from court reporters: Kellie Smith 9-25-08(am) Christie Jameson: 9-9-10,17-18,22-25(pm)-26-2008 and 10-24-2008</i>		FRICKE, WAYNE CLARK
12/01/2008	Perfection Letter	Sent by Court	
11/26/2008	Filing fee	Received by Court	FRICKE, WAYNE CLARK
11/26/2008	Designation of Clerks Papers	Filed	FRICKE, WAYNE CLARK
11/18/2008	Letter <i>Comment: November 18, 2008 Wayne Clark Fricke Kathleen Proctor Attorney at Law Pierce County Prosecuting Atty Ofc 1008 Yakima Ave Ste 302 930 Tacoma Ave S Rm 946 Tacoma, WA, 98405-4850 Tacoma, WA, 98402-2171 RE: CASE #: 38512-1-II: State of Washington v James Lee Walters Pierce County No. 06-1-01320-6 Case Manager: Debbie Dear Counsel: The above referenced appeal has been opened under the Cause No. 38512-1-II. To date, we have received neither a filing fee nor an order of indigency in this case. This case will therefore be placed on the motion docket for dismissal because it appears to have been abandoned. In accordance with the court's General Order 91-1,</i>	Sent by Court	

	<p><i>effective April 1, 1991, the motion for dismissal will be determined without oral argument. The motion will be stricken from the docket if a filing fee of \$250 is paid or an order of indigency if filed by December 8, 2008.</i></p> <p><i>Very truly yours, David C. Ponzoha, Court Clerk DCP:dm cc: Pierce County Clerk</i></p>		
11/17/2008	<p>Letter</p> <p><i>Comment:</i> <i>Denied Order of Indigency Copy filed 11-19-2008</i></p>	Received by Court	
11/12/2008	<p>Notice of Cross Review</p> <p><i>Comment:</i> <i>Copy filed 11-19-2008</i></p>	Filed	PROCTOR, KATHLEEN
11/10/2008	Case Received and Pending	Status Changed	
11/05/2008	<p>Notice of Appeal</p> <p><i>Comment:</i> <i>This case is transfered from null which had a caseId of 385121</i></p>	Filed	

EXHIBIT 10

CASE EVENTS # 431858

Date	Item	Action	Participant
04/15/2014	Disposed	Status Changed	
04/15/2014	Certificate of Finality Service Date: 2014-04-15	Filed	PONZOHA, DAVID
03/03/2014	Court of Appeals case file (pouch)	Received by Court	
12/30/2013	Discret Review to SC Denied	Received by Court	SUPREME COURT
05/10/2013	Court of Appeals case file (pouch) <i>Comment: 1 pouch sent to SC</i>	Sent by Court	
05/10/2013	Motion to Extend Time to File Motion Status: No Action Necessary <i>Comment: ext time to file mot for d/r</i>	Filed	Walters, James L.
05/10/2013	Letter <i>Comment: transmit lett w/mot ext time to file d/r</i>	Sent by Court	PONZOHA, DAVID
05/01/2013	Cost Bill Service Date: 2013-05-01 <i>Comment: \$406; respondent served</i>	Filed	PROCTOR, KATHLEEN
04/30/2013	Decision Filed	Status Changed	
04/30/2013	Order terminating Review Service Date: 2013-04-30 <i>Comment: ord disp pet/stay lifted</i>	Filed	PENOYAR, JOEL
04/30/2013		Not Required	

EXHIBIT 10

	Trial Court Action Service Date: 2013-04-30 <i>Comment: ord disp pet/stay lifted</i>		PENOYAR, JOEL
04/30/2013	Stay Lifted Service Date: 2013-04-30	Status Changed	PENOYAR, JOEL
10/26/2012	Stayed, Pending Case	Status Changed	SCHMIDT, ERIC B
10/26/2012	Ruling on Motions Service Date: 2012-10-26 <i>Comment: Pursuant to the court's own motion, this petition is stayed pending a decision in State v. Tarhan, S.C. No. 85737-7.</i>	Filed	SCHMIDT, ERIC B
10/25/2012	Motion for Stay Motion Status: Decision filed <i>Comment: Court's motion to stay pending SC court decision</i>	Filed	PONZOHA, DAVID
08/21/2012	PRP Ready	Status Changed	
08/20/2012	Reply to Response to Prp Service Date: 2012-08-21	Filed	Walters, James L.
07/23/2012	Response to Personal Restraint Petition Service Date: 2012-07-23	Filed	PROCTOR, KATHLEEN
05/17/2012	Case Received and Pending	Status Changed	
05/16/2012	Perfection Letter Service Date: 2012-05-16	Sent by Court	PONZOHA, DAVID
04/25/2012	Submitted <i>Comment: prelim deter</i>	Status Changed	
04/10/2012	Filing fee	Waived	PONZOHA, DAVID

03/14/2012	Case Received and Pending	Status Changed	
03/06/2012	Statement of Finances	Filed	Walters, James L.
03/06/2012	Personal Restraint Petition	Filed	Walters, James L.

EXHIBIT 11

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JAMES WALTERS
DOC #755724
Indeterminate Sentence Review Board Hearing Date: July 10, 2013
.420 Hearing

RONGEN: Good morning. We're on the record in the matter of James Walters, DOC number's 7-5-5-7-2-4. My name is Kecia Rongen and to my left is Lynne DeLano, we're from the Indeterminate Sentence Review Board, uh, we make up your panel today. There is four Board members and so we will make a recommendation back to the other two Board members and, um, we will all vote on the decision and then we'll send you our decision within four to six weeks. Um, you're currently under the Board's jurisdiction for, um, [inaudible] indecent liberties with force as well as kidnapping in the first degree. Um, you have a current earned release date of October 22nd, 2013, and you're under the Board's jurisdiction for life. Do you understand that?

WALTERS: Yes.

RONGEN: Okay. And, um, this is what we call a point-4-2-0 hearing, and so what we're looking at today is whether or not, uh, the Board believes you're more likely than not to commit another sex eff -- sex offence if released on conditions. You're here with your counselor, Susan Smith, and, um, you are not represented by an attorney so we want to make sure that you've had an opportunity to review what we refer to as the [inaudible] packet. This is, um, what we prepa -- read to prepare for your hearing today. Um, have you had ample time to go through this?

WALTERS: Yes.

RONGEN: Okay. So you feel you're ready to proceed today?

WALTERS: Yes.

EXHIBIT 11

1 RONGEN: Okay. This is, um, the hearing is being recorded. If you'd like a copy of the
2 recording you can write our office and we'll send you a CD and, uh, we just
3 ask you t'do that within the next six months.

4 WALTERS: 'Kay.

5 RONGEN: M'kay? Um --

6 WALTERS: Can my wife do that?

7 RONGEN: Uh-huh.

8 WALTERS: 'Kay.

9 RONGEN: This is a quasi-judicial, um, hearing and so I need to swear you in so if you
10 could raise your right hand, do you swear or affirm to tell the truth today in
11 this matter?

12 SMITH: I do.

13 WALTERS: I do.

14 RONGEN: Okay. And, um, for voice recognition can you please state your full name?

15 WALTERS: James L. Walters.

16 SMITH: Susan G. Smith.

17 RONGEN: Okay. So we are gonna start with Ms. Smith and we're gonna have her give
18 us an update, uh, programing and, um, any infractions if applicable, um, since
19 you've been in prison.

20 SMITH: Okay. Mr. Walters has been programing very well. He's not considered to be
21 a management or behavioral concern. He has been working in the food
22 service department at Stafford Creek for over three years now with superior or
23 above-average marks from the supervisors. His behavior in the living unit is
24 good. He gets along well with staff and offenders, is respectful and quiet. He
25 has not received any major infractions since his incarceration. He has no
26 escapes, no SGG affiliations, no separatees, no detainers or warrants. He is

1 currently on referral for the following programs: [Inaudible] Stress and Anger
2 Management, Partners in Parenting and, um, crime-related treatment. He has
3 completed the following family-friendly activities or events: Mother's Day
4 event, family video program, winter event, back-to-school event, family craft
5 activities. He has also completed introduction to computers, parallel
6 community orientation, and bookkeeping. Mr. Walters has received several
7 visits from family or friends within the last 90 days. He has an extensive
8 release plan to include moving away from the area of the victim. He has a
9 very loving wife, many friends and family members willing to do whatever it
10 takes to support and help him once he is allowed to release. And that's the
11 end of my report.

12 RONGEN: Mokay. Um, Lynne do you have any questions for --

13 DELANO: Um...

14 RONGEN: -- her?

15 DELANO: I may have been -- I have may have missed it, but does he have regular visits?

16 SMITH: He has -- he gets very regular vis -- visits from his son and his wife especially,
17 and his mother. Plus he has an aunt that comes and sees him. Here, you can
18 just have this -- this -- I don't have his name or DOC number on the
19 [inaudible].

20 UNKNOWN: [Inaudible].

21 SMITH: That's within the last 90 days.

22 RONGEN: Do you wanna...

23 DELANO: We'll -- we'll give it back.

24 SMITH: Okay.

25 DELANO: I -- it's just a question I always ask to know how much contact that the family
26 is able to maintain and vice versa.

1 SMITH: [Inaudible] it seems to me like that they're doing well right now.
2 DELANO: Mokay. Thank you.
3 RONGEN: Do you have any questions for your counselor or anything that, um, she didn't
4 cover you'd like us to know?
5 WALTERS: No.
6 UNKNOWN: No.
7 RONGEN: Okay. So here is what we usually do, Mr. Walters, is we turn to you and we
8 wanna hear about your offense, um, of why you're here. Um, and then that'll
9 probably lead us into a few more questions for you.
10 WALTERS: Well, man, um, I'm here 'cause I was accused of somethin', well, it's hard.
11 But I'm here 'cause I'm accused of kidnapping a neighbor girl but I really
12 can't go into much 'cause I'm fightin' my case. I would -- I would -- it sucks
13 'cause I feel like I'm caught between a rock and a hard place 'cause I -- I want
14 to do this treatment and everything but I can't because they won't let me
15 without sayin' things to go against my rights on fightin' my case. You know?
16 And it's -- it's hard, 'cause I -- I'm willing to do whatever it takes to get home
17 to my family point blank, w -- you know, 'cause I've been goin' to -- well, she
18 just became -- Ms. Smith became my counselor about six months ago?
19 SMITH: N -- no, --
20 WALTERS: Five?
21 SMITH: -- it's only been about a month.
22 WALTERS: A month?
23 SMITH: Y -- month and a half.
24 WALTERS: And I used to have Counselor Redding and, well, here. See my wife actually
25 sent him a letter back in '11 asking about me doin' all my programs and they
26 actually -- Sock? Is it Sock Monroe?

1 DELANO: [Inaudible] offender center?
2 WALTERS: Yeah. They actually sent me a, uh, a application.
3 DELANO: Oh, SOTP.
4 WALTERS: 'Kay
5 DELANO: Sex Offender Treatment Program.
6 WALTERS: Okay. And I filled it out and they rejected it because I couldn't say like, you
7 know, I couldn't do certain things 'cause I'm fightin' my case. So --
8 UNKNOWN: I thought they found you non-amenable.
9 WALTERS: Is that what it was?
10 UNKNOWN: They call it non-amenable for treatment because of appealing your case.
11 RONGEN: So you are saying that you have an active appeal going --
12 WALTERS: Yes.
13 RONGEN: -- for, um, your case?
14 WALTERS: Yes. In fact, uh [inaudible].
15 RONGEN: Is this different then, um, a decision that you --
16 WALTERS: [Inaudible].
17 RONGEN: -- I have something that indicates the appellate court upheld the sentence in
18 2010 and that the Supreme Court denied a hearing and the case was returned
19 to the sentencing court for a mandate on May 18th, 2011? Y -- is this
20 somethin' different than that?
21 WALTERS: Well, it's on the same thing. But here -- right there, it's... I think that's the
22 right paper.
23 RONGEN: Okay. So, um, from --
24 WALTERS: I think it's why I told you [inaudible] --
25 RONGEN: Fifteen.
26 WALTERS: Yeah, to get the -- my -- rest of my papers in.

1 RONGEN: And that's [inaudible] not too --
2 WALTERS: Yeah.
3 RONGEN: -- long from [inaudible] like five days from [inaudible - multiple people
4 talking].
5 WALTERS: Yes, you [inaudible] just copying some papers just the other night, it's -- it's
6 gonna be probably in the mail today -- probably tomorrow be all done.
7 RONGEN: Okay. Um, if you get an opportunity it would be helpful to have a copy of
8 that for r -- our records, I don't know that I saw that in our records.
9 WALTERS: Well, you can have this if you want.
10 RONGEN: Did you have one?
11 WALTERS: [Inaudible].
12 DELANO: I -- I don't want to take [inaudible].
13 RONGEN: Yeah, [inaudible].
14 WALTERS: Oh, okay. That's very -- thank you.
15 WALTERS: I can give her --
16 SMITH: You can make a copy of it before I leave.
17 DELANO: Okay.
18 RONGEN: That would be great.
19 DELANO: That'd be great. Thanks.
20 WALTERS: [Inaudible].
21 DELANO: Thank you.
22 WALTERS: [Inaudible]. And here's that, too, page two. [Inaudible].
23 RONGEN: Okay. So, um, is there any information that you are comfortable in talking
24 with us in regards to your sex offense?
25
26

1 WALTERS: Without -- no. S -- this is where I wish [inaudible] my attorney was allowed
2 here. 'Cause I don't -- I'm quite ignorant when it comes to the law or
3 whatever, I guess you wanna say.
4 DELANO: Yeah, well, if you're appealing your case, uh, we don't wanna jeopardize that.
5 RONGEN: Yeah.
6 DELANO: You have every right to do all your legal work.
7 WALTERS: Yeah.
8 DELANO: Um, what you have to understand is --
9 WALTERS: Oh, I --
10 DELANO: As far as we know, you're a convicted --
11 WALTERS: Yes.
12 DELANO: -- sex offender.
13 UNKNOWN: And --
14 DELANO: And in treatment, there's no way that this one member would even think about
15 letting you out without having gone through treatment.
16 WALTERS: See, that's where my wife -- we're [inaudible] my wife was real -- we've done
17 some checking on --
18 DELANO: Um-hmm.
19 WALTERS: -- on, when I get released, on outside sources [inaudible] and I've gotten some
20 up in the law library [inaudible] is that right? [Inaudible]. And there are
21 things on the [inaudible] that my wife and I can go to [inaudible] about -- oh
22 wait, that's right there. Right there is a whole big ol' thing about tr -- uh, sex
23 offender treatment --
24 RONGEN: Um-hmm.
25 WALTERS: -- providers --
26 RONGEN: Um-hmm.

1 WALTERS: On the street.
2 RONGEN: Um-hmm.
3 WALTERS: Which I'm more than willing to --
4 RONGEN: See, here's what you need to understand, Mr. Walters. Um, you're in for a
5 very serious sex offense. And, um, we certainly understand your case is under
6 appeal, and just like Ms. DeLano said, you have every right to -- to appeal
7 that, and take whatever steps, um, you feel is -- is necessary, um, but the
8 information that we have in front of you in front of us is that, um, that you've
9 been convicted of -- of a kidnapping, um, and indecent liberties with force.
10 And, um, in fact, um, you've probably read in your [inaudible] material that if
11 we were found -- if we were to find you releasable, that the end-of-sentence
12 review committee, um, would refer you for a forensic psychological
13 evaluation for civil commitment. Do you understand that? Do you know
14 what that means?
15 WALTERS: [Inaudible]. Well, if it takes me to -- to drop my case and do your class to --
16 for me to get home to my family? Fine, I'll drop it right now. Send me to --
17 DELANO: It --
18 WALTERS: -- ST --
19 DELANO: We can't -- we can't send you.
20 WALTERS: Oh, you know what I mean?
21 DELANO: Um, we re -- we recommend it, but the SOTP people won't take you unless
22 you say "this is what I did."
23 WALTERS: Yeah, I'm -- I'll be --
24 DELANO: But, you have -- see --
25 RONGEN: [Inaudible].
26 DELANO: -- I don't want you to lie. Um --

1 WALTERS: Well...

2 DELANO: You have to -- we can't force you to do this. I think you need to pursue your
3 legal avenue.

4 WALTERS: Uh, man, my family's in -- every -- like [inaudible] first year that I was in
5 here, I was gettin' visits every day. I had, you know, a half dozen friends
6 coming to see me, my family's comin' and as every year that goes by, my
7 resources of, you know, family and friends, is shrinking. And I'm losin'
8 everything, you -- you unders -- you know --

9 RONGEN: Um-hmm.

10 WALTERS: That's why I --

11 RONGEN: And we also, from our perspective, have a very serious --

12 WALTERS: Yes.

13 RONGEN: -- sex offense and a victim.

14 WALTERS: Yes.

15 RONGEN: In this case.

16 WALTERS: Which [inaudible].

17 RONGEN: Not to mention, a victim from 1983.

18 WALTERS: [Inaudible] I was not convicted at 1983.

19 RONGEN: Right, but we still have the file material related to that, or at least in -- in the
20 sentence review, um, report and that's --

21 WALTERS: Um-hmm.

22 RONGEN: -- information that we take into consideration as well.

23 WALTERS: Wow. So you are takin' that into consideration, the 1983?

24 RONGEN: Well, it's part of the record.

25 WALTERS: Okay. All right, I just -- 'cause [inaudible] 'cause, uh -- uh -- I j -- I was
26 asked, uh, for you guys -- uh, I was asked to ask that question to you guys

1 [inaudible] you're going to use my 1983 innocence on -- on, uh, you know, on
2 this. Um...

3 RONGEN: We use all the information that is presented to us in the [inaudible] packet.

4 WALTERS: Even though it -- it could be false and could just be false? You know?

5 RONGEN: Whatever is -- it -- it's --

6 WALTERS: Yeah.

7 RONGEN: -- not up to us to disprove this information.

8 WALTERS: Oh I know, see that's -- see -- that's what another thing that sucks about this?
9 Is, 'kay I get a -- the [inaudible] packet from Ms. Smith, right? And I don't
10 know nothin' about it and I read it and I'm reading all this and I don't know
11 the procedures or nothin', I tried to find out how I can, like if there's a hearing
12 to disprove any of that information. I couldn't find nothin' to, you know, to
13 have a hearing to try and get any of that redacted or anything 'cause, as far as
14 I know there ain't none. I couldn't find any. That's why I was at the law
15 library for this.

16 RONGEN: Um-hmm.

17 WALTERS: You know, because there's a lot of things in there that are just totally lies, you
18 know, how can you -- when someone is found not guilty of something, saying
19 that they are guilty of it n' just put a bunch of stuff in there? That's part of
20 our system, ain't it? Just like I was found guilty of, you know, which -- you
21 know, it's --

22 RONGEN: We didn't say you were guilty of it, we said it's information that we take into
23 consideration.

24 WALTERS: Yeah.

25 RONGEN: So, um, this is what we have in front of us and unless there's some way for
26 you to mitigate your risk and so we look at what sort of programs you've

1 taken, um, sexual deviancy treatment will be at the top of the list, um, to help
2 mitigate your risk.

3 WALTERS: [Inaudible] I'm more than willing to do that, you know, from a private and --
4 you know, I got my mom, everyone willing to pay for it and everything, you
5 know, it's just like, you know, if you want -- my wife wanted you guys to read
6 that there. She is more than willing to, you know, she wanted me to submit
7 that and, uh, I got so much family support. My family is willing to do
8 whatever it takes. If you guys tell me that I'm on house arrest for a year or
9 what -- you know what I mean, I would -- my family'd make sure. You
10 know, you tell me to go to whatev -- you know, and -- just like my wife's --
11 you know, she's a school teacher, and if she had any inkling whatsoever that I
12 was a threat to anyone, she had no problem to call you guys up and say hey,
13 take his ass back. No questions asked.

14 RONGEN: Okay. We can't just release you because you have a supportive family. We
15 need to look at the law --

16 WALTERS: Um-hmm.

17 RONGEN: -- and the law says does the Board believe you're more likely than not to
18 commit another sex [sic] if released --

19 WALTERS: Hmm.

20 RONGEN: -- [inaudible] conditions.

21 WALTERS: Yeah. I guarantee it won't. So how can I -- see, see -- see I'm stuck between
22 a ro -- I would love to -- to, man. See you -- my r -- I can't -- see, I'm stuck
23 here. How can I do this without my -- my l -- to try and fight my case?
24 'Cause this case can go on for, heck, I know some people's case is goin' on
25 for ten years so, you're sayin' if I fight my case for ten years, I'm gonna be in
26 here for ten years?

1 RONGEN: I -- I don't know that. I'm just letting you know as -- as one Board member,
2 um, I would like to see you do treatment and I --
3 WALTERS: Um-hmm.
4 RONGEN: -- it's my understanding you're not am -- even admitting to the offense at this
5 point and so, based on that, the Sex Offender Treatment Program is not going
6 to accept you. Um, they want to work with people who believe that they have
7 an issue and something that they need to work on. So, um --
8 WALTERS: There's -- there's -- my wife's done research and there's programs out there
9 that -- on the street that you can take at --
10 RONGEN: Absolutely, there is.
11 WALTERS: Right.
12 RONGEN: Um-hmm. There's --
13 WALTERS: [Inaudible].
14 RONGEN: -- a whole list of providers right there.
15 WALTERS: [Inaudible].
16 RONGEN: I -- I know that.
17 WALTERS: Right on.
18 RONGEN: [Inaudible].
19 WALTERS: And I'm more than willing to do it.
20 DELANO: I don't -- in my history with the Board, I don't think we've ever released
21 anybody with a -- a crime this serious to do treatment in the community. Um,
22 it puts the public at too great a risk. We want the treatment done before.
23 We've released -- End of Sentence Review said you were a level three, um, for
24 community notification. We've released level three offenders, but not with
25 this serious offense with no treatment.
26

1 WALTERS: How can -- see, that's the thing about -- see, I'm not a three if the, uh, if that
2 1983 thing -- stuff wasn't in there, I'm only a one. But see, you're usin'
3 something that I was found not guilty on --
4 RONGEN: We're not the End of Sentence Review Committee. That's a different
5 committee that --
6 WALTERS: Okay.
7 RONGEN: -- that does that.
8 WALTERS: Yeah, see there -- see, there's no way to -- to -- to like a hearing, or -- or, you
9 know what I'm saying? They -- they give you this report and there's no way
10 to fight their -- what they're saying and it -- to make -- 'cause they're sayin'
11 I'm a three because of somethin' that happened in 1983 that I was found not
12 guilty on.
13 RONGEN: Um-hmm.
14 WALTERS: If that wasn't there, I'd be a one, right?
15 RONGEN: You'd have to ask that [inaudible] question.
16 WALTERS: Yeah, well that's what it says in the report --
17 RONGEN: [Inaudible].
18 WALTERS: -- right there.
19 RONGEN: Um-hmm.
20 WALTERS: Right? So how can some -- [inaudible] they're holdin' somethin' on me that I
21 was found not guilty on to -- to up it from a one to a three and there's no way
22 to fight that. And...
23 DELANO: But -- it seems like you are. I mean, you're -- you're pursuing some legal --
24 legal avenues which is very appropriate.
25 WALTERS: No, it's -- it's just I'm trying to get knowledge.
26 DELANO: Um-hmm.

1 WALTERS: Is all --
2 DELANO: -- I'm tryin' to do. I don't want, you know, that's all -- you know, 'cause
3 ignorance is, well you know what ignorance is. [Inaudible] I'm not -- I'm
4 more of a -- a worker bee I guess you want to say, and knowledge ain't my
5 strong suit so I'm just trying to get a little as I can and [inaudible] soon as I
6 read all that, I go man, there has to be some -- some kind of hearing to dispute
7 this. So, heck, that was the first time I was up for -- not the first, you know,
8 one of the few times up at the law library to try and figure this out. 'Cause I
9 go man, I go here it says I'm a one but because of 1983 I'm a three. I go
10 [inaudible] that's, to me ain't right because I was found not guilty. You
11 know? And the stuff that they're sayin' in it, heck. Man.
12 DELANO: We've seen other offenders too, and I'm not sayin' this is true in your case
13 necessarily --
14 WALTERS: [Inaudible].
15 DELANO: -- other offenders who have, um, been found not guilty by a court for a
16 previous offense whether it's a sex offense or not, and later, um, they've
17 admitted that yeah, I did it. I got off on it but I did it. I don't know that --
18 WALTERS: Oh, really?
19 DELANO: Yeah, it's -- it's happened, so -- the Board has to take into consideration all
20 this information that -- that is in our files.
21 WALTERS: Um-hmm.
22 DELANO: But it's more important that, the fact that you can't even talk about your
23 offense because you're --
24 WALTERS: No, I know --
25 DELANO: -- appealing.
26 WALTERS: -- it -- it sucks.

1 DELANO: So, it really limits our ability to -- to move forward as well. Um, and that's --
2 that's really a tough decision for you and you've gotta make that all on your
3 own. We can't say one way or the other. And we definitely support your
4 pursuit of, you know, your legal rights.

5 WALTERS: (Sighs) Man.

6 RONGEN: Do you want to talk about the 1983, um, [inaudible].

7 WALTERS: Yeah, I'm willing to say whatever you want on that, 'cause, you know...

8 RONGEN: Okay. So...

9 WALTERS: 'Cause heck, DNA cleared me on that. Point blank. [Inaudible] the hair
10 sample, DNA, all that cleared me on that. That's why I don't understand
11 about that. How can they say I did it when everything cleared me of it?

12 RONGEN: Awfully similar offense to the one you're in for now.

13 WALTERS: [Inaudible] so? I... To me they're night and day.

14 RONGEN: How are they night and day?

15 WALTERS: Well it's -- well it's -- the one was at a house and [inaudible] heck that was in
16 '83. I'm tryin' to think of... Heck, that was a long time ago.

17 DELANO: It seems kinda odd that you -- you've been accused of two cases.

18 WALTERS: Oh, believe me, 'cause like this one, I came up here? Everything was good
19 then all a sudden the detectives -- yeah, guess what? A month and a half after
20 the fact it happened, they came and questioned me about that and as soon as
21 that came up, it was like deer in the headlights, me gettin' ran over. And heck,
22 it was just snowball effect after that. So, [inaudible] 'cause that there, that's --

23 RONGEN: You have to be the unluckiest person I know to be accused of two sex
24 offenses as serious as this.

25 WALTERS: Well I think one is [inaudible] to the other, more or less. [Inaudible]. It kinda
26 sucks.

1 RONGEN: So why do you think, um, the 1983 is different than the current sex offense?
2 WALTERS: Why do I think it's different? Uh. Hmm. Well I think the, if I remember, did
3 she -- well, it's a whole different circumstances.
4 DELANO: Do you see any similarities?
5 WALTERS: What that I -- I knew 'em both? That, uh, um, let's see.
6 RONGEN: Did you know the girl -- you knew the girl in 1983?
7 WALTERS: Uh, heck yes, uh, um, well my good friend's, uh, sister.
8 RONGEN: Why would she accuse of -- you of raping her?
9 WALTERS: She didn't accuse me.
10 RONGEN: What do you mean she didn't accuse you?
11 WALTERS: Naw, it was, um, [inaudible] man, this is '83, I'm tryin' to remember
12 everything. 'Cause she actually said it wasn't me. If I remember right.
13 That's what I'm sayin', the stuff in that -- that -- that folder don't even
14 [inaudible] the -- to the way the trial and everything went. So is the DNI -- A
15 and the hair samples, everything came out? Heck, it was -- it was over. You
16 know? That's when the -- the -- the -- the judge more or less said done, or,
17 you know what I mean?
18 RONGEN: 'Kay, so were you there that morning? At the house?
19 WALTERS: Yeah, I drove her brother to -- to school.
20 RONGEN: Mokay.
21 WALTERS: I picked him up every day.
22 RONGEN: Okay. And, uh, where'd you claim that you were when the rape happened?
23 WALTERS: Oh heck, I was in Tacoma.
24 RONGEN: [Inaudible - multiple people talking].
25 WALTERS: Nowhere, nowhere near the house.
26

1 RONGEN: So I saw on the report that that couldn't be, um, verified that at the time that
2 you claimed you were at the mall was about a four-hour period, so...

3 WALTERS: Yeah, it's Tacoma Mall.

4 RONGEN: Yeah, it -- well, it could have been within that four-hour period, not
5 necessarily that you were there the entire time.

6 WALTERS: Well I was -- well I was there 'til probably 11 o'clock or somethin' like that.
7 Then I went to my brother's house.

8 RONGEN: And, uh, whoever, uh, did this burglary and rape, uh, had their face covered,
9 uh, similar to the current offense.

10 DELANO: Didn't say anything. Didn't talk.

11 WALTERS: I don't know.

12 DELANO: Well, it's --

13 RONGEN: That's what the reports say.

14 WALTERS: Huh? Hmm. It's -- only thing I know is when [inaudible] Rhonda? Told the
15 lead detectives when I first -- it was not me. You know? [Inaudible] see, stuff
16 like that you don't read in there. They didn't talk? I don't remember that part
17 of the trial.

18 DELANO: Well, the perpetrator as I recall didn't say anything.

19 RONGEN: You took a polygraph back then?

20 WALTERS: Yeah, I -- I don't recall. Did I?

21 RONGEN: Said you were deceptive.

22 WALTERS: I don't recall.

23 RONGEN: Okay.

24 WALTERS: That's was so --

25 RONGEN: So --

26

1 WALTERS: Like I said, that was back in -- heck, I was what? Eighteen years old?
2 Seventeen years old?

3 RONGEN: Mokay. So we're not gonna retry your case. We're just letting you know.
4 This is the information that we have in front of us. Um, you have the right to
5 appeal your case. It appears as if you're doing so.

6 WALTERS: Um-hmm.

7 RONGEN: We want you to do treatment, we're not gonna release you to do treatment to
8 the street at this point. Um, and the SOTP is likely not gonna take you until
9 you're able to, um, until you're ready to say that you committed the sex
10 offense.

11 WALTERS: So, in other words, I might as well not even send this in.

12 RONGEN: Again, that's up to you. We would not keep you from appealing your case.

13 WALTERS: [Inaudible] you kinda are.

14 RONGEN: No...

15 WALTERS: Yeah.

16 RONGEN: [Inaudible] absolutely not.

17 WALTERS: You -- you're makin' me choose from me goin' home to my family or my
18 rights to -- to fight my case.

19 DELANO: I don't know even if you chose not to appeal, I don't know that the SOTP
20 would take you. It depends on what you say to them. Um, I think they're
21 pretty good about deciphering whether they think someone's telling them the
22 truth [inaudible] --

23 WALTERS: Oh, heck yeah they will.

24 DELANO: -- so if you lie to them and say well, I didn't really do it but I still [inaudible]
25 in, you're not gonna get in to the [inaudible].

26 WALTERS: Oh yeah.

1 DELANO: So we're gonna be in the same boat.
2 WALTERS: [Inaudible].
3 DELANO: It's -- you're gonna have to do some -- you have to decide. At -- I've heard of
4 offenders who spend 20 years appealing their conviction and get out. It gets
5 overturned.
6 WALTERS: Oh, I know.
7 DELANO: So, that -- that's -- you [inaudible] it's a big decision you have to make.
8 WALTERS: Yes, it is. Well, it's just not decision for me, it's decision my -- you know, my
9 wife and my kids. Heck, I got -- you know, my wife's a single mom with
10 three kids and she's just at her wit's end. You know, goin' from -- well, you
11 know.
12 DELANO: [Inaudible].
13 WALTERS: Out there.
14 DELANO: Do you know anything about the Sex Offender Treatment Program?
15 WALTERS: [Inaudible] have -- all I know is I filled out the application.
16 DELANO: Okay.
17 WALTERS: You know?
18 DELANO: Ms. Smith can probably tell you some things about it but it's probably the
19 most difficult program in DOC's venue of programs. There's a lot of soul
20 searching, you have to be very honest, you have to be very open, they ask that
21 the offenders reveal all the things that most of us don't talk to each other
22 about [inaudible] entire sexual history, any unadjudicated victims, in other
23 words if you ever touched your sister or the neighbor girl at whatever age,
24 they make you start from your first advent of sexual behavior, um, they don't
25 make you -- that's what part of the program is. So, it's a tough program.
26 WALTERS: Well, [inaudible] wasn't --

1 DELANO: You may wanna think about that and m -- Ms. Smith could probably get you a
2 little bit more information about it. It's a very difficult program. And there's
3 men and there's a handful of women that take the program at the women's
4 prison and it's just very, very difficult but they are all -- most of 'em are able
5 to complete it and, um, as far as we know, most of 'em are -- are honest
6 about --

7 WALTERS: Hmm.

8 DELANO: "Okay, not only did I do this but I've did this, this and this," and we make, I
9 mean we -- we make release decisions. Most of the offenders that we release
10 have gone through the treatment program.

11 WALTERS: So, but you guys are sayin' that I'm a three though, right?

12 DELANO: End of Sentence Review, it says you're a three. Actually, if End of Sentence
13 Review says you're a one, local law enforcement, if you're released, can --
14 they can decide what you're gonna be.

15 WALTERS: [Inaudible].

16 DELANO: And then they go, no, no, we don't agree with End of Sentence, we're gonna
17 [inaudible].

18 WALTERS: [Inaudible].

19 DELANO: [Inaudible] three.

20 WALTERS: That's [inaudible] like I was doin' my research, that's another thing
21 [inaudible] you know, it [inaudible].

22 DELANO: And this -- it's -- it's only a recommendation --

23 WALTERS: [Inaudible].

24 DELANO: -- from the End of Sentence Review Committee to the local law enforcement.
25 And it -- it dictates what level of communication goes on in the -- in the
26 community when -- when and if you're released.

1 WALTERS: Hmm.
2 DELANO: So...
3 WALTERS: Just -- yeah. I appreciate your time and --
4 RONGEN: Do you have any questions?
5 WALTERS: Man, I had like 50 of 'em that, uh...
6 RONGEN: Well, you can always write, um, our office, and our hearing's investigators
7 will respond back if they can. Um, and certainly, uh, if you get any sorta
8 decision on your appeal, um, let us know that, too.
9 WALTERS: Well, I can...
10 DELANO: That's a big decision.
11 WALTERS: Yeah.
12 DELANO: I think you ought'a be -- I mean, both -- whichever you decide. It's a big --
13 WALTERS: I know, well [inaudible].
14 DELANO: --big decision.
15 WALTERS: My case is so strong to -- to get overturned. Such a -- but I -- see, that's the
16 whole thing. I have to wait 'til it gets to the federal courts 'cause Washington
17 State is -- is terrible. So to get to the federal court, heck, they're talkin'
18 another two years and for another I don't know how long before the federal
19 courts to hear it. So, you know, so I have to make this choice on givin' up my
20 rights so I can get home to -- for my family, and to me my family's gonna
21 come first. Just point blank. Uh, you know? You know? I've got a 21-year-
22 old son, or a 20-year-old daughter, my 19-year-old son's just -- just is, he
23 blames himself for a lot of this and I have to [inaudible] tell him it's not his
24 fault. That's why he hasn't really come to see me. So, but, --
25 UNKNOWN: He told us his story.
26 RONGEN: Mokay. Well this will conclude your hearing.

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WALTERS: [Inaudible], you have a nice aftern --

(recording ends)

I, Michelle Meade, hereby certify that I transcribed, to the best of my ability, a true and correct copy of the above Hearing.

EXECUTED this 11th day of March, 2015



MICHELLE MEADE
Office Assistant 3

EXHIBIT 12



SEX OFFENDER TREATMENT PROGRAM STATEMENT, PROGRAM SCREENING, APPLICATION

By the nature of your offense, you may qualify for sexual deviancy treatment. Participation in the Sex Offender Treatment program is voluntary and the following information is provided to assist you in making an informed decision.

1. WHAT DOES THE PROGRAM INVOLVE?

SOTP is designed to assist individuals to understand and control the behavior which brought them to prison. Program participants will be taught techniques to control deviant sexual fantasies and decrease deviant sexual arousal.

While participating in the program, individuals may receive psychological and psycho-physiological (plethysmograph) evaluations.

- All participants will be involved in group therapy which will help them learn about their motivations and how to apply what they are learning to their own lives.
- Participants may be required to participate in behavioral therapy.

2. WHAT ARE THE ELIGIBILITY REQUIREMENTS?

You must volunteer, admit to sexual deviance, be assessed as a moderate or high priority based on actuarial assessment, and be within 18 months of your release date at the time you apply to the program.

3. WILL PARTICIPATION AFFECT MY RELEASE DATE?

SOTP participants receive earned release time credits the same as for other jobs or programs. Offenders under the jurisdiction of the Indeterminate Sentencing Review Board (ISRB) may be referred by ISRB for treatment. For those offenders, participation could affect the Board's decisions about the offender's parolability.

4. WILL I BE ABLE TO WORK OR GO TO SCHOOL AND ATTEND SOTP?

SOTP would be your primary priority. You could work and/or attend classes as long as there would not be a conflict with your participation in SOTP.

5. HOW ARE APPLICANTS PRIORITIZED FOR PLACEMENT?

Your Counselor can provide you with information from the Policy Directive that lists the order in which applicants are accepted into the program.

6. IS MCC/TRU ONLY FOR SEX OFFENDERS?

No. MCC/TRU houses general population offenders, although the majority of the population is sex offenders. You would be assigned to A Unit at TRU, which has been designated for SOTP. SOTP offenders are not isolated from other offenders during facility activities. TRU has maintained an excellent record of providing for the safety of those involved in the program.

7. CAN I QUIT THE PROGRAM VOLUNTARILY? Yes.

EXHIBIT 12

8. CAN I BE TERMINATED FROM THE PROGRAM INVOLUNTARILY?

Yes, participants may be involuntarily terminated for the following reasons:

- Not maintaining the confidentiality of other program participants.
- Fighting or assaultive behavior.
- Sexual behavior with others.
- Other behavior which is disruptive to the program or to the secure and orderly operation of the facility.
- Classification to close or maximum custody.
- Lack of progress in treatment. Every effort is made by employees/contract staff to assist the individual in achieving the goals.
- Offenders who are involuntarily terminated from treatment may appeal the decision to the Director of SOTP. Appeals must be filed within three days of notice of termination.

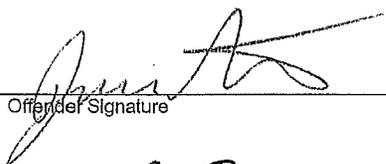
9. WHAT HAPPENS IF I QUIT THE PROGRAM OR I AM INVOLUNTARILY TERMINATED?

You may lose earned release time credits for the time you quit in accordance with DOC 350.100 Earned Release Time. You will also be transferred from TRU to another facility.

The goal of SOTP is to reduce recidivism and prepare participants to lead more productive lives.

Would you like to participate in SOTP? (Your answer will not change your sentence or expected return to the community. If you resign or are terminated from SOTP after you are at MCC/TRU, you will be classified for transfer to another facility.)

YES NO


Offender Signature

6-18-14
Date


Witness Signature

6/23/14
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.



**SEX OFFENDER TREATMENT PROGRAM
STATEMENT, PROGRAM SCREENING, APPLICATION**

PURPOSE: The purpose of this form is to assist us in screening potential Sex Offender Treatment Program participants. Be complete, honest, and concise since this assessment will be used to determine amenability for treatment.

Name <u>Walters James</u>	DOC # <u>755724</u>
Living Unit <u>H-6-55</u>	Date of Birth [REDACTED]

Current Offense(s): Kidnapping

ERD/(PERD) <u>July - 2016</u>	Date of Offense <u>3/8/06</u>
----------------------------------	----------------------------------

Are you under the jurisdiction of ISRB? Yes No
 Are you currently in appeal or planning to appeal? Yes No
 Nature of appeal: Sentence _____ Conviction _____
 Do you have an Alford Plea? Yes No

Previous charges and convictions [including sex offense(s)]:

CHARGE/CONVICTION	OUTCOME	TIME SERVED (Place, Date(s))
<u>Game Violation</u>		<u>Yakima 48 hours</u>
<u>Assault 3</u>		<u>Pierce</u>
<u>Theft 2</u>		<u> </u>
<u>Theft 3</u>		<u> </u>

Describe in complete detail your crime of conviction, including description of victim(s), your specific behaviors, the situations in which you offended, etc.

I don't remember the details, I was up for 3 days + her dad would not sell me anymore Meth, I was waiting for Scott (her dad) when she came walking by so I grab her to get to her dad.

Describe how your sex offense has affected the victim(s).

Made her not trust nd sleep. Scared

What goals do you have while in prison (i.e., education, special training, etc.)?

I would take the welding class but I can't get past the hub
I already past the I.T.C course

Treatment History (for sexual deviance or other):

PROVIDER	KIND OF TREATMENT	DATE OF TREATMENT
None		

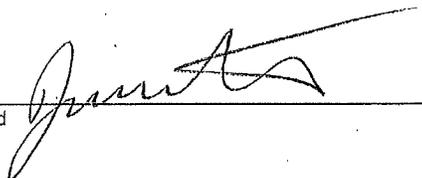
Medical Problems: Yes No If yes, explain. _____

Substance abuse history: Yes No If yes, explain. I use to grow, sell & smoke
20 years ago then I met my wife, I didn't do any drugs
initial 3-4 months before this kidnapping
Then I did Meth

pot

I am seeking treatment in the Sex Offender Treatment Program because:

to make me a better person

Signed 

Date 6-23-14

Counselor: Please submit the completed form by email to: docsotpapplications@doc.wa.gov

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.

EXHIBIT 13

Inmate: WALTERS, James Lee (755724)

Gender: Male	DOB: [REDACTED]	Age: 49	Category: Regular Inmate	Body Status: Active Inmate
RLC: HV	Wrap-Around: No	Comm. Concern: Yes	Custody Level: Minimum 3 - Long Term Minimum	Location: MCC-TRU — A / A5132
ERD: 07/04/2016	CC/CCO: Watts, Nancy E			

Details

Date & Time Created: 10/23/2014 11:19 AM
 Offender Location At Occurrence: SCCC
 Date & Time Of Occurrence: 10/23/2014
 DOC No.: 755724
 Offender Name: WALTERS, James Lee
 Author Name: Landon, Jeffrey M
 Events: Sexual Deviancy (JG)

Text

Screened P this date for SOTP. P initially denied that he had any sexual motivation or intended to sexually assault the victim. P later admitted to committing the index offense. P was asked if he had ever engaged in problematic sexual behavior prior to the index offense to which he stated no. We discussed his arrest and trial for a violent sexual assault in 1983 for which he was found not guilty. Discussed some like similarities in the 1983 assault which he denied committing and the index. P's appears to be somewhere between pre-contemplation and contemplation and this writer is guarded regarding his amenability to treatment intervention. P presented with a history of antisocial and criminal behavior. P's CCB decisions and reasons indicate he will be evaluated for RCW 71.09 consideration if he is found releasable by the CCB. P is determined eligible for SOTP. P stated he understands the implications of subsequent program refusal WAC 557. P also understands that he is not guaranteed admission, rather program space is allotted to those with higher risk/needs etc.

Date & Time Created: 07/21/2014 02:49 PM
 Offender Location At Occurrence: SCCC
 Date & Time Of Occurrence: 07/07/2014
 DOC No.: 755724
 Offender Name: WALTERS, James Lee
 Author Name: Jones, Marsha L
 Events: Comment (CM) ,
 Sexual Deviancy (JG)

Received e-copy of SOTP application at AHCC on 07/07/14.

Date & Time Created: 02/22/2012 02:34 PM
 Offender Location At Occurrence: SCCC
 Date & Time Of Occurrence: 02/22/2012
 DOC No.: 755724
 Offender Name: WALTERS, James Lee
 Author Name: Edwards, Michelle C
 Events: Sexual Deviancy (JG)

sent email with blank SOTP app to CC Redding inquiring about offender's interest in SOTP

EXHIBIT 14

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

In re the Personal Restraint Petition of:

JAMES LEE WALTERS,

Petitioner.

DECLARATION OF
SHELLY HANSON

I, SHELLY HANSON, make the following declaration:

1. I am a Program Specialist 3 for the Sex Offender Treatment Program of the Department of Corrections (DOC) in Airway Heights, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The DOC Sex Offender Treatment Program maintains an inmate treatment file for each offender who applies to the program. This file contains information on an inmate's application and treatment. As a Program Specialist 3, I am a custodian of records kept by DOC in the ordinary course of business.

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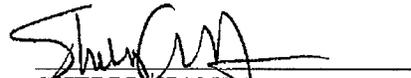
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3. Upon request of the Attorney General's Office, I provided a correct copy of the June 2014 SOTP application of inmate James Walters, DOC No. 755724, to be used as an exhibit. Mr. Walters has been approved for participation in the Sex Offender Treatment Program and has a start date of June 1, 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 21st day of May 2015, at Airway Heights, Washington.


SHELLY HANSON

WASHINGTON STATE ATTORNEY GENERAL

June 01, 2015 - 3:45 PM

Transmittal Letter

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Case Name: In re Personal Restraint Petition of James Lee Walters

Court of Appeals Case Number: 46370-9

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: Supplemental Response

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

No Comments were entered.

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