

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

In re the Personal Restraint Petition of:

ANTHONY RYAN PUGH,

Petitioner.

RESPONSE OF
DEPARTMENT OF
CORRECTIONS

Respondent, the Indeterminate Sentence Review Board (ISRB or Board), responds to Anthony Pugh's personal restraint petition pursuant to RAP 16.9. Pugh was sentenced in 1995 to a total confinement term of 352.25 months in prison for first-degree conspiracy to commit kidnapping, conspiracy to commit robbery, and conspiracy to commit murder as well as kidnapping in the first-degree and robbery in the first degree committed when he was 16 years of age. In response to *Miller v. Alabama*, the Washington Legislature enacted RCW 9.94A.730 which allows a juvenile convicted who has not been convicted of aggravated first-degree murder to petition for early release after serving no less than twenty years confinement. Pugh now claims the Board abused its discretion by denying his release pursuant to RCW 9.94A.730.

I. BASIS FOR CUSTODY

Anthony Pugh is in the custody of the Washington Department of Corrections and is currently incarcerated at the Washington Corrections

Center - Training Center pursuant to the valid judgment and sentence of the Pierce County Superior Court. He was convicted by jury verdict of first-degree conspiracy to commit kidnapping (count I), conspiracy to commit robbery in the first degree (count II), and conspiracy to commit murder in the first degree (count III) as well as kidnapping in the first-degree (count IV) and robbery in the first degree (count V). Exhibit 1, Judgment and Sentence, *State v. Pugh*, Pierce County Cause No. 94-1-03753-8. The jury returned a special verdict finding for use of a deadly weapon on Counts IV and V. *Id.*, at 2. On May 3, 1995, the court (the Honorable Thomas J. Felnagle) sentenced him to 72 months on count I, 51 months on count II, 260.25 months on count III and 92 months on counts IV and V, with all counts running concurrently except count IV which was run consecutive. Exhibit 1, at 7. Pugh's total confinement term came to 352.25 months. *Id.*

II. STATEMENT OF THE CASE

A. Facts of the Crime

On direct appeal, this Court summarized the facts of Pugh's case as follows:

On September 6, 1994, David Grenier returned from lunch at about 2:15 p.m., and parked at his usual parking spot near his office. He parked his Acura Legend and did some paperwork. As he opened the car door, he saw a young man blocking his way, asking what time it

was. Before Grenier could answer, the young man, later identified as Pugh, stuck a backpack in Grenier's abdomen and stated that he had a gun. Grenier told Pugh to take the car and struggled to get away, but his path was blocked by the open car door and Pugh. Two other males, later identified as Jay Coats and Gene Anderson, approached Grenier from behind and all three pushed Grenier into the driver's seat of the vehicle.

Pugh sat in the front passenger seat and Coats and Anderson sat in the back. Pugh told Grenier to follow his commands. Pugh continued to hold the bag he said contained the gun. Grenier was ordered to drive out of the parking lot while all three males asked him questions about his bank accounts, the nearest cash machine, the Acura and his car insurance. . . .

The three ordered Grenier to drive to a grocery store where they purchased some duct tape. Upon leaving the store, Grenier was directed to drive to a branch of his bank on 6th Avenue; Anderson knew that this branch had a drive-through window. . . . Coats ordered Grenier to write a check for \$1,500 and not to act strangely. Grenier handed the money to Pugh, who then handed it to Coats.

Coats and Pugh ordered and threatened Grenier more frequently than Anderson, with such statements as blowing a hole in Grenier's back, and "it will get bloody in here, and you'll get blood in your car." The three also had gone through Grenier's briefcase and wallet and knew that he had a wife and two young children. They stated that if he did not cooperate, his children would not have a daddy.

Grenier was placed in the backseat while Anderson taped his wrists and ankles. Coats drove.

. . .

Coats drove to an isolated location and told Grenier . . . to get into the trunk of the car

Inside the trunk, the three covered Grenier's mouth and eyes with tape. They closed the trunk door, but re-opened it and put duct tape over Grenier's nose. Unable to breathe, Grenier struggled, broke the tape off his arms, and then removed the other pieces of tape from his face and legs. From inside the trunk, Grenier heard someone say "[w]e can hit him with this." When one of the three males opened the trunk, Grenier leaped out and dashed for the road.

Grenier . . . later identified Pugh as one of his assailants via a photographic montage. The car was recovered and returned to Grenier. Several days later, one of Grenier's children found a knife in the car. Police found Pugh and Anderson's fingerprints on items found within the car.

State v. Pugh, No. 19571-2-II, 1997 WL 547989, at *1-3 (Wash. Ct. App. Sept. 5, 1997) (unpublished).

B. The “*Miller* Fix”: 2014 Enactment of RCW 9.94A.730

In *Miller v. Alabama*, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012), the United States Supreme Court held for the first time that a mandatory sentence of life without the possibility of parole, as applied to an offender who was under the age of 18 at the time of his crime, violates the Eighth Amendment to the United States Constitution. Prior to *Miller*, the courts of this state had rejected similar challenges and upheld life-without-parole sentences imposed on juvenile murder defendants. See *State v. Furman*, 122 Wn.2d 440, 858 P.2d 1092 (1993); see also *Harris v. Wright*, 93 F.3d 581 (9th Cir. 1996).

In response to the Supreme Court's decision in *Miller*, the Washington Legislature enacted 2SSB 5064 (Laws of 2014, ch. 130), often referred to as the "*Miller* fix." See *In re McNeil*, 181 Wn.2d 582, 586, 334 P.3d 548 (2014). Among other things, the *Miller* fix amended RCW 10.95.030 by establishing new sentencing guidelines for aggravated first-degree murder committed by juveniles and requiring sentencing courts to "take into account mitigating factors that account for the diminished culpability of youth as provided in *Miller*." Laws of 2014, ch. 130, § 9(3)(b); RCW 10.95.030(3)(b).

The "*Miller* fix" also provides for Board review of juvenile offenders not convicted of aggravated first-degree murder whose prison sentences were in excess of 20 years. See Laws of 2014, ch. 130, § 10. Most of the relevant changes governing those offenders' sentences are now codified at RCW 9.94A.730. Juvenile offenders may not petition the Board for early release after serving no less than twenty years. See RCW 9.94A.730(1). Following receipt of a petition, the department shall conduct an examination of the person to assess the probability of engaging in future criminal behavior if released on conditions. The Board shall order the person released *unless* it determines by a preponderance of the evidence that, even with conditions, the person is likely to commit a new criminal law violation if released. See RCW 9.94A.730(3).

C. Reversal of Conditional Release

In July 2015, Pugh had his first release hearing in accordance with RCW 9.94A.730. At that time, the Board found Pugh releasable in 18 months conditioned upon satisfactory completion of transition through lower levels of custody with a preference for a period of time in work release. Exhibit 2, Decisions and Reasons, August 17, 2015, at 1. The decision specifically states, “[t]he actual release date is contingent upon the approval of the Offender Release Plan and any mandatory Law Enforcement Notification.” *Id.* On October 29, 2015, authorization for the Mutual Re-Entry Program was received and Pugh was allowed to transfer to Larch Corrections Center (LCC) with the intent of promoting to Olympia Work Release. Exhibit 3, MRP Authorization. The authorization specifically indicated Pugh’s ERD of February 28, 2017 was contingent upon an offender release plan (ORP) and law enforcement notification (LEN). Exhibit 3.

In July 2016, the Board received information that Pugh committed two infractions (strong-arming/intimidation and discriminatory harassment) and was moved from LCC to the WCC Hospital for a mental health evaluation. *See* Petition, at Attachment (1/23/17 Decisions and Reasons, page 4 of 7); Exhibit 4, OMNI Chrono, at entry dated 7/26/2016.

Pugh was informed on July 27, 2016 about the Administrative Board Decision. *Id.*, at entry dated 7/27/2016.

Pugh's Mutual Release Plan (MRP) was suspended. *Id.*, at entry dated July 14, 2016. Pugh's infractions were eventually dropped but the Board reviewed the information surrounding the infractions and reversed its prior decision and scheduled a new release hearing. *Id.*, at entry dated 7/26/2016; Exhibit 5, DOC/ISRB Email Communication. On September 14, 2016, Pugh was informed that his mutual re-entry plan was not being reinstated at that time and he would have an opportunity to discuss the dismissed infractions at his next hearing. Exhibit 6, ISRB Correspondence from Jill Getty.

Pugh had another release hearing on January 11, 2017. *See* Petition, at Attachment. The Board considered Pugh's ISRB file, the Department's facility plan, information regarding institutional behavior and programing, any letters of support and/or concerns and Dr. Deborah Wentworth's psychological evaluation from 2015. Petition, at Attachment, (pages 5-6 of 7). Since the Board's August 2015 decision to conditionally release Pugh there were several issues with his behavior, not including the behavior leading to the dropped infraction. Approximately two months after the Board's decision, Pugh missed two classes for College Readiness. Exhibit 4, at entry dated 9/30/2015. When Pugh did

attend class, he was argumentative, displayed anger and was very negative. *Id.*, at entries dates 10/6/2015 & 2/11/2016. In March 2016, Pugh was asked to step into the hallway to discuss comments he made during class. *Id.*, at entry dated 3/7/2016. Pugh became “angry (red face, veins popping out of his arms and forehead, balled fists, piercing eyes) stating ‘[t]his is all your fault! You caused this! You are negative and I came to this class wanting to participate. I don’t even like you.’” *Id.* In April 2016, Pugh was asked by instructor Debra Smith how his business class was going. *Id.*, at entry dated 4/11/2016. Pugh responded, “I will give you 100% Monday and Wednesday in class other than that do not talk to me.” *Id.* Instructor Smith noted this was not prosocial behavior and when she tried to talk to Pugh again he walked away. *Id.*

Finally, in October 2016, CCO Margaret Hobbs met with Pugh to complete his facility plan. Pugh informed Hobbs he did not want to participate in the interview process, called Hobbs a liar and stated he never admitted to the murder therefore the interview doesn’t apply to him. Exhibit 4, at entry dated 10/19/2016.

III. 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 he is under unlawful restraint under the provisions of RAP 16.4(c).

In re Cashaw, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994). The petitioner may obtain relief by showing either a constitutional violation or a violation of state law. *Cashaw*, 123 Wn.2d at 148; RAP 16.4(c)(2), (6). Interpretation of a statute is a question of law that the Court reviews de novo. *State v. Engel*, 166 Wn.2d 572, 576, 210 P.3d 1007 (2009). Alleged violations of the prohibition against ex post facto laws are also reviewed de novo. *State v. Pillatos*, 159 Wn.2d 459, 469, 474-77, 150 P.3d 1130 (2007).

IV. ISSUES PRESENTED

A. Did the Board abuse its discretion under RCW 9.94A.730¹ when it reversed Pugh's conditional early release based on new information?

V. ARGUMENT

A. The Nature and Scope Of A RCW 9.94A.730 Hearing

In 2014, the Washington Legislature adopted RCW 9.94A.730, authorizing juvenile offenders convicted of certain crimes and sentenced to more than 20 years to petition the Board for early release. *See* Laws of 2014, ch. 130, § 10.

¹ Pugh also cites to RCW 9.95.440 in his petition. *See* Petition at 3. However, RCW 9.95.440 is inapplicable to Pugh. The Board did not suspend Pugh's release status following an alleged violation of a condition of release or pending disposition of a new criminal charge. Pugh had not reached the point in which the Board determined what conditions if any were sufficient upon his release.

Under RCW 9.94A.730, within 180 days from receipt of a petition for early release the department is required to conduct an examination which incorporates methodologies recognized by experts in the prediction of dangerousness which includes a prediction of probability whether the individual is likely to engage in future criminal conduct. RCW 9.94A.730(3). Early release after 20 years is presumptive *unless* the Board determines by a preponderance of the evidence that even with conditions the person is more likely to commit new criminal law violations. *State v. Ronquillo*, 190 Wn. App. 765, 778, 361 P.3d 779 (2015). The Board “shall give public safety considerations the highest priority” when making all discretionary decisions regarding the ability for release and conditions of release. RCW 9.94A.730(3).

During a .730 hearing, the offender is still within the term of his or her criminal sentence. After the .730 hearing, if the Board does not order an offender released early, the offender may file a new petition for release five years from the date of denial or at an earlier date as set by the Board. RCW 9.94A.730(6). The Board makes a release decision by evaluating the offender and the information provided to the Board.

B. The Board Did Not Abuse Its Discretion When It Determined That Pugh Was Not Releasable

Pugh claims that the Board abused its discretion by “revoking release date” with no infraction finding in violation of the “mutual re-entry plan release date.” *See* Petition, at 3. But Pugh’s early release pursuant to RCW 9.94A.730 was specifically made contingent upon an approved offender release plan and a successful transition through lower levels of custody to include Olympia Work Release if possible. Exhibit 3. Although Pugh’s infractions were dismissed, his behavior led to his transfer from LCC to WCC for a mental health evaluation. As part of his transition Pugh was required to successfully participate in available work, education and treatment programs as well as work with assigned staff to develop an offender release plan. Exhibit 3, Conditions. Pugh never successfully transitioned through lower levels of custody and he was returned to WCC. *See* Petition, at Attachment (page 4 of 7); Exhibit 4, at entry dated 7/26/2016.

When returned to WCC Pugh refused to attend college readiness courses as required and when he did attend class, he was argumentative, displayed anger and was very negative. Exhibit 4, at entries dated 10/6/2015 & 2/11/2016. When CCO Margaret Hobbs met with Pugh to complete his facility plan he informed Hobbs he did not want to

participate in the interview process, called Hobbs a liar and stated he never admitted to the murder therefore the interview doesn't apply to him. Exhibit 4, at entry dated 10/19/2016.

At the January 2017 hearing, the Board heard testimony from Pugh where he acknowledged he was “unprepared for the camp situation he encountered at LCC” and he would like to be in a camp situation that provided mental health services and allowed for higher levels of access to the community. *See* Petition, at Attachment, (page 5 of 7). Dr. Donna Smith also testified that Pugh could still be appropriate for transition through lower levels of custody “if he has access to appropriate mental health services.” *Id.*

The burden of proof at a .730 hearing is preponderance of the evidence. *See* RCW 9.94A.730(3). The preponderance of the evidence standard requires that the evidence establish the proposition at issue is more probably true than not true. *In re the Dependency of H.W.*, 92 Wn. App. 420, 425, 961 P.2d 963 (1998); *In re Sego*, 82 Wn.2d 736, 739 n.2, 513 P.2d 831, 833 n.2 (1973). *See also* 6 *Washington Pattern Jury Instructions: Civil* 21.01 (6th ed. 2013). (“When it is said that a party has the burden of proof on any proposition, or that any proposition must be proved by a preponderance of the evidence, or the expression ‘if you find’ is used, it means that you must be persuaded, considering all the evidence

in the case, that the proposition on which that party has the burden of proof is more probably true than not true.”).

At Pugh’s January 2017 hearing, the Board considered the statistical estimate of risk, criminal history, ability to control behavior, responsivity to programming, demonstrated offender change, release planning, discordant information and other case information, giving public safety considerations the highest priority as required by RCW 9.94A.730(3). Pugh’s misbehavior between his August 2015 hearing and the January 2017 hearing was appropriately considered by the Board in determining Pugh was not ready for an earlier release. Further, the previous decision regarding Pugh’s release date was contingent upon successfully transition through lower levels of custody which Pugh was unable to complete due to his behaviors. The Board determined that Pugh needed to continue working with mental health to better prepare him for reentry into the community. Based on the evidence before it and the Board’s duty towards public safety, this was a reasonable decision.

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VI. CONCLUSION

The Board did not abuse its discretion in denying Pugh's release pursuant to RCW 9.94A.730. Respondent respectfully requests that the Court dismiss Pugh's personal restraint petition with prejudice.

RESPECTFULLY SUBMITTED this 22nd day of May, 2017.

ROBERT W. FERGUSON
Attorney General

s/ Mandy L. Rose
MANY L. ROSE, WSBA #38506
Assistant Attorney General
Corrections Division OID #91025
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(360) 586-1445
MandyR@atg.wa.gov

CERTIFICATE OF SERVICE

I certify that on the date below I caused to be electronically filed the foregoing RESPONSE OF DEPARTMENT OF CORRECTIONS 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:

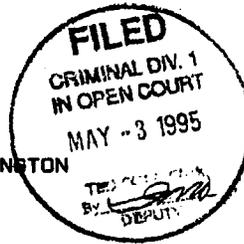
ANTHONY R PUGH, DOC #733807
WASHINGTON CORRECTIONS CENTER
PO BOX 900
SHELTON WA 98584

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

EXECUTED this 22nd day of May, 2017, at Olympia,
Washington.

s/ Katrina Toal
KATRINA TOAL
Legal Assistant 3
Corrections Division OID #91025
PO Box 40116
Olympia WA 98504-0116
(360) 586-1445
KatrinaT@atg.wa.gov

Exhibit 1



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,
Plaintiff,
vs.
ANTHONY RYAN PUGH,
Defendant.
DOB: [REDACTED]
SID NO.: WA16991104
LOCAL ID:

CAUSE NO. 94-1-03753-B
JUDGMENT AND SENTENCE
(FELONY)

THOMAS J. FELNAGLE

MAY 3 1995

I. HEARING

1.1 A sentencing hearing in this case was held on 5/3/95.
1.2 The defendant, the defendant's lawyer, MICHAEL SCHWARTZ, and the
deputy prosecuting attorney, KATHLEEN PROCTOR and JAMES DENSLEY, were
present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the court
FINDS:

2.1 CURRENT OFFENSES(S): The defendant was found guilty on 3/17/95 by
 plea jury-verdict bench trial of:

Count No.: I
Crime: CONSPIRACY TO COMMIT KIDNAPPING IN THE FIRST DEGREE,
Charge Code: (I111)
RCW: 9A.28.040 & 9A.40.020(1)(b)(c)
Date of Crime: 8/30/94 TO 9/6/94
Incident No.: 94-2490645

Count No.: II
Crime: CONSPIRACY TO COMMIT ROBBERY IN THE FIRST DEGREE, Charge
Code: (I111)
RCW: 9A.28.040, 9A.56.190 AND 9A.56.200(1)(a)(b)
Date of Crime: 8/30/94 TO 9/6/94

JUDGMENT AND SENTENCE
(FELONY) - 1

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946 Courser-City Building
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Telephone: 591-7400

94-1-03753-8

Incident No.: 94-2490645

Count No.: III

Crime: CONSPIRACY TO COMMIT MURDER IN THE FIRST DEGREE, Charge Code: (IIII)

RCW: 9A.28.040 AND 9A.32.030(1)(A)

Date of Crime: 8/30/94 TO 9/6/94

Incident No.: 94-2490645

Count No.: IV

Crime: KIDNAPPING IN THE FIRST DEGREE, Charge Code: (F2,F3)

RCW: 9A.40.020(1)(b)(c)

Date of Crime: 9/6/94

Incident No.: 94-2490645

Count No.: V

Crime: ROBBERY IN THE FIRST DEGREE, Charge Code: (AAA3)

RCW: 9A.56.190 AND 9A.56.200(1)(a)(b)

Date of Crime: 9/6/94

Incident No.: 94-2490645

- [] Additional current offenses are attached in Appendix 2.1.
- [X] A special verdict/finding for use of deadly weapon was returned on Count(s) IV and V.
- [] A special verdict/finding of sexual motivation was returned on Count(s).
- [] A special verdict/finding of a RCW 69.50.401(a) violation in a school bus, public transit vehicle, public park, public transit shelter or within 1000 feet of a school bus route stop or the perimeter of a school grounds (RCW 69.50.435).
- [] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

- [X] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1)): Counts I, II and III

2.2 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

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(FELONY) - 2

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<u>Crime</u>	<u>Sentencing Date</u>	<u>Adult or Juv. Crime</u>	<u>Date of Crime</u>	<u>Crime Type</u>
RES. BURGLARY (2)	4/8/91	JUV	11/28/91	Info only
TMVOP	7/15/93	JUV	7/15/93	NV

- Additional criminal history is attached in Appendix 2.2.
- Prior convictions served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(11)):

2.3 SENTENCING DATA:

	<u>Offender Score</u>	<u>Seriousness Level</u>	<u>Range Months</u>	<u>Maximum Years</u>
Count No. I:	4	X	54-72	LIFE
Count No. II:	4	IX	38.25-51	LIFE
Count No. III:	2	XIV	195.75-260.25	LIFE
Count No. IV:	0	X	75-92	LIFE
Count No. V:	4	IX	75-92	LIFE

- Additional current offense sentencing data is attached in Appendix 2.3.

2.4 EXCEPTIONAL SENTENCE:

- Substantial and compelling reasons exist which justify a sentence above below the standard range for Count(s) _____. Findings of fact and conclusions of law are attached in Appendix 2.4.

2.5 RESTITUTION:

- Restitution will not be ordered because the felony did not result in injury to any person or damage to or loss of property.
- Restitution should be ordered. A hearing is set for May 31st 95.
- Extraordinary circumstances exist that make restitution inappropriate. The extraordinary circumstances are set forth in Appendix 2.5.

2.6 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS: The court has considered the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial

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resources and the likelihood that the defendant's status will change. The court specifically finds that the defendant has the ability to pay:

- no legal financial obligations.
- the following legal financial obligations:
 - crime victim's compensation fees.
 - court costs (filing fee, jury demand fee, witness costs, sheriff services fees, etc.)
 - county or interlocal drug funds.
 - court appointed attorney's fees and cost of defense.
 - fines.
 - other financial obligations assessed as a result of the felony conviction.

A notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender, if a monthly court-ordered legal financial obligation payment is not paid when due and an amount equal to or greater than the amount payable for one month is owed.

2.7 SPECIAL FINDINGS PURSUANT TO RCW 9.94A.120:

- The defendant is a first time offender (RCW 9.94A.030(20)) who shall be sentenced under the waiver of the presumptive sentence range pursuant to RCW 9.94A.120(5).
- The defendant is a sex offender who is eligible for the special sentencing alternative under RCW 9.94A.120(7)(a). The court has determined, pursuant to RCW 9.94A.120(7)(a)(ii), that the special sex offender sentencing alternative is appropriate.

III. JUDGMENT

- 3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.
- 3.2 The court DISMISSES Count VI as the jury acquitted on that count.

IV. SENTENCE AND ORDER

IT IS ORDERED:

- 4.1 LEGAL FINANCIAL OBLIGATIONS. Defendant shall pay to the Clerk

JUDGMENT AND SENTENCE (FELONY) - 4

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of this Court:

* _____, Restitution to:
LOC defendant waives presence

* _____, Court costs (filing fee, jury demand fee, witness costs, sheriff service fees, etc.);

* 100.00, Victim assessment;

* _____, Fine; [] VUCSA additional fine waived due to indigency (RCW 69.50.430);

* _____, Fees for court appointed attorney;

* _____, Washington State Patrol Crime Lab costs;

* _____, Drug enforcement fund of _____;

* _____, Other costs for: _____;

* 100, TOTAL legal financial obligations [] including restitution not including restitution.

Payments shall not be less than \$ at direction of CCO per month. Payments shall commence on _____.

Restitution ordered above shall be paid jointly and severally with:

<u>Name</u>	<u>Cause Number</u>
Gene Anderson	94-1-03754-6
Jeffrey Coates	94-1-04849-1

The defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement to assure payment of the above monetary obligations.

Any period of supervision shall be tolled during any period of time the offender is in confinement for any reason.

Defendant must contact the Department of Corrections at 755 Tacoma Avenue South, Tacoma upon release or by _____.

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(FELONY) - 5

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94-1-03753-8

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[] Bond is hereby exonerated.

**JUDGMENT AND SENTENCE
(FELONY) - 6**

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4.2 CONFINEMENT OVER ONE YEAR: The court imposes the following sentence:

(a) CONFINEMENT: Defendant is sentenced to following term of total confinement in the custody of the Department of Corrections commencing immediately.

<u>72</u>	months on Count No. <u>I</u>	<input checked="" type="checkbox"/> concurrent	<input type="checkbox"/> consecutive
<u>51</u>	months on Count No. <u>II</u>	<input checked="" type="checkbox"/> concurrent	<input type="checkbox"/> consecutive
<u>260.25</u>	months on Count No. <u>III</u>	<input checked="" type="checkbox"/> concurrent	<input type="checkbox"/> consecutive
<u>92</u>	months on Count No. <u>IV</u>	<input type="checkbox"/> concurrent	<input checked="" type="checkbox"/> consecutive
<u>92</u>	months on Count No. <u>V</u>	<input checked="" type="checkbox"/> concurrent	<input type="checkbox"/> consecutive

Actual number of days of total confinement ordered is: 352.25 mos.

This sentence shall be concurrent consecutive with the sentence in _____;

Credit is given for 238 days served;

(b) COMMUNITY PLACEMENT (RCW 9.94A.120(B)(b)). The defendant is sentenced to community placement for one year two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150(1) and (2), whichever is longer. The terms of community placement shall include the following conditions:

- (i) The defendant shall report to and be available for contact with the assigned community corrections officer as directed.
- (ii) The defendant shall work at Department of Corrections-approved education, employment and/or community service.
- (iii) The defendant shall not consume controlled substances except pursuant to lawfully issued prescriptions.
- (iv) The defendant shall not unlawfully possess controlled substances while in community custody.
- (v) The defendant shall pay supervision fees as determined by the Department of Corrections.

OTHER SPECIAL CONDITIONS AND CRIME RELATED PROHIBITIONS:
Recommendation in PST adopted. Defend to have no contact with _____ or his family.

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(c) [] HIV TESTING. The Health Department or designee shall test the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. (RCW 70.24.340)

(d) [X] DNA TESTING. The defendant shall have a blood sample drawn for purpose of DNA identification analysis. The Department of Corrections shall be responsible for obtaining the sample prior to the defendant's release from confinement. (RCW 43.43.754)

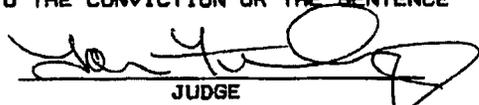
[] PURSUANT TO 1993 LAWS OF WASHINGTON, CHAPTER 419, IF THIS OFFENDER IS FOUND TO BE A CRIMINAL ALIEN ELIGIBLE FOR RELEASE AND DEPORTATION BY THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, SUBJECT TO ARREST AND REINCARCERATION IN ACCORDANCE WITH THIS LAW, THEN THE UNDERSIGNED JUDGE AND PROSECUTOR CONSENT TO SUCH RELEASE AND DEPORTATION PRIOR TO THE EXPIRATION OF THE SENTENCE.

EACH VIOLATION OF THIS JUDGMENT AND SENTENCE IS PUNISHABLE BY UP TO 60 DAYS OF CONFINEMENT. (RCW 9.94A.200(2)).

ANY DEFENDANT CONVICTED OF A SEX OFFENSE MUST REGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY OF THE DEFENDANT'S RESIDENCE WITHIN 24 HOURS OF DEFENDANT'S RELEASE FROM CUSTODY. RCW 9A.44.130.

PURSUANT TO RCW 10.73.090 AND 10.73.100, THE DEFENDANT'S RIGHT TO FILE ANY KIND OF POST SENTENCE CHALLENGE TO THE CONVICTION OR THE SENTENCE MAY BE LIMITED TO ONE YEAR.

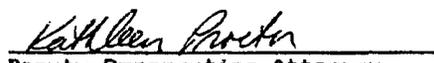
Date: 5-3-95

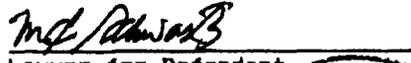

JUDGE

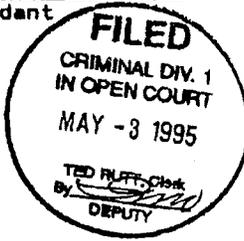
THOMAS J. FELNAGLE

Presented by:

Approved as to form:


Deputy Prosecuting Attorney
WSB # 19871


Lawyer for Defendant
WSB # 21024



SENTENCE OVER ONE YEAR - 2

Office of Prosecuting Attorney
946 County-City Building
Tacoma, Washington 98402-2171
Telephone: 591-7400



FINGERPRINTS

Right Hand
Fingerprint(s) of: ANTHONY RYAN PUGH, Cause #94-1-03753-8

Attested by: TED RUTT CLERK
COUNTY CLERK
By: DEPUTY CLERK *Isabel O'Rourke* Date: 5-3-1995

E. O'BURKE
Deputy Clerk

CERTIFICATE TED RUTT OFFENDER IDENTIFICATION

I, TED RUTT
Clerk of this Court, certify that
the above is a true copy of the
Judgment and Sentence in this
action on record in my office.

State I.D. #WA16991104

Date of Birth [REDACTED]

Sex M

Dated: MAY 3 1995

Race W

TED RUTT
CLERK
By: *Sandy Myppa*
DEPUTY CLERK

ORI _____

OCA _____

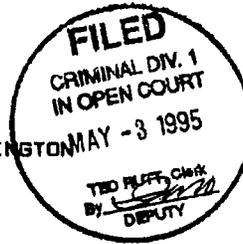
OIN _____

DOA _____



FINGERPRINTS

Office of Prosecuting Attorney
946 County-City Building
Tacoma, Washington 98402-2171
Telephone: 591-7400



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,
Plaintiff,
vs.
ANTHONY RYAN PUGH,
Defendant.

CAUSE NO. 94-1-03753-8
ORDER FOR BLOOD SAMPLE
DRAW FOR DNA
IDENTIFICATION ANALYSIS

MAY 3 1995

On the motion of the State of Washington, represented by Pierce County Deputy Prosecuting Attorney KATHLEEN PROCTOR, the Court order the defendant ANTHONY RYAN PUGH, who is represented by counsel MICHAEL SCHWARTZ, to submit to a blood draw to be used for DNA identification analysis.

Pursuant to SSB No. 6729, defendant, having been convicted after July 1, 1990, of:

TYPE OF OFFENSE

A felony sex offense as defined by RCW 9.94A.030(29)(a),

and/or

A violent offense as defined by RCW 9.94A.030(36)(a), shall:

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PLACE TO BE TESTED

- (Out-of-Custody) report immediately to the Pierce County Jail for a blood sample draw; or
- (In-Custody) submit to the blood sample draw by the Department of Corrections.
- (In-Custody) one year or less and submit to blood sample draw by the Pierce County Jail.

DONE IN OPEN COURT this 3rd day of May, 1995.

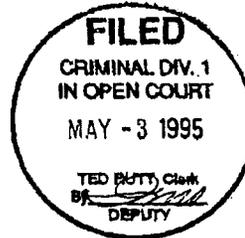
[Signature]
JUDGE

Presented by:

[Signature] 14811
KATHLEEN PROCTOR
Deputy Prosecuting Attorney

Approved as to Form:

[Signature] 21824
MICHAEL SCHWARTZ
Attorney for Defendant



STATE OF WASHINGTON, County of Pierce
ss: I, Ted Rutt, Clerk of the above
entitled Court, do hereby certify that this
foregoing instrument is a true and correct
copy of the original now on file in my
office.

IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of Said Court this
3 day of May, 1995

TED RUTT, Clerk
By... [Signature] Deputy

ORDER FOR BLOOD DRAW - 2

Office of Prosecuting Attorney
946 County-City Building
Tacoma, Washington 98402-2171
Telephone: 591-7400

Exhibit 2



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
P.O. BOX 40907, OLYMPIA, WA 98504-0907

DECISION AND REASONS

NAME:	PUGH, Anthony
DOC #:	733807
FACILITY:	Stafford Creek Corrections Center (SCCC)
TYPE OF HEARING:	LTJUVBRD Release Hearing
HEARING DATE:	July 14, 2015
PANEL MEMBERS:	LRG & KR
FINAL DECISION DATE:	August 17, 2015

This matter came before Lori Ramsdell-Gilkey and Kecia Rongen, who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a release hearing in accordance with the provisions of RCW 9.94A.730. Mr. Pugh appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Lisa Ross and Mr. Pugh.

BOARD DECISION:

This was a Deferred Decision. Based on the burden of proof set out in RCW 9.94A.730(3) and the totality of evidence and information provided to the Board, the Board does not find by a preponderance of the evidence that Mr. Pugh is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Pugh releasable in 18 months, upon his satisfactory completion of a transition through lower levels of custody that preferably includes a period of time in work release. The Board establishes a release date on or about February 28, 2017. The actual release date is contingent upon the approval of the Offender Release Plan and any mandatory Law Enforcement Notification.

EXHIBIT 2

NEXT ACTION:

Submit an Offender Release Plan (ORP) for consideration in November of 2016.

JURISDICTION:

Anthony Pugh is under the jurisdiction of the Board on a May 3, 1995 conviction of Count I: Conspiracy to Commit Kidnapping on the First Degree, Count II: Conspiracy to Commit Robbery in the First Degree, Count III: Conspiracy to Commit Murder in the First Degree, Count IV: Kidnapping in the First Degree and Count V: Robbery in the First Degree (WAWDW) in Pierce County Cause #94-1-03753-8. The Court ordered that Counts I-III run concurrently, but consecutive to Counts IV and V. His time start on Counts I-III is May 9, 1995. His minimum term was set at 72 months on Count I; 51 months on Count II; and 260.25 months on Count III from a Sentencing Reform Act (SRA) range of 54-72 months on Count I; 38.25 -51 months on Count II; and 195.75 – 260.25 months on Count III. He completed serving time on Counts I-III on September 18, 2014. Thus his time start on Counts IV and V is September 18, 2014. The Court set a minimum term of 92 months on each of these counts from an SRA range of 75 to 92 months. The total maximum term is 352.25 months. Mr. Pugh has served approximately 242 months plus 244 days of jail time credit.

NATURE OF INDEX OFFENSE(S):

According to file material, in August of 1994, Anthony Pugh, age 15, and two other boys living together in a group home in Tacoma, conspired to steal a particular vehicle from a downtown parking lot and abduct the owner. Mr. Pugh was responsible for obtaining a knife to use as he worked in the group home kitchen. One of the boys apparently suggested they give the proposed victim a "human necktie", which involves cutting the throat then pulling the victim's tongue through it.

On August 6, the day of the offense, the boys went to the parking lot and were chased away from the area of the car they were interested in and subsequently accosted a different man who was parking his car. Mr. Pugh approached the victim indicating he had a gun and directed him get

back in the car. The three boys got in as well. They first made the victim drive to the bank and withdraw \$1500 cash. Next they made the victim drive to the store so they could purchase duct tape and then used it to bind his wrists and ankles and cover his eyes, nose and mouth before placing him in the trunk of his own car. The boys drove him to a secluded area and while in the trunk the victim heard them discussing how they should kill him. The victim was able to free his hands and legs and get the tape off his eyes and face. When the trunk was accidentally opened by one of the boys, the victim leaped out and made his escape. The two other juveniles returned to the group home where they were overheard talking about the offense and Mr. Pugh was apprehended later that same day.

PRIOR CRIMINAL CONDUCT:

Mr. Pugh has a substantial juvenile history to include convictions for: two Residential Burglaries; three Theft Third Degree; one Malicious Mischief in the Third Degree; one Criminal Trespass in the First Degree and one Theft of a Motor Vehicle.

In addition, Mr. Pugh was arrested in early 1994 for two counts of Child Molestation in the First Degree. While Mr. Pugh was in a hospital being treated for a conduct disorder he disclosed that at age 13, he had touched the bare vagina of his 18 month little sister and her same age friend when he changed their diapers. He was arrested and charged when he was released from the hospital several months later but the charges were ultimately dismissed, apparently because the victims were too young to testify.

HISTORY/COMMENTS:

In June of 2014 Mr. Pugh petitioned the Board to request a review for possible early release pursuant to RCW 9.94A.730(3). This is Mr. Pugh's first hearing before the Board. Since his incarceration in 1995, he has received 37 major/serious infractions and 5 minor infractions. He has not had a major infraction since 2010. He has completed numerous classes/programs to include: GED 1996; Stress Reduction 1999; Anger Management 1999; Basic Custodial Service 2000; Information Technology 2007; Non-Violent Communication 2008; Moral Reconation

Therapy (MRT) 2010; CNC Machining 2013; Job Seeking Skills 2014; and Redemption Re-entry in 2015 among others.

EVIDENCE CONSIDERED:

In preparation for Mr. Pugh's hearing and its decision in this case, the Board completed a review of his Department of Corrections (DOC) and ISRB files. The Board considered all information contained in those files. The Board also considered the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation; and a Psychological Evaluation completed by Deborah Wentworth, PhD dated April 7, 2015. The Board also considered the testimony of the witnesses listed above.

REASONS:

Mr. Pugh's counselor indicated he has taken nearly every class offered and available to him at his current location. He is doing very well on the unit and is currently employed as an Office Clerk in Correctional Industries. The counselor had many positive things to say about the changes she has seen him make over the years, from the angry young man she met in 2004 to the hard-working man she sees today.

Mr. Pugh disclosed his offense in good detail and talked about what was going on in his life at the time of the offense. He indicated it was not until he read the "victim impact" statement in 2007 that he came to realize the offense traumatized not only the victim but his entire family and the community as well. He acknowledged his social anxiety and fear led him to act like a "bad ass" and got him in trouble both in the community and in prison. He states he is very involved in the activities on the Veteran's Pod (though he is not a veteran he has great respect for them) and the Diversity Committee. He has plans to further his education and make use of the training he received while incarcerated. He had already begun investigating possible job opportunities in the community.

Regarding the 1994 Child Molestation arrest, he indicated he was approximately 13 years of age when it occurred. He was scared of girls his own age and curious so when changing his 18 month old sister's diaper he touched her bare vagina on approximately three occasions. He did the same thing to her 18 month old friend/neighbor girl. He indicated he does not have an attraction to children and believes the therapy he received while hospitalized as a juvenile was adequate to address the behavior.

A psychological evaluation completed by Deborah Wentworth PhD in April 7, 2015, utilized three risk assessment instruments, the VRAG; SORAG; and SAPROF. He scored an 18.9 on the PCL-R which placed him in the moderate range and ruled out psychopathy. According to the report, his "score indicates that he has traits of antisocial behavior which will probably continue to influence his behavior choices without mindful and deliberate alternative thinking. He would benefit from further cognitive behavioral treatment such as thinking for a change." The report continues and states, "Combining scores for risk to reoffend with risk mitigating factors results in a balanced risk picture of low-moderate level of risk to reoffend."

Mr. Pugh's institutional behavior has improved and his involvement in programming is commendable. He has the support of his father and siblings and others in the community. Transition through lower levels of custody with the last six months of his incarceration in a work release setting would be optimal. He should complete Thinking for a Change while incarcerated if possible and if not, then while on supervision.

LRG: ch
July 30, 2015

cc: SCCC
Anthony Pugh
File



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
P.O. BOX 40907, OLYMPIA, WA 98504-0907

DATE: July 30, 2015

TO: Full Board

FROM: LRG & KR (CH)

RE: Pugh, Anthony/DOC# 733807

Panel recommends: Releasable on/about 2/28/17 upon satisfactory transition lower level custody preferable w/time in W/R. Actual date contingent upon ORP & mandatory LEN.

Next action: Submit ORP for consideration in 11/16.

Agree	Disagree
LRG 7/30/15 LD 8-11-15 TNS 8/12/15 KLR 8/17/15	

EXHIBIT 3



STATE OF WASHINGTON
 DEPARTMENT OF CORRECTIONS
 P.O. Box 41100 – Olympia, Washington 98504-1100

Date: October 29, 2015
 Re: Authorization for Mutual Re-Entry Program
 From: Mutual Re-Entry Program (MRP) Committee, HCSC Chair-Classification Unit
 To: Dan Pacholke, Secretary/designee
 Subject: PUGH, ANTHONY #733807
 ERD: 2/28/17 ISRB, contingent upon ORP and LEN

The attached file represents a LTJUVBRD offender who is ready to begin the last step of his transition into the community. The Headquarters' MRP Staffing Committee reviewed his individual MRP. The Department of Corrections Policy Mutual Re-Entry Program (MRP) 350.300 states that the MRP will be approved by the Secretary/designee.

Please AUTHORIZE the proposed inmate custody, placement and condition as follows:

- Assign: MI2
- Transfer: LCC
- Work Release: Olympia
- Conditions: Promote to MI2, transfer to LCC and while at LCC he will enroll and complete T4C. Promote to MI1 on 8/28/16 and transfer to Olympia Work Release. Concur with Progress House Work Release denial. Release to community on 2/28/17 pending approved ORP and mandatory LEN. He will abide by imposed standard MRP programming and behavior expectations: 1. Incur no major/minor infractions. Any infractions will be immediately reported to HCSC/ISRB. 2. Follow the direction and recommendation of your classification counselor, Community Corrections Officer and/or Facility Risk Management Team to include: A) Successfully participate in available work, education and treatment program(s); B) Submit to random urinalysis or breathalyzer testing; C) Seek and maintain full-time work assignment/employment; D) Work with assigned staff to develop an Offender Release Plan; E) Participate in available programs that address identified risks and needs.

Authorization Signature:

<i>Annmarie Aylward</i> Community Corrections Division Assistant Secretary/Designee (Please Print)	<i>[Signature]</i> Approved/Not Approved & Signature	10/30/15 Date
<i>[Signature]</i> Prisons Division Assistant Secretary/Designee (Please Print)	<i>[Signature]</i> Approved/Not Approved & Signature	10/29/15 Date
<i>John Campbell for Tom Johnson</i> Offender Change Assistant Secretary/Designee (Please Print)	<i>[Signature]</i> Approved/Not Approved & Signature	10-29-15 Date
<i>[Signature]</i> Indeterminate Sentence Review Board Chair/Designee (Please Print)	<i>[Signature]</i> Approved/Not Approved & Signature	10-30-15 Date

EXHIBIT 4

Inmate: PUGH, Anthony Ryan (733807)

Gender: Male	DOB: [REDACTED]	Age: 39	Category: Regular Inmate	Body Status: Active Inmate
RLC: MOD	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 3 - Long Term Minimum	Location: WCC-TC — EVE / EE11U
ERD: 02/19/2020	CC/CCO: Hobbs, Margaret C			

Details

Date & Time Created: 10/19/2016 01:55 PM
 Offender Location At Occurrence: WCC-TC
 Date & Time Of Occurrence: 10/18/2016 11:50 AM
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Hobbs, Margaret C
 Events: Office Offender (OP)

Text

Met with Pugh to complete his plan. Attempted to complete the High Risk Situations, Triggers and Motivations. He does not want to participate in the interview process. He called me a liar repeatedly regarding his plan. He states that he has never admitted to the murder therefore the interview doesn't apply to him. He told me that I am not qualified to ask him questions about how he feels. He wanted to know why he wasn't asked these questions 23 years ago. Overall he was extremely disrespectful, argumentative and rude. I told him that I didn't have to tolerate his disrespect. Fortunately he had a callout for education so he was excused from my office.

Date & Time Created: 10/13/2016 07:24 AM
 Offender Location At Occurrence: WCC-TC
 Date & Time Of Occurrence: 10/12/2016 01:00 PM
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Hobbs, Margaret C
 Events: Behavioral (JA) ,
 Office Offender (OP)

While discussing his upcoming hearing with the juvenile board I suggested that we complete an intake and do his restoration of good conduct time at his March review. He adamantly said he didn't think the board would let him out and wants his restoration done now. When I tried to explain and show how a Classification Action Review is generated in OMNI he became angry and stormed out of my office.

Date & Time Created: 07/27/2016 11:31 AM
 Offender Location At Occurrence: WCC-RC
 Date & Time Of Occurrence: 07/27/2016
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Scott, Jeremy P
 Events: Comment (CM)

I received an email from CPM Fitzpatrick requesting this counselor to go over a memo/letter with this offender regarding an Administrative Board Decision. I called this offender to a R-6 counselor office this date with C/O Hoskins present for the entire meeting and C/O Davis was in the hallway for a portion of the meeting. I asked him if he has seen WCC Mental Health, he stated he is working with Dr. Smith and he meets with her every Thursday. This offender and I went over the memo/letter forwarded to me by CPM Fitzpatrick. After we went over the memo/letter I asked this offender if he had any questions and he stated, "the letter doesn't say anything." I advised this offender that the letter says he will have a hearing on the upcoming docket in January 2017. I asked him a second time if he had any questions and he responded by saying, "the letter doesn't say anything, I don't care about any of this anyway." This offender then got up from the chair and as he walked out of the office he stated, "the parole board is a bunch of frauds." Unit staff were notified due to his escalating behavior.

Appended Text: This counselor notified both 2nd and 3rd shift R-6 CUS, Counselors, Officers and Sergeants of this offenders behavior this date.

Date & Time Created: 07/26/2016 03:55 PM
 Offender Location At Occurrence: WCC-RC
 Date & Time Of Occurrence: 07/26/2016

On June 30, 2016, the ISRB received notification that above offender had committed two new infractions and that he had been moved to WCC Hospital for a MH evaluation. On July 25, 2016, the ISRB received

EXHIBIT

4

Details

DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Seifert, Irene L
 Events: ISRB Hearing (BH)

Text

notification from Sherri Albrecht that the infractions were dropped. The ISRB has reviewed this information and made the following decision: Nullify prior Board decision; and Re-schedule a LTJUVBRD release hearing in 1-2017. Cut off date for required documents to IRB is 9-12-2016.

Date & Time Created: 07/14/2016 01:20 PM
 Offender Location At Occurrence: WCC-RC
 Date & Time Of Occurrence: 07/14/2016
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Albrecht, Sherri L
 Events: Classification Action (CA)

MRP is suspended pending disciplinary hearing.

Appended Text: Infractions were dropped, however the ISRB will be scheduling a hearing as they are concerned with P's behavior. He is subject to 6242 so the hearing will be more than 90 days out.

Date & Time Created: 04/11/2016 12:07 PM
 Offender Location At Occurrence: LCC
 Date & Time Of Occurrence: 04/11/2016 11:40 AM
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Smith, Debra K
 Events: Thinking For A Change (TF)

I saw offender Pugh in day room 4 in Elkhorn unit went to talk to him his response to me was I will see you in class at 12:30 and walked away. Called the unit at 12:00 and informed C/O Schaffer to hold P back from T4C class.

Date & Time Created: 04/11/2016 10:43 AM
 Offender Location At Occurrence: LCC
 Date & Time Of Occurrence: 04/07/2016 05:55 PM
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Smith, Debra K
 Events: Behavioral (JA) ,
 Thinking For A Change (TF)

Offender Pugh was on the call out for 1400 hours to meet with CPM Mr. Hines on 4/07/2016 not sure what was said, but this evening we were on the walk way to program waiting for it to open I asked P how his business class was going? His response to me was I will give you 100% Monday and Wednesday in class other than that do not talk to me. This is not prosocial behavior, I tried to have a conversation with him and he walked away. Comment was also made why did you do that to me.

Date & Time Created: 03/07/2016 02:55 PM
 Offender Location At Occurrence: LCC
 Date & Time Of Occurrence: 03/07/2016 12:40 PM
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Vetter, Stephanie M
 Events: Behavior Management Issue (BM) ,
 Safety Issues/Concerns (SF) ,
 Thinking For A Change (TF)

P was conducting homework review when he continued to state "Like a normal human being" in his replies. I questioned what a normal human being was and he replied not anyone in here. His statements were derogatory towards everyone in the classroom. When I tried to redirect the thought process for T4C P was becoming agitated. I asked P to step out to the hallway instead of him continuing to escalate in front of the class. In the hallway I informed P that he cannot speak of other people in class in that sense, there are people that really need the class including him and that it needed to stop. P became angry (red face, veins popping out of his arms and forehead, balled fists, piercing eyes) stating "This is all your fault! You caused this! You are negative and I came to this class wanting to participate. I don't even like you." P started to come away from the wall towards my direction when I directed him to get his stuff and return to the unit. He continued to escalate. I gave him a second directive and he complied. I step into Sgt. Francis's office to ask for him to step out to the hallway. When P was exiting the classroom he stated, " Might as well call the parole board and tell them to get me out of this camp!". I notified the unit he was returning , then notified CUS Denny.

Date & Time Created: 02/11/2016 08:36 AM
 Offender Location At Occurrence: LCC
 Date & Time Of Occurrence: 02/10/2016 12:30 PM
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Vetter, Stephanie M
 Events: Behavior Management Issue (BM) ,
 Thinking For A Change (TF)

P had T4C class and continued his negative behavior. P is extremely negative and blames others for his actions. P tried to interrupt the progress when I was speaking with another offender on several occasions. P stares at staff as intimidation.

Details

Date & Time Created: 02/11/2016 08:32 AM
 Offender Location At Occurrence: LCC
 Date & Time Of Occurrence: 02/08/2016 12:30 PM
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Vetter, Stephanie M
 Events: Behavior Management Issue (BM) ,
 Thinking For A Change (TF)

Text

P was in T4C class and states he is being forced to be there. He does not want to actively participate. When he does speak it is to interfere with all the facilitators. He stated this is worse than fucking kindergarten. I don't need this shit. Mrs. Smith spoke with him after class and did not have a positive outcome.

Date & Time Created: 10/06/2015 09:18 AM
 Offender Location At Occurrence: SCCC
 Date & Time Of Occurrence: 10/06/2015
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Ross, Lisa A
 Events: Behavior Management Issue (BM) ,
 Behavioral (JA)

Talked to Kathy Carrigan from Education yesterday. She stated that the Offender was in class, but was argumentative with her about having to be in class and was displaying angry behavior. She said to me that his behavior was way off baseline of what she knows of him while here at SCCC. I asked her to please chrono about this interaction.

Date & Time Created: 09/30/2015 03:52 PM
 Offender Location At Occurrence: SCCC
 Date & Time Of Occurrence: 09/30/2015
 DOC No.: 733807
 Offender Name: PUGH, Anthony Ryan
 Author Name: Ross, Lisa A
 Events: Behavior Alert (BA) ,
 Comment (CM)

I was notified by the education department that this offender has missed the last two classes for College Readiness. I went to talk to the Offender about why he was missing class. I looked in his cell window and he was sitting on his bunk with his head phones on and I knocked on the door. He looked up and saw me, and looked back down at his book and continued ignoring me. I keyed the door open and got his attention. I asked him why he wasn't attending the College Readiness class and he told me that CC III Aleksinski told him that he was dropping him from the class. I told the Offender that he was not dropped from the class and that it was my expectation that he attend. Offender told me that Aleksinski was my boss and that he was not going to go, that he did not need the class. I told the Offender that Aleksinski was on vacation until next week and that he did not say anything to me about the offender not having to take the class so it was my expectation that he be there. He told me that Aleksinski was my boss and will tell me that he doesn't have to go. I then told Pugh that I was giving him a direct order to attend the class or that I would be writing him a major infraction if he did not attend.

EXHIBIT 5

Seifert, Irene L. (DOC)

From: Getty, Jill K. (DOC)
Sent: Friday, July 15, 2016 9:35 AM
To: Seifert, Irene L. (DOC)
Subject: FW: Pugh #733807

Can you please make sure this information gets into OnBase. Thanks!!

From: Rongen, Kecia L. (DOC)
Sent: Friday, July 15, 2016 9:24 AM
To: Getty, Jill K. (DOC) <jkgetty@DOC1.WA.GOV>; Seifert, Irene L. (DOC) <ilseifert@DOC1.WA.GOV>
Subject: FW: Pugh #733807

FYI. For your Admin. Jill and for our files. Thank you.

From: Albrecht, Sherri L. (DOC)
Sent: Thursday, July 14, 2016 4:56 PM
To: Rongen, Kecia L. (DOC) <klrongen@DOC1.WA.GOV>
Subject: Pugh #733807

I received this today and thought you may want to add to his file. I suspended his MRP pending his disciplinary Hearing.

From: Denny, Joseph L. (DOC)
Sent: Thursday, July 14, 2016 4:35 PM
To: Smith, Donna M. (DOC) <dmsmith@DOC1.WA.GOV>
Cc: Stewart, Sean M. (DOC) <smstewart@DOC1.WA.GOV>; Hines, Michael C. (DOC) <mchines@DOC1.WA.GOV>; Albrecht, Sherri L. (DOC) <slalbrecht@DOC1.WA.GOV>
Subject: Pugh #733807

Dr. Smith, I'm responding to your VM regarding Pugh's classification status. His situation is somewhat unique, as his placement at LCC was part of a Mutual Reentry Plan—overseen by HQ Classification Unit—and Coordinator by Sherri Albrecht. Because of this, any permanent changes to his plan and programming, etc. must be approved by the HQ MRP team. Please also note—Pugh's last episode here at LCC—which drove the MH eval request—also resulted in his being infraacted for threatening staff—and because of his temp transfer to WCC for the MH eval, the hearing has been delayed. LCC's hearing clerk told me today that the hearing packet is being transferred to the hearing unit there at WCC to conduct. I point this out, as the outcome of the hearing could have impact on the on his custody level, and future placement. If you have determined P's MH tx needs— and should be transferred from LCC to WCC, we will take any MRP Team approved classification actions necessary.

I'm not a clinician by any sense, and agree that P is undoubtedly experiencing a stress regarding his re-entry to the society. What I have noted here—from three incidents I was involved and am familiar with—is a common thread that P is comely and manageable and gets along with staff—until he is any way confronted—or the staff assumes an authoritative role (even appropriately and mildly)—P has responded with an explosive anger—that is frightening to the

staff involved. When I had him placed in the secure housing unit for this past incident with the AC Cook—though in wrist restraints and under escort by three officers—the accusations and anger he directed at me for his possibly “losing years of my life” due to the infraction I had written—his forcefulness was disconcerting even in that setting—and cannot imagine what the staff must have felt when he made them the brunt of his tirades... I worked at the penitentiary in WW for 17 years and I have seen it all and experienced all types of threats, violence, assaultive behavior—and am generally un-phased by offender behavior here at minimum—and Pugh scares me. I also noted when he was disgorging his disapproval —there was a LOT of narcissistic content mixed in with his accusations—“I’m the smartest one here.” “I’m smarter than all of you.” “I don’t deserve this” --and absolutely devoid of any empathy toward the AC he threatened, or conscience of his behavior—just rage... I note in his OMNI chronos—that other staff at other institutions have also observed similar incidents--- My point is, I very much am concerned about what would happen in the community if an unsuspecting boss confronted him or did something that he perceived as demeaning to his eminence-- In short, if you already haven’t, his OMNI chronos and disciplinary infraction reports might interest you.

EXHIBIT 6



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
P.O. BOX 40907, OLYMPIA, WA 98504-0907

September 14, 2016

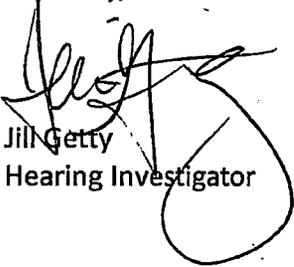
Mr. Anthony Pugh #733807
Washington Corrections Center
PO Box 900
Shelton, WA 98584

Mr. Pugh:

I am responding to your letter dated August 21, 2016, appealing the Indeterminate Sentence Review Board's (ISRB) July 26, 2016 Administrative Decision to nullify your Mutual Re-Entry Plan and schedule a new early release consideration hearing in approximately January of 2017.

The Board is aware that the incident on June 21, 2016 did not result in an infraction. You will have the opportunity to discuss the incident with them, and whether you are more likely than not to commit a new criminal offense when you meet with them in January. Your Mutual Re-Entry Plan (MRP) will not be reinstated at this time.

Sincerely,



Jill Getty
Hearing Investigator

cc: file

EXHIBIT 6

EXHIBIT 7

NO. 50055-8-II

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

In re the Personal Restraint Petition of:

ANTHONY RYAN PUGH,

Petitioner.

DECLARATION OF
ROBIN RILEY

I, ROBIN RILEY, make the following declaration:

1. I am an Executive Assistant for the Department of Corrections (DOC) at the Indeterminate Sentence Review Board (ISRB) office in Lacey, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The ISRB maintains an offender Board file for each offender under the ISRB's jurisdiction. This file contains information on an offender's sentence structure and documents relevant to his history with the ISRB. As an Executive Assistant, I am a custodian of records kept by the ISRB in the ordinary course of business.

3. Upon request of the Attorney General's Office, I provided correct copies of several documents from the Board file of offender Anthony Ryan Pugh, DOC No. 733807, to be used as exhibits. These documents include the following:

- Judgment and Sentence, *State v. Pugh*, Pierce County Superior Court Cause No. 94-1-03753-8
- Decisions and Reasons, dated August 17, 2015
- Authorization for Mutual Re-Entry Program
- Email communication string between DOC and ISRB Investigator Jill Getty, July 2016
- Correspondence from Jill Getty dated September 14, 2016

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 22nd day of May 2016, at Lacey, Washington.


ROBIN RILEY

EXHIBIT 8

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

In re the Personal Restraint Petition of:

ANTHONY RYAN PUGH,

Petitioner.

DECLARATION OF
MANDY ROSE

I, MANDY L. ROSE, make the following declaration:

1. I am an Assistant Attorney General (AAG) with the Corrections Division of the Attorney General's Office (AGO) in Olympia, Washington.

2. I am familiar with the Offender Management Network Information (OMNI) used by the Department of Corrections (DOC). I am authorized by the DOC to retrieve information from the OMNI. Among other things, information regarding an offender's location, custody, birth date, sentence, and infractions are entered and tracked in OMNI. I printed from OMNI for Anthony Ryan Pugh, DOC No. 733807, the following document to be used as an exhibit:

Exhibit 4: OMNI Chronos

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 22 day of May 2017, at Olympia, Washington.



MANDY L. ROSE
Assistant Attorney General

WASHINGTON STATE ATTORNEY GENERAL
May 22, 2017 - 3:12 PM
Transmittal Letter

Document Uploaded: 3-prp2-500558-Response.pdf

Case Name: PRP of Anthony Pugh

Court of Appeals Case Number: 50055-8

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: _____

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.

Sender Name: Katrina Toal - Email: katrinat@atg.wa.gov