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STATE OF WASHINGTON

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DEPUTY

DIVISION

82194-1

NO. 37396-3

PERSONAL RESTRAINT PETITION

JAMES W. GRANTHAM  
Petitioner

Petitioner's Full Name

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

A. STATUS OF PETITIONER

I, James William Grantham D.O.C.# 703436  
(Full name and current address)

Apply for relief from confinement. I am  am not \_\_\_\_\_ now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order: \_\_\_\_\_

(Identify type of court order)

See Brief at 1

1. The court in which I was sentenced is: See Brief at 1 - Appendix A

2. I was convicted of the crime of: See Brief at 1 - Appendix A

3. I was sentenced after (check one) Trial  Plea of Guilty \_\_\_\_\_ on See Brief at 1  
Date of Sentence

4. The Judge who imposed sentence was See Brief at 1 - Appendix A

5. My lawyer at trial court was N/A  
Name and Address if known

PETITIONER MAY FILE THE  
PETITION WITHOUT PAYMENT OF  
A FILING FEE

[Signature]  
COURT CLERK 2/14/08

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

7. My lawyer for my appeal was: N/A  
Name and address if known or write "none"

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

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

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

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

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

are with respect to objectivity of the unreasonable application of administrative procedure in the disciplinary

process warranted at the McNeil Island Correction Center, a state Department, of capricious findings of guilt of the petitioner without true just due process of law.

**B. GROUNDS FOR RELIEF:**

(If I claim more than one reason for relief from confinement, I will attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc). I claim that I have 1 reason(s) for this court to grant me relief from the conviction and sentence described in Part A. See Brief at 1

1 Ground  
(First, Second, etc)

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): \_\_\_\_\_

See Brief

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persons who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) \_\_\_\_\_

See Brief

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known".) \_\_\_\_\_

See Brief at 3-8

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") \_\_\_\_\_

See Brief at 5

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: Grantham has exhausted all institutional remedies

#### C. STATEMENT OF FINANCES:

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

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

2. I have \$ 17.90 ✓ in my prison or institution account.

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

4. I am  am not  employed. My salary or wages amount to \$ none a month. My employer is none  
Name and address of employer

5. During the past 12 months I did ~~did~~ did not  get any money from a business, profession or other form of self-employment. (If I did, it was none  
Type of self-employment

And the total income I received was \$ none.

6. During the past 12 months I:

Did  Did Not  Receive any rent payments. If so, the total I received was \$ none

Did  Did Not  Receive any interest. If so, the total I received was \$ none

Did  Did Not  Receive any dividends. If so, the total I received was \$ none

Did  Did Not  Receive any other money. If so the total I received was \$ 80.00 approx.

Do  Do Not  Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ none.

Do  Do Not  Have any savings or checking accounts. If so, the total amount in all accounts is \$ 572.22

Do  Do Not  Own stocks, bonds or notes. If so, their total value is: \$ none

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

Items	Value
<u>13 inch Zenith color television</u>	<u>\$ 140.00 approx.</u>
<u>Panasonic tape player</u>	<u>\$ 70.00 approx.</u>

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

None

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

Name & Address	Relationship	Age
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NONE

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount
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See Brief at 1 - Appendix A

D. REQUEST FOR RELIEF:

I want this court to:

Vacate my conviction and give me a new trial

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

Other: vacate the hearing officers finding of guilt. Restore  
(Please Specify)  
all lost good conduct time as well as any earned time lost due  
to confinement in segregation. Expunge the #603, #606  
violations from Grantham's record file. Restore long  
term minimum custody status and returned to a  
minimum facility - Restore any lost visiting privileges.

E. OATH OF PETITIONER

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF PIERCE )

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

James Grantham  
(Signature Here)

SUBSCRIBED AND SWORN to before me this \_\_\_ day of NONE  
200\_\_

NONE  
Notary Public in and for the State of Washington  
Residing at NONE

If a notary is not available, explain why none is available and indicate who can be contacted to help you find a Notary: \_\_\_\_\_

NONE

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

DATED This 5<sup>th</sup> day of February, 2008.

James Grantham  
(Signature Here)

01/31/2008  
JABOWKER

DEPARTMENT OF CORRECTIONS  
MCNEIL ISLAND CORRECTION CENTER

Page 1 of 1  
OIRPLRAR  
6.03.1.0.1.2

PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD : 07/01/2007 TO 12/31/2007

DOC : 0000703436      NAME : GRANTHAM JAMES      ADMIT DATE :05/25/1995  
DOB : 04/23/1974      ADMIT TIME :00:00

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AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
56.83	11.37	24.01	4.80

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IN THE COURT OF APPEALS OF THE STATE  
OF WASHINGTON  
DIVISION TWO

82194-1

In re Personal Restraint  
Petition of

James W. Grantham  
Petitioner

BRIEF IN SUPPORT  
OF PERSONAL  
RESTRAINT PETITION

A. AUTHORITY FOR RESTRAINT OF PETITIONER

James W. Grantham, is restrained pursuant to a  
Judgement and Sentence entered in Pierce County  
Superior Court No 941029616 See Appendix A - Judgement  
and Sentence.

B. ISSUES PRESENTED

Whether this petition should be granted where  
Grantham's constitutional rights were violated, when  
Grantham did not receive minimal due process at a (#603,  
#606) disciplinary hearing, when the hearing officer lacked  
sufficient evidence to determine Grantham's guilt or esta-  
blish Grantham's involvement?

C. STATEMENT OF THE CASE

The infraction report falsely alleges that  
Grantham conspired to introduce drugs and tobacco into McNeil

Island Correction Center, by conspiracy, contrary to WAC violations #603, #606.

The way in which the circumstances unfolded was that Grantham was placed in administrative segregation on November 8, 2007 pending an investigation due to allegations of conspiring with offenders and people in the community to introduce drugs and tobacco into the facility. See Appendix B - Segregation Authorization.

On December 7, 2007 Grantham received a hearing notice along with the serious infraction report, the latter submitted by investigator Steve Baxter (Special Investigators Unit). See Appendix C and D - (c) Hearing Notice and (d) Initial Serious Infraction Report.

Upon reading the infraction report Grantham refused to sign the hearing notice believing the infraction report was unsubstantiated and unreliable.

On December 12, 2007 the hearing convened before hearing officer Lt. Allen. Grantham was read the charged violations and pled "not guilty" to #603-possession, intro, use or transfer of narcotics, mind altering substance and "not guilty" to #606-possession, intro or transfer of tobacco, tobacco products or paraphernalia.

Grantham requested from the hearing officer to review the phone records to the alleged "verified" phone number and the recording of the alleged overheard conversation of myself as well as any statements made by the alleged staff member implicating Grantham in any manner as nothing was provided before or during the hearing.

After Grantham's statements and requests, Grantham was informed by the hearing officer "to make my requests to public disclosure" as he (Lt. Allen) did not have

any. See Appendix E and also F - <sup>(E)</sup> Public Disclosure Request and <sup>(F)</sup> Public Disclosure Request and Response.

No reason was given as to the absence of any related reports or documents to support the allegations. Grantham was found guilty by the hearing officer, based on the report and statement of the investigating officer, imposed the following sanctions:

- 1) 25 days of segregation
- 2) 90 days loss of good conduct time
- 3) 7 days loss of yard
- 4) Refer to Unit Team for custody review.

See Appendix G - Disciplinary Hearing Minutes and Findings.

Grantham appealed to the Superintendent, that was subsequently denied. See Appendix H - Appeal Response.

## D. ARGUMENT

### THIS PETITION SHOULD BE GRANTED.

An appellate court will grant substantive review of a personal restraint petition only when the petitioner makes a threshold showing of constitutional error which he has suffered actual prejudice or non constitutional error which constitutes a fundamental defect that inherently resulted in a complete miscarriage of justice. In re Cook, 114 Wn. 2d 802, 813, 792 P.2d 506 (1990).

In a personal restraint petition, petitioner bears the burden of showing prejudicial error. State v. Brune, Wn.App. 354, 363, 725 P.2d 454 (1986), base allegations

unsupported by citations to authority, references to the record or persuasive reasoning can not sustain this burden of proof. Brune, 45 Wn. App. at 363.

Grantham contends that according to WAC's 137-28-270(i)(c) and 137-28-270(i)(d), serious infraction procedures, the infraction report must include: (i)(c) "The time and place of the incident"; and (i)(d) "The names of witnesses, victims and other persons involved."

In this case the infraction report failed to include the time and place of the alleged incident of an overheard telephonic conversation of Grantham's nor were any persons alleged involved identified.

No reason was given as to the absence of the time and place or names. Because due process of a prisoner is "minimal", what notification standards exist must be followed. Failure to follow procedure of adequate notice results in arbitrary and capricious actions, as it did in this case. In re Krier, 108 Wn. App. 31, 29 P.3d 720 [No. 45490-1-I, Div. 1 8/20/2001].

The courts have occasion to deal with the standards. Rinehart v. Brewer, 483 F. Supp. 165 (S.D. Iowa 1980), the court set forth standards balancing discretionary holding of information and meeting the minimum due process requirements set forth in Wolff to protect against arbitrary actions:

The court believes that notice sufficient to allow a prisoner to prepare a defense must contain the identity of other persons, if any, involved in the incident.

Id at 169. The court went on to say that:

Prison officials however, may delete from the disciplinary notice sufficient facts concerning the incident if the inclusion of such facts would and to itself result in security problems for the institution. If certain facts are deleted, the prison officials must state in the disciplinary notice that their information has been excluded and that the excluded class of information, is being deleted because (of) security problems for the institution.

Id at 169.

It is the right of the accused to know the nature and cause of the charges against him. Const. Art. 1 § 22(10); U.S. Const. Amend. 6; State v. Kjarvsik, 117 Wn. 2d 93, 812 P.2d 86 (1991).

Without the time, place and names of the alleged incident and alleged co-conspirators or other persons involved, Grantham could not establish relationship and, equally debilitating to Grantham's defense, could not refute or dispute the time and place of the alleged overheard conversation (it being the incident), and could name no witnesses as the alleged individuals were unnamed.

Grantham's minimal due process rights were violated. Wolff v. McDonnell, 418 U.S. 539, 556-59, 94 S.Ct. 2963 (1964).

Grantham argues that the hearing officer based his (Lt. Allen) decision of guilt on the report and statement of the investigating officer, but the hearing officer failed to establish the assertions and allegations made by the investigating officer.

Prison disciplinary proceedings are reviewed against

an arbitrary and capricious standard. Testing whether the petitioner was denied a fundamentally fair hearing. In re Reismiller, 101 Wn.2d 291, 678 P.2d 323 (1984), In re Burton, 80 Wn.App. 573, 578, 910 P.2d 1295 (1996).

The arbitrariness of a given decision is a question of substantive due process. Finney v. Mabry, 485 F. Supp. 756 (E.D. Ark. 1978).

Factual finding must be made only if there is "some [or any] evidence" in the record to support the disciplinary decision. Superintendent v. Hill, 472 U.S. 445, 105 S. Ct. 2768, 86 L. Ed. 2d 356 (1985).

The Washington Supreme Court has clarified the "some or any evidence" test: "[T]here essentially must be some reasonable connection between the evidence and the inmate in order to support actions taken by the prison disciplinary board." In re Anderson, 112 Wn.2d 546, 772 P.2d 510 (1989).

In the infraction report there was no connection established between Grantham and the alleged staff member. There was no statements from the alleged staff member, implicating Grantham of any involvement.

If it is the hearing officer's contention, as it appears to be, that the overheard conversation is conclusive evidence of Grantham's guilt, then the hearing officer was obligated to present to Grantham the opportunity to listen to or to listen to for himself (Lt. Allen) to the telephonic recording to determine its authenticity.

According to WAC rules 137-28-290(2)(f) it explicitly states: "That the accused is "entitled" to have access to

non confidential reports and records used by the hearing officer during the fact finding stage"; and 137-28-300(3) states: "The hearing officer may consider relevant evidence presented outside the hearing when not feasible to present that evidence within the hearing. The inmate shall be appraised of the content of that evidence and shall be allowed to rebut that evidence during the hearing".

Grantham was not appraised if any such evidence existed or was presented to the hearing officer outside the hearing nor was Grantham allowed to rebut any evidence as none was provided.

Yet, the hearing officer accepted the "word" of the investigating officer when he (Lt. Allen) based the finding of guilt on the investigating officers statement of claiming to "know Grantham's voice" in an overheard telephonic recording. See Appendix G - Disciplinary Hearing Minutes and Findings.

The Washington Supreme Court has affirmed that due process protects prisoners from arbitrary impositions of discipline based on nothing other than an allegation in a formal citation. *In re Hunter*, 43 Wn. App. 174, 715 P.2d 1146 (1986).

Due process requires a contemporaneous recording of evidence relied on at the hearing. *Hensley v. Wilson*, 850 F. 2d 269 (6th Cir. 1988).

Per wac 137-28-310(2) provides that: "[i]n reaching the decision on the guilt or innocence of the inmate, the hearing officer must rely solely on the evidence considered at the hearing". In the absence of the "interpretation" of the investigator Steve Baxter, as to the content of the overheard conversation and claiming to "know Grantham's voice" the infraction report is unsubstantiated. Nothing was established,

there was no evidence introduced at the hearing to indicate any involvement or actions of Grantham nor to support a finding of guilt by the hearing officer.

There was no documents or records provided to establish the alleged "verified" phone number as belonging to Grantham's brother. There was no documents or records provided or even an attempt made to establish investigator Steve Baxter's credentials as a qualified or recognized voice identification expert.

There were statements made or provided from any alleged individuals involved that implicated Grantham in any manner.

The infraction report alluded to an investigation conducted on a staff member for staff misconduct, but with no connection or evidence established that tied Grantham to any actions of the alleged staff member.

Because Grantham did not even receive minimal due process, the serious infraction ruling must be vacated and the matter remanded with the instructions that Grantham's good conduct time be restored. In re Hews, 99 Wn. 2d 80, 660 P.2d 263 (1983).

#### E. CONCLUSION

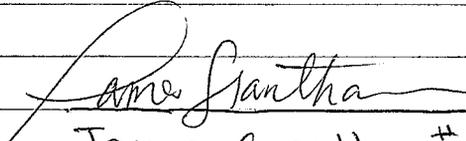
Based on the foregoing, Grantham's personal restraint petition should be granted.

This court should, vacate the hearing officer's finding of guilt. Restore all lost good conduct time as

well as any earned time lost due to confinement in segregation. Expunge the #603, #606 wac violations from Grantham's record file. Restore Grantham's long term minimum custody status and returned to a minimum facility. Restore any lost visiting privilege.

Respectfully Submitted

this 5<sup>th</sup> day of February, 2008.

  
James Grantham #703486

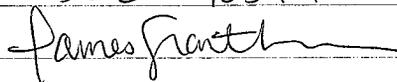
## CERTIFICATE OF SERVICE

Today I deposited in the mails of the United States of America, a properly stamped and addressed envelope directed to the Court of Appeals, Division II, 950 Broadway, Suite 300, Tacoma, WA 98402, containing a copy of Petitioner's Personal Restraint Petition and Brief in Support of Personal Restraint Petition.

I certify under penalty of perjury of the laws of the state of Washington that the foregoing is true and correct to the best of my first hand knowledge, and belief.

James Grantham

D.O.C.# 703436



DONE IN STEILACOM, WA

DATE

FEBRUARY 5, 2008

# APPENDIX-A.

(Judgement and Sentence)

5



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

STATE OF WASHINGTON,  
Plaintiff,

CAUSE NO. 94-1-02961-6

vs.

JUDGMENT AND SENTENCE  
(FELONY)

JAMES WILLIAM GRANTHAM,  
Defendant.

MAY 23 1995

DOB: 4/23/74  
SID NO.: WA14277156  
LOCAL ID:

I. HEARING

1.1 A sentencing hearing in this case was held on 5-23-95.

1.2 The defendant, the defendant's lawyer, DENNIS BROUNER, and the deputy prosecuting attorneys, STEVE GREGORICH/KITTY-ANN van DOORNINCK, 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 May 16, 1995 by

plea  jury-verdict  bench trial of:

Count No.: I  
Crime: MURDER IN THE FIRST DEGREE, Charge Code: (D1)  
RCW: 9A.32.030(1)(a)  
Date of Crime: 7/4/94  
Incident No.: PCSD 94 185 0211

Additional current offenses are attached in Appendix 2.1.  
 A special verdict/finding for use of deadly weapon was returned on Count(s).

JUDGMENT AND SENTENCE  
(FELONY) - 1

ENTERED  
JUDGMENT #

95-9-04749-2

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

- 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):
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.400(1)):

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

<u>Crime</u>	<u>Sentencing Date</u>	<u>Adult or Juv. Crime</u>	<u>Date of Crime</u>	<u>Crime Type</u>
RAPE 2 2X	3/2/95	ADULT	7/2/94	V (SEX)
PSP 2	11/8/93	ADULT	9/13/93	NV
BAIL JUMP	12/23/92	ADULT	7/29/92	NV
VUCSA	11/7/91	JUVI	9/27/91	DRUG
ROBBERY 1	2/23/89	JUVI (LESS 15)	1/10/89	V

- 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:	6	XIV	312-416 mos	LIFE

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

2.4 EXCEPTIONAL SENTENCE:

JUDGMENT AND SENTENCE  
(FELONY) - 2

[ ] 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 \_\_\_\_\_.~~
- [ ] 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 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.

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 LEGAL FINANCIAL OBLIGATIONS. Defendant shall pay to the Clerk of this Court:

\$ 4,941.<sup>48</sup> Restitution to: Yoswa Gwalambic, 1616 S. 92nd, Tacoma, WA 98405

\$ 110.<sup>00</sup> Court costs (filing fee, jury demand fee, witness costs, sheriff service fees, etc.);

\$ 100.<sup>00</sup> 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: \_\_\_\_\_;

\$ 85151.<sup>48</sup> TOTAL legal financial obligations [X] including restitution [ ] not including restitution.

Payments shall not be less than \$ \_\_\_\_\_ per month. Payments shall

Set by D.O.C.

1  
2  
3 commence on \_\_\_\_\_.

4 [ ] Restitution ordered above shall be paid jointly and severally with:

5  
6 Name

Cause Number

7  
8 The defendant shall remain under the court's jurisdiction and the  
9 supervision of the Department of Corrections for a period up to ten  
10 years from the date of sentence or release from confinement to assure  
11 payment of the above monetary obligations.

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

14 Defendant must contact the Department of Corrections at 755 Tacoma  
15 Avenue South, Tacoma upon release or by \_\_\_\_\_.

16 [ ] Bond is hereby exonerated.  
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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.

416 months on Count No. 1 [ ] concurrent [  ] consecutive  
\_\_\_\_\_ months on Count No. \_\_\_\_\_ [ ] concurrent [ ] consecutive  
\_\_\_\_\_ months on Count No. \_\_\_\_\_ [ ] concurrent [ ] consecutive

[ ] Actual number of days of total confinement ordered is: \_\_\_\_\_

This sentence shall be [ ] concurrent  consecutive with the sentence in 94-1-04206-0

Credit is given for 165 days served; *to be credited consecutive to rape offense.*

(b) [ ] COMMUNITY PLACEMENT (RCW 9.94A.120(8)(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:

(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: 5-23-95

*Terry Schirmer*  
JUDGE  
IN OPEN COURT  
MAY 23 1995  
By: *[Signature]*  
Deputy

Presented by:  
*[Signature]*  
Deputy Prosecuting Attorney  
WSB # 13660

Approved as to form:  
*Dennis M. Brower*  
Lawyer for Defendant  
WSB # 8859

TDS  
5/23/95

APPENDIX F

Cause No.

The defendant having been sentenced to the Department of Corrections for a:

- sex offense
- serious violent offense
- assault in the second degree
- any crime where the defendant or an accomplice was armed with a deadly weapon
- any felony under 69.50 and 69.52 committed after July 1, 1988 is also sentenced to one (1) year term of community placement on these conditions:

- (I) The offender shall report to and be available for contact with the assigned community corrections officer as directed:
- (II) The offender shall work at Department of Corrections approved education, employment, and/or community service;
- (III) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions:
- (IV) An offender in community custody shall not unlawfully possess controlled substances; and
- (V) The offender shall pay community placement fees as determined by DOC:

The Court may also order any of the following special conditions:

(I) The offender shall remain within, or outside of, a specified geographical boundary: \_\_\_\_\_

(II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: \_\_\_\_\_

(III) The offender shall participate in crime-related treatment or counseling services;

(IV) The offender shall not consume alcohol;  
*include wine or breath alcohol as directed by CCO.*

(V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(VI) The offender shall comply with any crime-related prohibitions.

(VII) Other: No contact direct or indirect with victim's family

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FINGERPRINTS

Right Hand  
Fingerprint(s) of: JAMES WILLIAM GRANTHAM, Cause #94-1-02961-6

Attested by: \_\_\_\_\_ CLERK  
By: DEPUTY CLERK \_\_\_\_\_ Date: \_\_\_\_\_

CERTIFICATE

I, \_\_\_\_\_  
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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
CLERK  
By: \_\_\_\_\_  
DEPUTY CLERK

OFFENDER IDENTIFICATION

State I.D. #WA14277156  
Date of Birth 4/23/74  
Sex MALE  
Race WHITE  
ORI \_\_\_\_\_  
OCA \_\_\_\_\_  
OIN \_\_\_\_\_  
DOA \_\_\_\_\_



FINGERPRINTS

FILED  
DEPT. 17  
IN OPEN COURT  
MAY 23 1995  
Pierce County  
DEPUTY

MAY 23 1995

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

STATE OF WASHINGTON,  
Plaintiff,  
vs.  
JAMES WILLIAM GRANTHAM,  
Defendant.

CAUSE NO. 94-1-02961-6  
ORDER FOR BLOOD SAMPLE  
DRAW FOR DNA  
IDENTIFICATION ANALYSIS

On the motion of the State of Washington, represented by Pierce County Deputy Prosecuting Attorneys STEVE GREGORICH/KITTY-ANN van DOORNINCK, the Court order the defendant JAMES WILLIAM GRANTHAM, who is represented by counsel DENNIS BROUNER, 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:

PLACE TO BE TESTED

[ ] (Out-of-Custody) report immediately to the Pierce County Jail for a blood sample draw; or

[X] (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 23<sup>rd</sup> day of May, 19 95.

*Terry [Signature]*  
 J U D G E  
 IN OPEN COURT  
 FILED JUL 17 1995  
 DENNIS M. BROUNER County Clerk  
 By [Signature] DEPUTY  
 Approved as to Form

Presented by:

*[Signature]*  
 STEVE GREGORICH/  
 KITTY-ANN van DOORNINCK  
 Deputy Prosecuting Attorneys

mj



# APPENDIX-B

(Segregation Authorization)



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

FA 14

B309-1

SEGREGATION AUTHORIZATION

OFFENDER NAME Grawtham, James	DOC NUMBER 703436	FACILITY MILL	DATE PLACED IN SEGREGATION MO DAY YEAR 11 / 8 / 07
----------------------------------	----------------------	------------------	--

REASON FOR PLACEMENT	SPECIAL INSTRUCTIONS
<input checked="" type="checkbox"/> THREAT TO OTHERS/SELF/SECURITY <input type="checkbox"/> OWN REQUEST <input type="checkbox"/> INFRACTION SUBMITTED <input type="checkbox"/> SUMMARY OF CONFIDENTIAL INFORMATION <input type="checkbox"/> OTHER (Explain)	<input type="checkbox"/> SPECIAL DIET <input type="checkbox"/> MEDICATIONS (List Rx)  <input type="checkbox"/> OTHER (Explain)

REQUESTING STAFF MEMBER George Gilbert	SIGNATURE OF AUTHORIZING LIEUTENANT/CORRECTIONAL UNIT SUPERVISOR <i>[Signature]</i>
---	--

**SPECIFIC REASONS FOR PLACEMENT AND RECOMMENDATION TO SUPERINTENDENT**

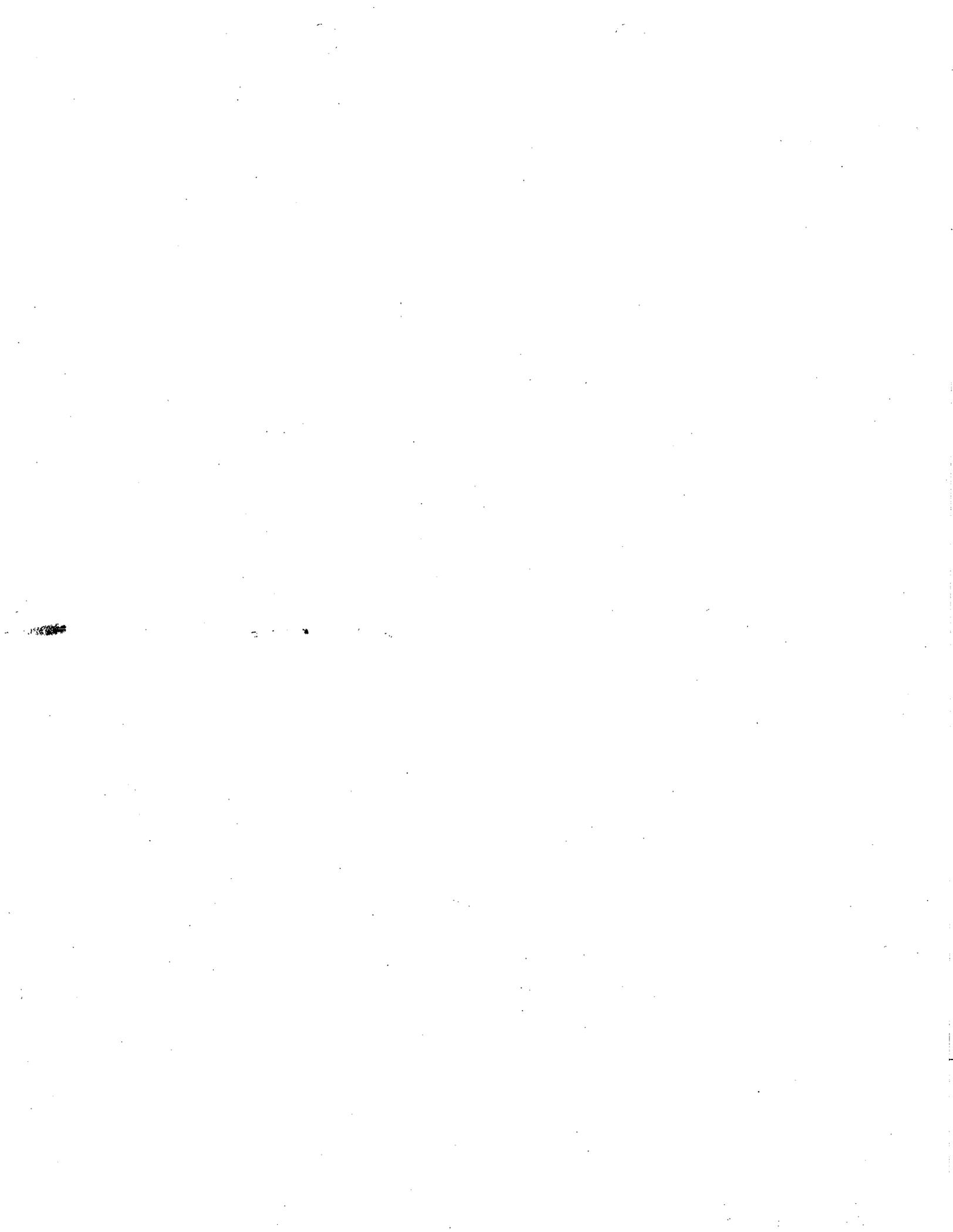
At approximately 1228 a.m./p.m. on 11 / 8 / 07  
Time Month /Day /Year

offender Grawtham, James was placed in administrative segregation pursuant to  
Name

WAC 137-32-005 and/or was placed in Pre-Hearing Confinement per WAC 137-28-280 due to infraction(s).

Details for reason(s) for placement are as follows: I'm James Grawtham #703436  
was placed in segregation pending an investigation due  
allegation of consorting with other offender and people  
in the community to introduce tobacco and drugs into  
the facility

REVIEWED AND APPROVED BY: (SUPERINTENDENT/DESIGNEE)	DATE	ESCORTING STAFF
NEXT ACTION DUE BY:	DATE (MO/DAY/YR) <u>1 / 1 /</u>	NOTIFICATION OF INITIAL REVIEW DATE (MO/DAY/YR) <u>11 / 12 / 07</u> TIME <u>1:30</u> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.
OFFENDER'S SIGNATURE <i>[Signature]</i>	DATE <u>11-8-07</u>	
SIGNATURE OF SERVING/REPORTING STAFF <i>[Signature]</i> Kent	DATE <u>11-08-07</u>	
OFFENDER REFUSES TO SIGN - WITNESS SIGNATURE <i>[Signature]</i> Kent	DATE <u>11-08-07</u>	



# APPENDIX-C

(Hearing Notice)



DISCIPLINARY HEARING NOTICE/ APPEARANCE WAIVER

Evidence#: PHOTOS/PIERO Cell#: 3081

Hearing ID# 4745

CellTag: No

OFFENDER NAME <b>GRANTHAM, JAMES</b>	DOC NUMBER <b>703436</b>	FACILITY MICC	DATE <b>12/7/2007</b>
TYPE OF REVIEW <b>DISCIPLINARY</b>	HEARING SCHEDULED FOR <b>12/11/2007</b>	LOCATION <b>Hearings Office- F-U</b>	TIME <b>9:10 AM</b>

REASON FOR HEARING (INCLUDING ALL ALLEGATIONS OF MISCONDUCT IF APPROPRIATE)

- 603 Possession, introduction, use, or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug, mind altering su
- 606 Possession, introduction or transfer of any tobacco, tobacco products, matches, or tobacco paraphernalia

INTERPRETER NAME/DATE  I HAVE BEEN PROVIDED A CERTIFIED SIGN LANGUAGE INTERPRETER  
 I HAVE BEEN PROVIDED WITH A SPANISH TRANSLATION OF THE CHARGES AGAINST ME ON SE ME HA DADO UNA TRADUCCION AL ESPANOL DE LOS CARGOS EN ME CONTRA EL DIA

OFFENDER RIGHTS: DATE/FECHA AT TIME/HORA OFFENDER SIGNATURE/FIRMA DE OFENSOR

- YOU HAVE THE RIGHT TO REMAIN SILENT AT THE HEARING, IF YOU CHOOSE TO REMAIN SILENT, YOUR SILENCE MAY BE USED AGAINST YOU AND THE DECISION WILL BE BASED ON THE EVIDENCE PRESENTED.
- YOU MAY WAIVE YOUR APPEARANCE AT THE HEARING.
- YOU DO NOT HAVE A RIGHT TO CROSS EXAMINE WITNESSES, HAVE THE INFRACTING STAFF PRESENT AT THE HEARING, OR HAVE A POLYGRAPH OR OTHER SUPPLEMENTAL TESTS.
- YOU MAY REQUEST WITNESS STATEMENTS AND/OR THAT STAFF MEMBERS, INMATES OR OTHER PERSONS BE PRESENT AS WITNESSES UNLESS IT IS DETERMINED BY THE HEARING OFFICER THAT TO DO SO WOULD BE UNDULY HAZARDOUS TO INSTITUTIONAL SAFETY OR SECURITY : (List Witnesses Below)

STAFF NAME	STATEMENT	WITNESS	POSITION	OFFENDER-NAME	WITNESS	DOC NUMBER
<i>None</i>	<input type="checkbox"/>	<input type="checkbox"/>		<i>None</i>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	

CRIMINAL CHARGES MAY BE PENDING. ANYTHING YOU SAY HENCEFORTH MAY BE USED AGAINST YOU IN A COURT OF LAW  
 STATUS OF CRIMINAL CHARGES:  NONE  UNKNOWN  PENDING IN \_\_\_\_\_

COUNTY CHARGES

- YOU HAVE THE RIGHT TO REVIEW ALL RELATED REPORTS AND A SUMMARY OF ANY CONFIDENTIAL INFORMATION.
- YOU MAY REQUEST A STAFF ADVISOR.  REQUESTED  WAIVED
- YOU MAY REQUEST AN INTERPRETER (If unable to speak and/or understand the English language).  REQUESTED  WAIVED
- YOU MAY REQUEST A CERTIFIED SIGN LANGUAGE INTERPRETER IF YOU ARE HEARING IMPAIRED.  REQUESTED  WAIVED

- YOU MAY APPEAL THE DECISION AND/OR SANCTIONS TO THE FACILITY SUPERINTENDENT/SUPERVISOR (within 15 working days).
- IF YOU ARE AN INDETERMINATE SENTENCE CASE AND WITHIN 60 DAYS OF AN ESTABLISHED RELEASE DATE, A GUILTY FINDING COULD RESULT IN THE CANCELLATION OF YOUR RELEASE DATE.

I, GRANTHAM, JAMES DOC# 703436 WAIVE MY RIGHT TO THE REQUIRED 24 HOURS NOTICE PRIOR TO BEING SEEN BY THE (DISCIPLINARY) HEARING OFFICER AND AUTHORIZE THE HEARING OFFICER TO MAKE A DISPOSITION REGARDING THE INFORMATION AND EVIDENCE PRESENTED TO THE HEARING OFFICER AS PERTAINS TO MY PARTICULAR SITUATION.

I, GRANTHAM, JAMES DOC# 703436 WAIVE MY RIGHT TO ATTEND THIS SCHEDULED HEARING. I UNDERSTAND THAT HEARING WILL BE HELD IN MY ABSENCE.

COPY OF THIS FORM AND INFRACTION, WITH ATTACHMENTS, RECEIVED.

*refuse to sign* 12/7/07 1100 *[Signature]* 12/7/07 1100  
 OFFENDER/WITNESS SIGNATURE DATE TIME STAFF SIGNATURE DATE TIME



APPENDIX-D  
(Initial Serious Infraction)  
Report



MICC HEARINGS OFFICE CONFIDENTIAL SERIOUS INFRACTION REPORT

Date of Infraction 12/03/07	Offender Name (Last, First) Grantham, James	DOC Number 703436	Housing Assignment Segregation <b>FAIL</b>
Rule Violation #(s) 603,606			
Time Occurred Unk	Place of Incident (Be Specific) Community/Tacoma		Date Occurred Oct 2007
Witness (1) NA	Days Off	Witness (3) NA	Days Off
Witness (2) NA	Days Off	Witness (4) NA	Days Off

NARRATIVE

State a concise description of the details of the rule violations, covering all elements and answering the questions of When? Where? Who? What? Why? and How?; Describe any injuries, property damage, use of force, etc., attach all related reports. During the course of a HQ Special Investigation Unit (SIU) investigation of staff misconduct at MICC, information was received and evidence recovered that the staff member under investigation was introducing contraband into MICC. This staff member turned over one plastic bag of contraband to the SIU unit that contained two (2) large Top tobacco tins, five (5) cans of Grizzly chew tobacco, one (1) large bag of Gambler tobacco and one (1) jar of Folgers coffee. Inside the folger's jar was a package wrapped in plastic and duct tape that contained a green leafy substance that later tested positive for marijuana. The staff member who surrendered the package did not know the name of the person dropping off the package in Tacoma, but did have the phone number which was 253-905-0525. This number verified by phone records belongs to the brother of offender James Grantham DOC#703436. This type of drop off to this staff member had occurred on more than one occasion since June 2007. I, knowing offender Grantham's voice overheard offender Grantham tell his brother to buy the coffee and make sure he had it ready for Sunday, then asked his brother if he had gotten the other stuff. Offender Grantham and his brother talked about meeting people to complete deals in Tacoma. Offender Grantham's brother has been alerted on at least one time at MCC by the narcotic K-9.

This Infraction serves as both notice and summary of confidential Information

Reporting Staff Name (Last, First) (Print Name) Baxter, Steven		Shift 1st	Days Off S/S
Evidence Taken <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Evidence Case Number	Evidence Locker Number	Photo Submitted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Disposition Of Evidence (If Not Placed In Locker) Turned over to Pierce County sheriff's Office		Placed In Pre-Hearing Confinement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>NAME(S) OF ALLEGED VICTIMS OF THIS INCIDENT</b>			
Last, First 1)	Staff <input type="checkbox"/>	Volunteer/Visitor/Other <input type="checkbox"/>	Offender <input type="checkbox"/> DOC#
Last, First 2)	Staff <input type="checkbox"/>	Volunteer/Visitor/Other <input type="checkbox"/>	Offender <input type="checkbox"/> DOC#
RELATED REPORTS ATTACHED			
<input type="checkbox"/> Supplemental	<input type="checkbox"/> Background Memos		
<input type="checkbox"/> Staff Witness Statements	<input type="checkbox"/> Medical		
<input type="checkbox"/> Tele-Incident	<input type="checkbox"/> Use of Force		
<input type="checkbox"/> Other (Specify)			

Reporting Staff Signature 	Date 12/11/07
-------------------------------	------------------



# APPENDIX-E

(Public Disclosure Request)



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**INMATE'S KITE  
PAPELETA DE PETICION DEL RECLUSO**

INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
DOC-NUMBER / NUMERO 'DOC'	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
201116	F-111	10/15/07
DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE		
MURKIN RECLUSIVE (UNIT 111)		

Interpreter needed for \_\_\_\_\_ (language).

**REASON / QUESTION** Necesito intérprete para \_\_\_\_\_ (idioma).

RAZON / PREGUNTA

FOR THE MONTH OF OCTOBER 2007, CAN I GET  
 A COPY OF A PHONE CONVERSATION THAT WENT  
 LIKE THIS: "ASKING SOMEONE TO BUY THE COFFEE  
 AND MAKE SURE HE HAD IT READY FOR SUNDAY", THEN  
 ASKED THAT SOMEONE "IF HE HAD GOTTEN THE OTHER STUFF"  
 I WILL PAY FOR THIS TRANSCRIPT IF NEEDED. PLEASE  
 LET ME KNOW AGAIN FOR THE MONTH OF OCTOBER 2007.  
 THANKS

SIGNATURE / FIRMA	DAYS OFF / DIAS LIBRES
<i>[Handwritten Signature]</i>	

**RESPONSE  
RESPUESTA**

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RESPONDER / PERSONA QUE RESPONDE	DATE / FECHA

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps  
 Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelva al recluso con respuesta, ROSA-Se le  
 queda al recluso  
 DOC 21-473 E/S (7/2003) OCO

APPENDIX-F  
(Public Disclosure Request  
and Response)



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**INMATE'S KITE**  
**PAPELETA DE PETICION DEL RECLUSO**

INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
JAMES GRANHAM		
DOC NUMBER / NUMERO DOC	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
103426	F A 16	12/10/07
DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE		
PUBLIC DISCLOSURE (P.T.C.)		

Interpreter needed for \_\_\_\_\_ (language).

**REASON / QUESTION** Necesito intérprete para \_\_\_\_\_ (idioma).  
**RAZON / PREGUNTA**

Can I get a copy of all investigative reports made by Mr. Steve Rosta (C.I.U) confidential or otherwise that lead to the investigation of myself and all related documents concerning this investigation as well as all documents that lead Mr. Rosta to infract me for 603, 606 confidential or otherwise.

Thank you

SIGNATURE / FIRMA	DAYS OFF / DIAS LIBRES
James Granham	

**RESPONSE**  
**RESPUESTA**

RESPONDER / PERSONA QUE RESPONDE	DATE / FECHA

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps  
Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelva al recluso con respuesta, ROSA-Se le queda al recluso  
DOC 21-473 E/S (7/2003) OCO



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**PRISONS DIVISION**  
**MCNEIL ISLAND CORRECTIONS CENTER**

P.O. Box 88900 • MS: WT-01 • Steilacoom, Washington 98388-0900 • (253) 588-5281

December 27, 2007

**TO:** James Grantham, DOC 703436  
F-A-16  
**FROM:**  Judi Feliciano, Public Disclosure Secretary  
**SUBJECT: PUBLIC DISCLOSURE REQUEST LOG #1031**

This response is to acknowledge receipt of your request for the investigative reports made by Mr. Steve Baxter confidential and otherwise in regards to yourself.

Investigator Steve Baxter has no investigative reports concerning offender James Grantham.

Should you have any further questions, please feel free to send a written inquiry to the address listed above.

:jf 1008  
cc: Central File  
File

*"Working Together for SAFE Communities"*



# APPENDIX-G

(Disciplinary Hearing)

Minutes and Findings



Evidence#: PHOTOS/PI C 3081

CellTag: No

Hea D# 4745

FORM D

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

DISCIPLINARY HEARING MINUTES AND FINDINGS

OFFENDER NAME (LAST, FIRST) GRANTHAM, JAMES DOC NUMBER 703436

DATE OF HEARING 12/11/200 TIME OF HEARING 9:10 AM INFRACTION DATE 10/1/2007 WAIVED 24 HOURS NOTICE  YES  NO  
 WAIVED APPEARANCE  YES  NO

OFFENDER'S PLEA: GUILTY \_\_\_\_\_ NOT GUILTY 603 606

INTERPRETER:  YES  NO NAME: \_\_\_\_\_

STAFF ADVISOR:  YES  NO NAME: \_\_\_\_\_

COMPETENCY CONCERN:  YES  NO HEARING IMPAIRED:  YES  NO

WITNESS STATEMENT RETURNED:  YES  NO WITNESS STATEMENT DENIED:  YES  NO REASON: \_\_\_\_\_

SUMMARY OF TESTIMONY (LIST WITNESSES TESTIFYING)/EVIDENCE USED/FINDINGS/REASONS FOR CONTINUANCES, DECISIONS, AND SANCTIONS/ANY RELEVANT INFORMATION):

*Not guilty First on this infraction says the staff members were lying me anything. These staff member was messing with another inmate. Commit mr. Barber only about ten minutes. Copy of offender statement attached*

LIST EACH WAC 137-28 RULE VIOLATION SEPARATELY:

INFRACTION NO.	FINDING				REASON
	GUILTY	NOT GUILTY	DISMISSED	REDUCED	
<u>603</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Based on the infraction report, SIO investigator stating he identified the offender, voice making contact with his brother over the telephone to introduce contraband</i>
<u>606</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

SANCTION(S): 25 Day D/Seg CTS. Loss 90 Day C.C.T. Loss yard  
7 Day Custody Review

REASON FOR SANCTION(S): \_\_\_\_\_

RECOMMENDATIONS (Non-Sanction): \_\_\_\_\_

I HAVE RECEIVED A COPY OF THIS FORM

[Signature] OFFENDER OR STAFF WITNESS SIGNATURE DATE 12-12-07 TIME 0805

[Signature] HEARING OFFICER SIGNATURE DATE 12-12-07 TIME 0805

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, REW 42.17, and RCW 40.14.



APPENDIX-H  
(Appeal Response)



**INMATE COPY**

To <b>JAMES GRANTHAM</b>	Number <b>703436</b>	Date <b>12/20/07</b>
From <b>SEAN MURPHY</b>	Superintendent's Designee	

On 12/11/07 a DOC Hearing was held for the WAC violation(s) listed: 603, 606  
 The hearing officer found you guilty of committing one or more infractions and imposed the following  
**25 DAYS SEG/CREDIT TIME SERVED. 90 LOSS OF GCT. 7 DAYS LOSS OF YARD**  
 sanction (s): PRIVELEGES. REFER TO UNIT TEAM FOR CUSTODY REVIEW.

On 12/20/07 an appeal of this hearing was received from you in which you requested review of the  
 hearing officer's decision and /or sanction. DECISION AND SANCTION

You appealed:

- The finding(s) of guilt
- The sanction(s) imposed

In summary, your appeal states:

**THE HEARING OFFICER FOUND ME GUILTY BECAUSE THE INFRACTING OFFICER MR. STEVE BAXTER SAID HE OVERHEARD A CONVERSATION I HAD ON THE TELEPHONE (AND I STRESS MIGHT) AND WAS NOT PRODUCED AS EVIDENCE AT THE HEARING, AND I DID ASK FOR THIS RECORDING BEING THAT THIS RECORDING WAS THE BASIS FOR THE FINDING OF GUILT. THE HEARING OFFICER TOLD ME THAT THE INFRACTION WAS PREDICATED ON CONSPIRACY, BUT I WAS NOT WRITTEN UP FOR CONSPIRACY, AS YOU CAN SEE 603, 606 DOES NOT REFER TO ANY CONSPIRACY IN THE INFRACTION. THE INFRACTION REPORT IN THIS CASE FAILED TO ESTABLISH THE TRUTHFULNESS OF THE REPORTING OFFICER. REVERSE THE DECISION OF THE HEARING OFFICER DUE TO THE VIOLATION OF DUE PROCESS.**

In reviewing your appeal, I have made the following determination(s):

- The disciplinary hearing process was conducted in accordance with Due Process and WAC 137-28.
- At least 24 hours advance written notice was provided or you waived the 24 hour advance notice in writing/with witness.
- You were provided an opportunity to call witnesses and present documentary evidence on your behalf. If witness(es) were denied, the Hearing Officer provided you with written reason(s) for the denial.
- The finding was made by an impartial (not viewed as biased or having witnessed the incident being heard) Hearing Officer.
- A written statement of the finding(s) and sanction(s) imposed was provided to you and includes the evidence relied on and the reason(s) for the decision.
- Sanction(s) are in accordance with Presumptive Sanction Guidelines WAC 137-28.

If confidential information was submitted, I have confirmed:

- The Hearing Officer made an independent determination regarding reliability of the confidential source(s), credibility of the information and, safety concerns that justify non-disclosure of the confidential source(s) of information.
- The above information was documented on DOC form 21-962, Confidential Information Review Checklist.

On behalf of the Superintendent, I have investigated your appeal and find that:

DOCUMENTS REPORT THAT .SED ON THE INFRACTION REPORT, ( ICERS STATEMENT, SIU INVESTIGATOR STATING HE IDENTIFIED THE OFFENDERS VOICE MAKING TRANSACTION WITH HIS BROTHER OVER THE TELEPHONE TO INTRODUCE CONTRABAND. I HAVE REVIEWD YOUR APPEAL AND FIND THAT THE SANCTIONS ARE IN ACCORDANCE WITH WAC 603; POSSESSION, INTRODUCTION, USE OR TRANSFER OF ANY NARCOTIC, CONTROLLED SUBSTANCE, ILLEGAL DRUG, UNAUTHORIZED DRUG, MIND ALTERING SUBSTANCE, OR DRUG PARAPHERNALIA; 606; POSSESSION, INTRODUCTION, OR TRANSFER OF ANY TOBACCO, TOBACCO PRODUCTS, MATCHES, OR TOBACCO PARAPHERNALIA. YOU HAVE PROVIDED NO NEW EVIDENCE OR STATEMENTS THAT WOULD CASUE A CHANGE IN THE FINDING OF GUILT. I CONCUR WITH THE DECISION AND SANCTION(S) OF THE HEARINGS OFFICER.

---

- You were found guilty as explained above;
- There was insufficient evidence for a finding of guilt as explained below;
- A procedural error occurred as explained below;
- The sanction was appropriate, and you were provided with the Hearing Officer's written report;

AND THEREFORE, the decision of the Hearing Officer is:

---

- Affirmed
- Remanded for a new hearing. (You will be notified of the hearing date).
- Reversed
- Modified as follows:

*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.*