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FILED
Jun 15, 2016
Court of Appeals
Division I
State of Washington

No. 94971-9

NO. 74899-8-I

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

In re the Personal Restraint Petition of:

DEREK E. GRONQUIST,

Petitioner.

RESPONSE OF THE
DEPARTMENT OF
CORRECTIONS

Respondent, the Department of Corrections (Department or DOC), responds to Gronquist’s personal restraint petition pursuant to RAP 16.9.

Gronquist argues the Department miscalculated his maximum expiration date, arguing that when the Department calculated his earned early release credits it failed to reset his confinement maximum expiration date.

But Gronquist’s maximum expiration date is not dependent on his earned release date or rate at which he earns those credits. The maximum expiration date is calculated according to the judgment and sentence and is a fixed term. Gronquist’s maximum expiration date is correct.

I. BASIS OF CUSTODY

Gronquist is serving an exceptional sentence for three counts of sexually motivated attempted first degree kidnapping, committed in December 1993. Exhibit 1, Judgment and Sentence, *State v. Gronquist*, King County Superior Court Cause No. 93-1-00121-1 at 1. He is in state

custody at the Washington State Penitentiary in Walla Walla County. Exhibit 2, Legal Face Sheet, at 1 (showing location as WSP). The trial court (the Honorable George Mattson) sentenced him to three consecutive terms of 114-months for a total of 342 months of confinement and two years of community placement. Exhibit 1, at 3 and Appendix H; Exhibit 3, Order Amending Judgment and Sentence, *State v. Gronquist*, King County Superior Court Cause No. 93-1-00121-1. His early release date was June 14, 2013. Exhibit 2, at 1 (showing “ERD: 06/14/2013”). His prison term maximum expiration date is May 31, 2022. Exhibit 2, at 1 (showing “Prison Max Expiration Date”).

II. STATEMENT OF THE CASE

Gronquist was convicted by jury verdict of sexually motivated attempted first degree kidnapping, committed in December 1993. Exhibit 1, at 1. Gronquist received an exceptional consecutive sentence of 114-months confinement on each count of attempted-first degree kidnapping, with a deadly weapon. Exhibit 1, at 2-3, 7.

Gronquist was transferred to the Department’s custody to begin serving his sentence on February 28, 1995. Exhibit 4, OMNI Sentence Information Screen, (Cause AB – “Time Start Date – 02/28/1995”). The Department credited Gronquist’s first count with 453 days presentence credits. Exhibit 4, (Cause AB – Cause Credits). Each 114 month prison

sentence ordered by the court is 3,469 days long. Exhibit 4, (+Length In Days – 3,469).

Gronquist's earned release date is the date calculated utilizing his earned release credits. Gronquist earned early release credits at the rate of 33 percent. Exhibit 4, (ERT% - 33.33%). The maximum expiration date is the maximum sentence imposed by the Superior Court which is three consecutive 114 months of confinement. This date does not change based on early release credits.

Gronquist's three 114-month sentences equate to 10,407 days. Subtracting 453 presentence credits, leaves 9,954 days. Adding 9,954 days (the total sentence ordered in the judgment and sentence) to Gronquist's start date of February 28, 1995, results in a maximum expiration date of May 31, 2022¹. This is the date calculated by the Department. Exhibit 4 (Offender Overall MaxEx "05/31/2022").

Broken down by count, the Department credited Gronquist's first 3,469 day sentence with a total of 453 presentence credits. Exhibit 4. Subtracting 453 days from 3,469 leaves 3,016 days to serve on Gronquist's first count per the judgment and sentence. Adding 3,016 days to Gronquist's start date of February 28, 1995 results in a maximum expiration date of June 2, 2003. This is the maximum date Gronquist

¹ www.timeanddate.com/date/dateadded.html

could be required to serve in prison on the first 114-month (3,469 day) sentence. This date, June 2, 2003, is the date Gronquist would be released but for his consecutive counts. Gronquist's second maximum expiration date is calculated from the maximum expiration date of his first confinement term. Adding 3,469 days to June 2, 2003 results in a maximum expiration date of November 30, 2012. The maximum expiration date for count three is calculated by adding 3,469 days to the maximum expiration date from count two. This results in a maximum expiration date on count three of May 31, 2022.

Gronquist is correct that restoration of good time credits affected the start time of his consecutive counts. *See* Opening Brief, at 7 & Exhibit 9. This is because earned release credits determine the date he is released *early* from his sentence. *See* Opening Brief, Exhibit 9 (Showing ERD – Earned Release Date). In this case, Gronquist was not released from confinement but was released to his second consecutive count on the early release date. *See* Opening Brief, at Exhibit 18. Restoration of good time credits does not change the maximum expiration date, which is the sentence ordered by the Court. Good time credits only change the earned release date, not the maximum expiration date, which is at issue in this Petition.

To date, Gronquist remains incarcerated past his *earned early release* date due to the lack of a viable release address. Exhibit 5, *In re Gronquist*, Court of Appeals Cause No. 70333-1-I; Exhibit 6, OMNI Chrono; Exhibit 7, Offender Release Plan, at 3 (Counselor Outside Origin Comments). Gronquist will remain confined until May 21, 2022, after completing the entire 342 month sentence ordered by the Superior Court, if he is unable to obtain an approved release address.

III. ISSUES PRESENTED

Is the Department correctly calculating Gronquist's maximum expiration date?

IV. STANDARD OF REVIEW

A petitioner who challenges a decision from which he has had "no previous or alternative avenue for obtaining state judicial review" must show that he is under restraint and the restraint is unlawful. *In re Pers. Restraint of Cashaw*, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4(a), (c). Under RAP 16.4, a petitioner may obtain relief by showing either a constitutional violation or a violation of state law. RAP 16.4(c)(2), (6); *see Cashaw*, at 148. Further, in challenges to a prison's time-credit calculations, it is a petitioner's burden to show that the DOC's actions were so arbitrary and capricious as to deny the petitioner a fundamentally fair proceeding so as to work to the offender's prejudice. *Cf. In re Grantham*,

168 Wn.2d 204, 215, ¶ 13, 227 P.3d 285 (2010) (declining to reverse a prison discipline decision).

A petitioner must set forth a statement of “the facts upon which the claim of unlawful restraint of petitioner is based and the evidence available to support the factual allegations, . . . [and] why the petitioner’s restraint is unlawful for one or more of the reasons specified in rule 16.4(c).” RAP 16.7(a)(2). However, bare assertions and conclusory allegations of constitutional violations are insufficient to support a personal restraint petition. *In re Pers. Restraint of Rice*, 118 Wn.2d 876, 886, 828 P.2d 1086, *cert. denied*, 113 S. Ct. 421 (1992).

V. ARGUMENT

A. The Department is Correctly Calculating Gronquist’s Release Based on Three Consecutive 114-Month Sentences

Gronquist argues that when the Department recalculated his earned release time following this Court’s decision in *In re Smith & Gronquist*, 139 Wn.2d 199, 986 P.2d 131 (1992), these recalculations should have resulted in a new maximum expiration date. But Gronquist confuses his earned release date with his maximum expiration date. The percentage by which Gronquist earns release credits has no effect on his maximum expiration date. This is because the maximum expiration date is the sentence imposed, without earned early release credits.

In the case of consecutive sentences, “*all periods of total confinement shall be served*” before any partial confinement, community supervision or other conditions of any sentence. *See* RCW 9.94A.589(5)² (emphasis added); *see also State v. Israel*, 113 Wn. App. 243, 54 P.3d 1218 (2002) (First-degree kidnapping is a serious violent offense within the meaning of the statute requiring consecutive sentences for serious violent offenses.).

Thus, should Gronquist serve the maximum sentence ordered by the Court, he will serve three consecutive 114-month sentences (or 10,407 days). The Department credited Gronquist’s first Cause AB with 453 days, leaving 9,954 days. Exhibit 4. The Department’s calculation of Gronquist’s maximum expiration date of May 31, 2022³ is 9,954 days from his start date of February 28, 1995. Exhibit 4; *see also* Opening Brief, at Exhibit 16 & Exhibit 20.

The Department’s calculation of Gronquist’s maximum expiration date is correct. The Court should dismiss the petition.

² Formerly RCW 9.94A.400, recodified as RCW 9.94A.589 pursuant to Laws of 2001 ch. 10, § 6.

³ www.timeanddate.com/date/dateadded.html

VI. CONCLUSION

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

RESPECTFULLY SUBMITTED this 15th day of June, 2016.

ROBERT W. FERGUSON
Attorney General

s/ Mandy L. Rose
MANDY L. ROSE, WSBA #38506
Assistant Attorney General
Corrections Division OID #91025
PO Box 40116
Olympia WA 98504-0116
(360) 586-1445
MandyR@atg.wa.gov

CERTIFICATE OF SERVICE

I certify that I caused to be served a copy of the RESPONSE OF THE DEPARTMENT OF CORRECTIONS on all parties or their counsel of record on the date below as follows:

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

TO:

DEREK E. GRONQUIST DOC #943857
WASHINGTON STATE PENIENTIARY
1313 NORTH 13TH AVENUE
WALLA WALLA WA 99362

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

EXECUTED this 15th day of June, 2016, 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

2

EMH/DNA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

DEREK EUGENE GRONQUIST

Defendant.

No. 93-1-00121-1

JUDGMENT AND SENTENCE FILED KING COUNTY WASHINGTON

FEB 17 1995

SUPERIOR COURT CLERK

RECEIVED COURT TO BERRY SWAN

LET TO SENTENCING COMMISSION'S COMMISSION FEB 18 1995

I. HEARING

1.1 The defendant, the defendant's lawyer, JENNIFER JEAN [unclear] and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: C.C.O. KATY

DOCUMENTS, VICTIMS, BROTHER, SISTER & TANGUIN FAMILIES ARE PRESENT.

1.2 The state has moved for dismissal of count(s) _____

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report(s) and case record to date, and there being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on (date): 5-6-94 by jury verdict of:

Count No.: I Crime: ATTEMPTED KIDNAPPING 1ST DEGREE
RCW 9A.40.020(1)(B) Crime Code 00616
Date of Crime 12-6-93 Incident No.

Count No.: II Crime: ATTEMPTED KIDNAPPING 1ST DEGREE
RCW 9A.40.020(1)(B) Crime Code 00616
Date of Crime 12-7-93 Incident No.

Count No.: III Crime: ATTEMPTED KIDNAPPING 1ST DEGREE
RCW 9A.40.020(1)(B) Crime Code 00616
Date of Crime Incident No.

Additional current offenses are attached in Appendix A.

SPECIAL VERDICT/FINDING(S):

- (a) A special verdict/finding for being armed with a deadly weapon was rendered on Count(s): _____
- (b) A special verdict/finding was rendered that the defendant committed the crime(s) with a sexual motivation in Count(s): I, II, III
- (c) A special verdict/finding was rendered for Violation of the Uniform Controlled Substances Act offense taking place in a school zone in a school on a school bus in a school bus route stop zone in a public park in public transit vehicle in a public transit stop shelter in Count(s): _____
- (d) Vehicular Homicide Violent Offense (D.W.I. and/or reckless) or Nonviolent (disregard safety of others)
- (e) Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score (RCW 9A.400(1)(a)) are: _____

2.2 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): _____
(Current offenses not listed here are not encompassed)

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

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
(a) KIDNAPPING 1ST DEG. IND LTR	9-15-88	ADULT	881014066	KING
(b)				
(c)				
(d)				

- Additional criminal history is attached in Appendix B.
- Prior convictions (offenses committed before July 1, 1986) served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(6)(a)):
- One point added for offense(s) committed while under community placement for count(s):

2.4 SENTENCING DATA:

OFFENDER SCORE	SERIOUSNESS LEVEL	RANGE	MAXIMUM TERM
Count I : 8	X	66-75	10 YRS AND/OR \$20,000
Count II : 0	X	38-25 TO 51 MONTHS	10 YRS AND/OR \$20,000
Count III : 0	X	38-25 TO 51 MONTHS	10 YRS AND/OR \$20,000

Additional current offense sentencing data is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

- Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) I.
- Findings of fact and conclusion(s) are attached in Appendix D.

III. JUDGMENT

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.
 The Court DISMISSES Count(s) _____

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION AND VICTIM ASSESSMENT:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.
- Restitution to be determined at future hearing on (Date) April 13, 1998 at 8:30 a.m. Date to be set.
- Defendant waives presence at future restitution hearing(s).

Defendant shall pay \$100 Victim Assessment, pursuant to RCW 7.68.035.

* Trust fees waived
 4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) \$ _____ Court costs; Court costs are waived;
- (b) \$ _____ Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104; Recoupment is waived (RCW 10.01.160);
- (c) \$ _____ Fine; \$1,000, Fine for VUCSA; \$2,000, Fine for subsequent VUCSA; VUCSA fine waived (RCW 69.50.430);
- (d) \$ _____ King County Interlocal Drug Fund; Drug Fund payment is waived;
- (e) \$ _____ State Crime Laboratory Fee; Laboratory fee waived (RCW 43.43.690);
- (f) \$ _____ Incarceration costs; Incarceration costs waived (9.94A.145(2));
- (g) \$ _____ Other cost for: _____

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ _____. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:
 Not less than \$ _____ per month; On a schedule established by the defendant's Community Corrections Officer. _____
 The defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from date of sentence or release from confinement to assure payment of financial obligations.

4.2 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing immediately; (Date): _____ by _____ m.

114 months/days on Count No. I
114 months/days on Count No. II
114 months/days on Count No. III

The terms in Count(s) No. I, II, III are ~~concurrent~~ consecutive.
The sentence herein shall run concurrently/consecutively with the sentence in cause number(s) _____ but consecutive to any other cause not referred to in this Judgment.

Credit is given for 396 days served days as determined by the King County Jail solely for conviction under this cause number pursuant to RCW 9.94A.120(13). *407 days served*

4.3 NO CONTACT: For the maximum term of 50 years, defendant shall have no contact with _____
Violation of this no contact order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest. *FAMILY*
any assault or reckless endangerment that is a violation of this order is a felony.

4.4 BLOOD TESTING: (sex offense, violent offense, prostitution offense, drug offense associated with the use of hypodermic needles) Appendix G is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence.

4.5 COMMUNITY PLACEMENT: Community Placement is ordered for sex offense, serious violent offense, second degree assault, deadly weapon finding, Chapter 69.50 or 69.52 RCW offense, and standard mandatory conditions are ordered. Community placement is ordered for the maximum period of time provided by law. Appendix H (for additional conditions) is attached and incorporated by reference in this Judgment and Sentence.

4.6 WORK ETHIC CAMP: The court finds that the defendant is eligible for work ethic camp and is likely to qualify under Sec. 4(3), Chap. 338, Laws of 1993 and the Court recommends that the defendant serve the sentence at a work ethic camp. If the defendant successfully completes the program, the Department of Corrections shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. Upon completion of the work ethic camp program, the defendant shall be released on community custody for any remaining time of total confinement.

4.7 SEX OFFENDER REGISTRATION (sex offender crime conviction): Appendix J is attached and incorporated by reference into this Judgment and Sentence.

4.8 OTHER: _____

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

Date: FEBRUARY 17, 1995
~~February 17, 1994~~

Presented by:
TJ ZELAND
Deputy Prosecuting Attorney,
Office WSBA ID #91002

[Signature]
Judge, King County Superior Court
Approved as to form:
[Signature]
Attorney for Defendant, WSBA # 17306
Suzanne Shaw

FINGERPRINTS



RIGHT HAND
FINGERPRINTS OF:

DEREK EUGENE GRONQUIST

DEFENDANT'S SIGNATURE: [Signature]
DEFENDANT'S ADDRESS: DOC

DATED 17 February 1995

JUDGE KING COUNTY SUPERIOR COURT

ATTESTED BY:
M. JANICE MICHELS, SUPERIOR COURT CLERK
BY: Anne C. Smart
DEPUTY CLERK

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

PAGE 4 - FINGERPRINTS

OFFENDER IDENTIFICATION

~~CRIMINAL NO. _____~~

DATE OF BIRTH: _____

SEX: M

RACE: WHITE

FAX HIV/DNA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

DEREK EUGENE GRONQUIST

Defendant.

No. 93-1-00121-1

APPENDIX G
ORDER FOR BLOOD TESTING
AND COUNSELING

(1) HIV TESTING AND COUNSELING:

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense committed after March 23, 1988. RCW 70.24.340):

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 296-4848 to make arrangements for the test to be conducted within 30 days: *at court to be set*

(2) DNA IDENTIFICATION:

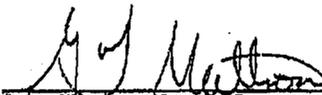
(Required for defendant convicted of sexual offense or violent offense. RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention and/or the State Department of Corrections in providing a blood sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 4:00 p.m. to make arrangement for the test to be conducted within 15 days: *at time to be set by the court per further order.*

If both (1) and (2) are checked, two independent blood samples shall be taken.

Date:

~~August 19, 1994~~
February 17, 1995


Judge, King County Superior Court

APPENDIX G

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

DEREK EUGENE GRONQUIST

Defendant.

No. 93-1-00121-1

APPENDIX H
COMMUNITY PLACEMENT

The Court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT: Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after 1 July 1990 to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150(1) and (2) whichever is longer and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

(a) MANDATORY CONDITIONS: Defendant shall comply with the following conditions during the term of community placement:

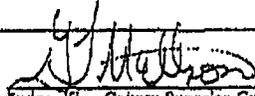
- (1) Report to and be available for contact with the assigned community corrections officer as directed;
- (2) Work at Department of Corrections-approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay community placement fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location; and
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision or both. (RCW 9.94A.120(13))

WAIVER: The following above-listed mandatory conditions are waived by the court:

(b) OFF-LIMITS ORDER (SODA): The Court finds that the defendant is a known drug trafficker as defined in RCW 10.66.010(3) who has been associated with drug trafficking in an area described in Attachment A. Attachment A is incorporated by reference into the Judgment and Sentence and the Court also finds that the area described in Attachment A is a Protected Against Drug Trafficking area (PADT). As a condition of community placement, the defendant shall neither enter nor remain in the PADT area described in Attachment A.

(c) OTHER CONDITIONS: Defendant shall comply with the following other conditions during the term of community placement: SEE ATTACHED SENTENCES

Date: February 13, 1995
~~February 15, 1994~~
APPENDIX H - COMMUNITY PLACEMENT


Judge, King County Superior Court

PLEA AGREEMENT / TRIAL

Defendant: Greenquist Date: _____
Cause No: 93-1-100121-1
Or Plea To: As Charged
317 V.I.C. - 2nd T.T. - 5th of 7 months
Sub. No. 100121-1-5549 102

Special Finding: Verdict Deadly-Weapon (RCW 9.94.125); School Zone-VUCSA (RCW 69.50) on Count(s) 1-11

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is indicated above and as follows:

1. DISMISS: Upon disposition of Count(s) _____ the State moves to dismiss Count(s): _____
2. REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES: In accordance with RCW 9.94A.370, the parties have stipulated that the court, in sentencing, may consider as real and material facts information as follows:
 - as set forth in the certification(s) of probable cause filed herein.
 - as set forth in the attached Appendix C.
3. RESTITUTION: Pursuant to RCW 9.94A.140(2), the defendant agrees to pay restitution as follows:
 - in full to the victim(s) on charged counts.
 - as set forth in attached Appendix C.
4. OTHER: 5.5.02.6. (D) 5.5.02.2 State Reimbursement, court
only 2 months of probation as fair and just

5. SENTENCE RECOMMENDATION:

- a. The defendant agrees to the foregoing Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation.
- b. The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, and the State makes no agreement with regards to a sentencing recommendation and may make a sentencing recommendation for the full penalty allowed by law.

Maximum on Count 1-11 is not more than 0 years and/or \$2000 fine.
 Maximum on Count _____ is not more than _____ years and/or \$ _____ fine.
 Mandatory Minimum Term (RCW 9.94A.120(4) only): _____
 Mandatory license revocation RCW 46.20.285
 Ten years jurisdiction and supervision for monetary payments. RCW 9.94A.120d(9).

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new crimes, fails to appear for sentencing or violates the conditions of his release.

Defendant

Deputy Prosecuting Attorney

Attorney for Defendant

Judge, King County Superior Court

GENERAL SCORING FORM
Serious Violent Offenses with a Sexual Motivation Finding

Use this form only for the following offenses: Assault 1, Homicide by Abuse, Kidnapping 1, Murder 1, and Murder 2.

OFFENDER'S NAME D-ROK E GROGAN	OFFENDER'S DOB [REDACTED]	STATE ID# CA 14087460
JUDGE	CAUSE # 99-00 (21-1)	FBI ID #

ADULT HISTORY: (If the prior offense was committed before 7/1/88, count prior adult offense served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/88, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9A.400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions 1 x 3 = 3
 Enter number of other serious violent felony convictions 1 x 3 = 3
 Enter number of other violent felony convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

JUVENILE HISTORY: (Adjudications entered on the same date count as one offense, except for violent offenses with separate victims)

Enter number of sex offense adjudications _____ x 3 = _____
 Enter number of other serious violent felony adjudications _____ x 3 = _____
 Enter number of other violent felony adjudications _____ x 2 = _____
 Enter number of other nonviolent felony adjudications _____ x 1/2 = _____

OTHER CURRENT OFFENSES: (Those offenses not encompassing the same criminal conduct)

Enter number of other sex offense convictions _____ x 3 = _____
 Enter number of other serious violent felony convictions _____ x 3 = _____
 Enter number of other violent felony convictions _____ x 2 = _____
 Enter number of other nonviolent felony convictions _____ x 1 = _____

STATUS AT TIME OF CURRENT OFFENSE:

If on community placement at time of current offense, add 1 point + 1 = _____

Add the scores in each category **TOTAL OFFENDER SCORE** **6**
 (round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

<u>47</u>	<u>X</u>	<u>6</u>	<u>125</u>	TO	<u>975</u>
CURRENT OFFENSE BEING SCORED	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW	STANDARD SENTENCE RANGE	HIGH

- * Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
- * Add 24 months to the standard range if the current offense is Kidnapping 1 and includes a deadly weapon finding.

GENERAL SCORING FORM
Serious Violent Offenses with a Sexual Motivation Finding

Use this form only for the following offenses: Assault 1, Homicide by Abuse, Kidnapping 1, Murder 1, and Murder 2.

OFFENDER'S NAME Dalek E CORAQUET	OFFENDER'S DOB [REDACTED]	STATE ID# WA 1408746 B
JUDGE	CHARGE # 97-00126-1	FBI ID #

ADULT HISTORY: (If the prior offense was committed before 7/1/80, count prior adult offenses served concurrently as one offense; those served consecutively are counted separately. If both current and prior offenses were committed after 7/1/80, count all convictions separately, except (a) priors found to encompass the same criminal conduct under RCW 9A4A400(1)(a), and (b) priors sentenced concurrently that the current court determines to count as one offense.)

Enter number of sex offense convictions x 3 = _____
 Enter number of other serious violent felony convictions x 3 = _____
 Enter number other violent felony convictions x 2 = _____
 Enter number of other nonviolent felony convictions x 1 = _____

JUVENILE HISTORY: (Adjudications entered on the same date count as one offense, except for violent offenses with separate victims)

Enter number of sex offense adjudications x 3 = _____
 Enter number of other serious violent felony adjudications x 3 = _____
 Enter number of other violent felony adjudications x 2 = _____
 Enter number of other nonviolent felony adjudications x 1/2 = _____

OTHER CURRENT OFFENSES: (These offenses not encompassing the same criminal conduct)

Enter number of other sex offense convictions x 3 = _____
 Enter number of other serious violent felony convictions x 3 = _____
 Enter number of other violent felony convictions x 2 = _____
 Enter number of other nonviolent felony convictions x 1 = _____

STATUS AT TIME OF CURRENT OFFENSES:

If on community placement at time of current offense, add 1 point + 1 = _____

Add the scores in each category **TOTAL OFFENDER SCORE** 0
 (round down to the nearest whole number)

STANDARD SENTENCE RANGE CALCULATION*

CF II **CF III**

<u>09 Kidnaping 1^o</u>	<u>X</u>	<u>0</u>	<u>38.25</u> to <u>51 months</u>
CURRENT OFFENSE BRING SCORES	SERIOUSNESS LEVEL	OFFENDER SCORE	LOW STANDARD SENTENCE RANGE HIGH
<u>CF III Same Range as CF II</u>			

* Multiply the range by .75 if the current offense is an attempt, conspiracy, or solicitation.
 * Add 24 months to the standard range if the current offense is Kidnapping 1 and includes a deadly weapon finding.

**APPENDIX B TO PLEA AGREEMENT
PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY
(SENTENCING REFORM ACT)**

Defendant: Derek E. Geedigkeit Date: 13 Dec 1993

CRIME	DATE OF CONVICTION	PLACE OF CONVICTION	DISPOSITION (Probation and/or incarceration and length) SRA -- Counts as Prior
-------	--------------------	---------------------	--

ADULT FELONIES:

1. 9-15-88	Kidnaping 1 st off	independent IR center	probation 12 months
2. 12-2-93	AD Kidnaping 1 st off	independent IR center	probation 12 months

ADULT MISDEMEANORS:

1. 1-1-84	conspicuous	independent IR center	probation 12 months
-----------	-------------	-----------------------	---------------------

JUVENILE FELONIES:

JUVENILE MISDEMEANORS:

Deputy Prosecuting Attorney

King County Prosecuting Attorney

STATE'S SENTENCE RECOMMENDATION
(SEXUAL OFFENDER)

Defendant: Derek F. Gronquist Date: 6/16/99
Cause No: 93-1-012-1

State recommends the defendant be sentenced to a term of total/partial confinement in King County Jail

Department of Corrections as follows:

Count I 10 months/years Count IV _____ months/years.
Count II 10 months/years Count V _____ months/years.
Count III 10 months/years Count VI _____ months/years.

with credit for time served as provided under RCW 9.94A.120(12). Terms on each count to run concurrently with each other. Terms to be served concurrently/consecutively with: _____
Terms to be consecutive to any other term(s) not specifically referred to in this form.

- SENTENCE MODIFICATION: State recommends modification of community supervision on King County Cause Number(s) _____ and recommends that terms be run concurrently/consecutively.
 State will consider recommending the Special Sex Offender Sentencing Alternative RCW 9.94A.A.120(7)(a) after reviewing evaluation of the defendant.

NO CONTACT: For the maximum term, defendant have no contact with victims

- MONETARY PAYMENTS: The defendant shall make the following monetary payments under the supervision of the Department of Corrections (RCW 9.94A.120(11)) within 10 years:
a. Restitution as set forth on attached page entitled "Plea Agreement/Trial" and Appendix C.
b. Pay Costs, mandatory \$100 Victim Penalty Assessment, recoupment of cost of defense attorney fees, if appointed.
c. Pay a fine of \$ _____
e. Other _____

COMMUNITY PLACEMENT: For any sex offense (committed after 1 July 1988) defendant be on a community placement on conditions set forth in RCW 9.94A.120 8(b) and the following conditions under 8(c): _____

- HIV TESTING: State recommends HIV testing and counseling.
 EXCEPTIONAL SENTENCE: This is an exceptional sentence, and the substantial and compelling reasons for departing from the presumptive sentence range are set forth on the attached form.

Approved by: _____
Deputy Prosecuting Attorney

King County Prosecuting Attorney
White Copy: Court
Canary Copy: Defense
Pink Copy: Prosecutor

JUSTIFICATION FOR EXCEPTIONAL SENTENCE
(SENTENCING REFORM ACT)

Defendant: Derek Cronquist

Date: 6/16/94
Cause No: 93-1-0021-1

The substantial and compelling reasons for departing from the presumptive sentencing range in this case are:

- 1) Statutory aggravating factor of obvious unfitness
 - 2) future dangerousness
 - 3) victim vulnerability
- may follow



Deputy Prosecuting Attorney

Approved by:

Chief Deputy, Criminal Division

King County Prosecuting Attorney

Exhibit 2

Inmate: GRONQUIST, Derek Eugene (943857)

Gender: Male	DOB: [REDACTED]	Age: 51	Category: Regular Inmate	Body Status: Active Inmate
RLC: LOW	Wrap-Around: No	Comm. Concern: Yes	Custody Level: Close	Location: WSP-Main — B / BB3051L
ERD: 06/14/2013	ICOTS Victim Sensitive: Yes			CC/CCO: Mccoy, Joann

Offender Information (Combined)

Prison Max Expiration Date:	05/31/2022	Last Static Risk Assessment Date:	05/29/2013	DOSA:
Planned Release Date:		Last Offender Need Assessment Date:	06/01/2015	ISRB? No
Earned Release Date:	06/14/2013	RLC Override Reason:		CCB? No
ESR Sex Offender Level:	Level 3			SOSSA? No
ESR Sex Offender Level Date:	12/05/2012	Offender Release Plan:		Investigation WEP? No
County Sex Offender Level:		Victim Witness Eligible?		Yes
Registration Required?	Yes	County Of First Felony Conviction:		King
ORCS?	No	P U L H E S D X T		
IDCNF?	No			
SMICNF?	No			

Sentence Structure (Inmate)

Cause: AA - 881014066 - King

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Derek Gronquist	09/15/1988	
Time Start Date:	Confinement Length:	Earned Release Date:	
09/15/1988	0Y, 68M, 0D	02/04/1992	

Count: 1 - RCW 9A.40.02A - Kidnapping 1

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 68M, 0D	33.33%	02/04/1992	11/14/1993	Life	Yes
Supervision Type:	Supervision Length:	Consecutive Count:						Hold To Stat Max Expiration:	
MON	0Y, 0M, 0D								

Count: 2 - RCW 9A.44.10B - Indecent Liberties (without Forcible Compulsion)

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 14M, 0D	33.33%	01/14/1989	05/16/1989	03/16/1998	No

EXHIBIT 2

Supervision Type: MON
 Supervision Length: 0Y, 0M, 0D
 Consecutive Count:
 Hold To Stat Max Expiration:

Cause: AB - 931001211 - King

State: Washington
 Convicted Name: Derek Gronquist
 Date Of Sentence: 02/17/1995
 Consecutive Cause:
 Time Start Date: 02/28/1995
 Confinement Length: 0Y, 114M, 0D
 Earned Release Date: 08/10/2000

Count: 1 - RCW 9A.40.020 - Kidnapping 1

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
Attempt				0Y, 114M, 0D	33.33%	08/10/2000	04/05/2016	10/04/2020	Yes

Supervision Type: CP
 Supervision Length: 0Y, 24M, 0D
 Consecutive Count:
 Hold To Stat Max Expiration:

Cause: AC - 931001211 - King

State: Washington
 Convicted Name: Derek Gronquist
 Date Of Sentence: 02/17/1995
 Consecutive Cause: AB - 931001211 - King
 Time Start Date: 08/10/2000
 Confinement Length: 0Y, 114M, 0D
 Earned Release Date: 02/04/2007

Count: 1 - RCW 9A.40.020 - Kidnapping 1

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
Attempt				0Y, 114M, 0D	33.33%	02/04/2007	04/10/2019	03/31/2024	Yes

Supervision Type: CP
 Supervision Length: 0Y, 24M, 0D
 Consecutive Count:
 Hold To Stat Max Expiration:

Cause: AD - 931001211 - King

State: Washington
 Convicted Name: Derek Gronquist
 Date Of Sentence: 02/17/1995
 Consecutive Cause: AC - 931001211 - King
 Time Start Date: 02/04/2007
 Confinement Length: 0Y, 114M, 0D
 Earned Release Date: 06/14/2013

Count: 1 - RCW 9A.40.020 - Kidnapping 1

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
Attempt				0Y, 114M, 0D	33.33%	06/14/2013	05/31/2022	02/02/2021	Yes

Supervision Type: CP
 Supervision Length: 0Y, 24M, 0D
 Consecutive Count:
 Hold To Stat Max Expiration:



EXHIBIT 3

RECEIVED

DEC 09 2009

WCC RECORDS

FILED

09 DEC -3 PM 1:04

KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

CERTIFIED
COPY

943857

RECEIVED
DEC 21 2009
WSP/MSR RECORDS

CERTIFIED COPY TO COUNTY JAIL / DOC DEC 03 2009

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 93-1-00121-1

vs.

DEREK GRONQUIST,

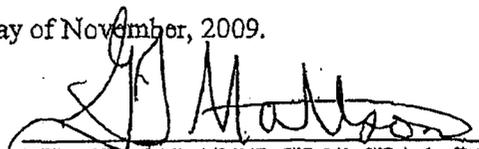
Defendant.

ORDER AMENDING JUDGMENT
AND SENTENCE

THIS MATTER having come on regularly before the undersigned judge of the above-entitled court upon the motion of the State of Washington, plaintiff, for an order amending the Judgment and Sentence entered on February 17, 1995, in the above entitled cause, and the court being fully advised in the premises; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Judgment and Sentence is amended to provide that the total term of confinement of 342 months plus the term of community custody may not exceed the statutory maximum of 360 months for the three consecutive sentences imposed in this case.

DONE IN OPEN COURT this 30 day of November, 2009.


THE HONORABLE GEORGE MATTSO

Presented by:


ANN SUMMERS, WSBA # 21509
Deputy Prosecuting Attorney

SCANNED

ORDER AMENDING JUDGMENT AND SENTENCE

Daniel T. Satterberg, Prosecuting Attorney
Norm Mateng Regional Justice Center
401 Fourth Avenue North
Kent, Washington 98032-4429

EXHIBIT 4

Washington State Department of Corrections

Offender Management Network Information

DOC No.: 943857 Go

Home Assignments Offender Facility Search Administration
Inmate: GRONQUIST, Derek Eugene (943857)

View J & S - Prison
DOB: [Redacted]
Age: 51
Category: Regular Inmate
Body Status: Active Inmate
Location: WSP-Main - B / 8B3051L
Custody Level: Close
CC/CCD: NICKOV, Joann

View J & S - Prison
Period of Jurisdiction: 09/23/1988 - Current
Display: [] Include Closed Causes [] Enable Scrolling

Sentence Drilldown:
Cause Count & Confinement Element []
ERP Calculations []
Out Time []
StatEx Calculations []

Sanctions
Maintain View Update Modify J & S Cancel Modify Delete View J & S Versions Copy Count Add Cause Add Count Add Out Time

Table with columns: Cause, Count, Confinement Element, Consecutive Confinement, Status, Length, Time, Start Date, End Date, MaxEx, Length In Days, Cause Credits, Out Time, Stoppage Time, Stat Max.

Sanctions
Maintain View Update Modify J & S Cancel Modify Delete View J & S Versions Copy Count Add Cause Add Count Add Out Time

EXHIBIT 5

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

In the Matter of the Personal)	
Restraint of)	No. 70333-1-I
)	
)	ORDER OF DISMISSAL
DEREK E. GRONQUIST,)	
)	
)	
Petitioner.)	
_____)	

Derek Gronquist filed a petition for a writ of mandamus to compel the Department of Corrections (DOC) to process his offender release plan according to DOC policy. Gronquist paid a filing fee and the King County Superior Court opened Cause No. 13-2-06199-6 KNT. One week later, Gronquist filed an amended petition for writs of mandamus and certiorari directing DOC to process and approve his release plan. He also requested costs and attorney fees. In response, DOC presented evidence to refute Gronquist's claims and asked the court to transfer the matter to this court for consideration as a personal restraint petition. After the trial court transferred the matter to this court, Gronquist filed a motion for discretionary review of the transfer order. After briefing was complete, a commissioner of this court submitted the matter to the Acting Chief Judge for resolution "within the context of a personal restraint petition."

As an initial matter, Gronquist fails to demonstrate error in the trial court's order transferring his petition to this court for consideration as a personal restraint petition. Because Gronquist's petition could be viewed as a request for postconviction relief, the superior court did not abuse its discretion by refusing to

No. 70333-1-I/2

issue the requested writs and transferring the matter to this court. See, RCW 7.16.040; RCW 7.16.170; Toliver v. Olsen, 109 Wn.2d 607, 746 P.2d 809 (1987); Dress v. Washington State Dept. of Corrections, 168 Wn. App. 319, 337-38, 279 P.3d 875 (2012) (whether there is an adequate remedy in ordinary course of law is within sound discretion of court within which writ is sought); In re Pers. Restraint of Liptrap, 127 Wn. App. 463, 111 P.3d 1227 (2005) (abrogated on other grounds by In re Pers. Restraint of Mattson, 166 Wn.2d 730, 740-41, 214, P.3d 141 (2009)) (where inmates filed petition for writ of mandamus seeking order directing DOC to approve release or parole plans, Supreme Court converted the action to a personal restraint petition).

As to the merits, to obtain collateral relief by means of a personal restraint petition, Gronquist must demonstrate that he is being unlawfully restrained. See In re Pers. Restraint of Cashaw, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4. Gronquist claimed in his initial petition that DOC had failed to review his proposed residence, the Boylston Hotel, within 30 days of the submission of his release plan as required by DOC Policy 350.200 and still had not done so as of the date he filed his petition. In response, DOC presented records indicating that community custody officers investigated the Boylston Hotel and other residences proposed by Gronquist. In his memorandum in support of his amended petition, Gronquist claimed that a DOC officer informed him that the officer who rejected the Boylston Hotel did not have a legitimate basis for his decision and that no community custody officer would approve any proposed residence for him.

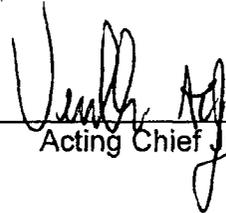
No. 70333-1-I/3

To the extent Gronquist sought an order directing DOC to process his submission of the Boylston Hotel as a potential release address, his claim is moot. See In re Pers. Restraint of Cross, 99 Wn.2d 373, 376-77, 662 P.2d 828 (1983) (a claim is moot if the court can provide no effective relief). To the extent he still seeks an order directing DOC to approve any other particular address, Gronquist fails to “demonstrate that he has competent, admissible evidence to establish the facts that entitle him to relief.” In re Pers. Restraint of Rice, 118 Wn.2d 876, 886, 828 P.2d 1086 (1992). DOC Policy 350.200 does not require approval of any particular release plan, but requires officers to use “risk based offender management principles” and follow a certain procedure to determine “the appropriateness” of a plan based on limitations in an offender’s judgment and sentence. Gronquist’s speculation that DOC personnel rejected the Boylston Hotel on an improper basis or will never approve of any address does not entitle him to relief by means of a personal restraint petition.

Now, therefore, it is hereby

ORDERED that the personal restraint petition is dismissed under RAP 16.11(b).

Done this 25th day of September, 2014.



Acting Chief Judge

2014 SEP 25 AM 10:59
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON

EXHIBIT 6

Selected DOC No.: 943857 GRONQUIST, Derek Eugene

Home | Assignments | Offender | Facility | Search | Administration

Home > Search > Chronos > View Chronological Event | [Return to Case Plan](#) | [Most Recent Search](#) | Logged in as **Mandy Rose**

Search Menu **Inmate: GRONQUIST, Derek Eugene (943857)** | [Legal Face Sheet](#)

- Offender
- Bed
- Check Dates
- Chronos
- Facility
- Field Discipline
- Judge
- Offender Movement History
- Prison Movement
- Staff & Position
- Violators

Gender: Male	DOB: [REDACTED]	Age: 51	Category: Regular Inmate	Body Status: Active Inmate
RLC: LOW	Wrap-Around: No	Comm. Concern: Yes	Custody Level: Close	Location: WSP-Main -- B / BB3051L
ERD: 06/14/2013	ICOTS Victim	Sensitive: Yes	CC/CCO: Mccoy, Joann	

Chronological Event

Location and Author Information

Offender's Assigned Location At Occurrence:	Living Unit:	Bed:	Date Created:	Time Created:
CRCC	H	HA362U	09/15/2015	11:56

Author:	Author's Assigned Location At Occurrence:	Date Occurred:	Time Occurred: (HH:MM)
Partida, Mauro Jr.		09/15/2015	

Chronological Event Types

Release Planning/Issues

Text

Gronquist came in and inquired about his ORP. He was informed that it has been denied at all levels. We discussed release options in King County. He was given applications to the House of Mercy and Journey Ministries. CC will call Stephenson Apts. and Curben/Bolyston Hotel for release options.

Handwritten signature and number 6

EXHIBIT 7

Inmate: GRONQUIST, Derek Eugene (943857)

Gender: Male	DOB: [REDACTED]	Age: 51	Category: Regular Inmate	Body Status: Active Inmate
RLC: LOW	Wrap-Around: No	Comm. Concern: Yes	Custody Level: Close	Location: WSP-Main -- B / BB3051L
ERD: 06/14/2013	ICOTS Victim			CC/CCO: Mccoy, Joann
	Sensitive: Yes			

Offender Release Plan

Status: Archived Last Updated: 09/11/2015 Updated By: Conner, Debra A

Offender Release Plan Type

- Notification(Select All That Apply)
 - Release On Max Expiration Date To Supervision On The Current Commitment
 - Tolled Causes
 - Detainer
 - Release Without Approved Address
 - Release With No Supervision Requirement For Current Commitment
 - Other
- Investigation(Select All That Apply)
 - Assign For Transition Plan Investigation
 - Assign For ISRB Transition Plan Investigation (Pre-1984 Indeterminate Sentence)
 - Assign For ISRB Transition Plan Investigation (Community Custody Board)
 - Assign For ISRB Transition Plan Investigation (AM JUV-BRD)
 - Assign For ISRB Transition Plan Investigation (LT JUV-BRD)
 - Assign For Extraordinary Medical Placement
 - Assign For Interstate Compact Transition Plan Investigation
 - Other

Offender Information

Cause

Information:

AB-931001211-King-CP	Kidnapping 1 -- Attempt	(1) Counts	Pending Field
AC-931001211-King-CP	Kidnapping 1 -- Attempt	(1) Counts	Pending Field
AD-931001211-King-CP	Kidnapping 1 -- Attempt	(1) Counts	Pending Field

End Of Sentence Review: Referral

Current Sex Offense Or Other Current Offense With A Finding Of Sexual Motivation Enhancement: Yes

EXHIBIT 7

ESR Sex Offender Level: Level 3
 Date: 12/05/2012

Any Offense Requires Registration: Yes

Civil Commitment - Sexually Violent Predator (SVP) Consideration: Yes
 Date: 12/16/2012

Offender Re-Entry Community Safety Program (ORCS): No

Is Current Incarceration A DOSA Sentence: No

Victim Services Community Victim Liaison Assigned: Yes Assigned CVL: Coker, Angella D

Housing Voucher Benefits Applied For: No

Treatment Needs And Availability: Yes

Community Concerns: Yes

Child Protective Services/Adult Protective Services Concerns: No

Community Support Resources: Yes

Employment: Yes

Additional Information: No

Comments:

P submits the following property for possible release: Parcel #43908140001006: E2 NW4 SE4 Section 8; all township 39 North, Range34 East Willamette Meridian, Ferry County, Washington State (approximately 4 miles north of Curlew). This is a 20 acre property that he plans to develop and built a home on. He reports the county is in the process of designating an actual physical address. His primary support is his mother Barbara Parker and her significant other Monty Johnson. P would like his mother contacted at (360) 556-5466 as she can give directions and meet with CCO at the property. She will be helping offender develop the property and can explain and answer any questions. Offender wants to convey that he will make any accommodations necessary for release. There are options for dwelling on the property during the time he develops it, to include but not be limited to buying a trailer and placing it on the property or living out of his mother's RV on the property (with or without her), or any other reasonable suggestion as he has the monetary means to comply with suggested accommodations. Furthermore, he reports that he is willing to work on any concerns or obstacles that may arise that may prohibit a release to the property. This includes stipulating to additional community placement conditions that CCO may wish to impose to assure compliance and successful transition to the community. He also has support from his father and stepmother Duane and Charlotte Gronquist. They would also like to support P in the community and plan to spend a significant amount of time at the property. He also has support from a friend that lives in Oroville, WA. Gronquist plans to receive offense specific treatment from Clark D. Ashworth state-certified SOTP provider in Colville, WA. Gronquist also reports his reason for submitted this address is because not only does he own the property but his family and friends will also be able to fully support him there. He also states out of respect for victims and witnesses concern of him establishing residence in western Washington, this proposed address is a significant distant from there and is also isolated from places DOC has identified as concerns i.e. parks, schools, bars, drug zones, etc.

Offender Release Address Information

1	Address Number	Sponsor First Name	Sponsor Last Name	Address Line
	Homeless/Address Unknown <input type="radio"/>	Barbara	Parker	1
	Proposed Address <input checked="" type="radio"/>			See Above

Release Sponsor Orientation
 Checklist Completed?
 Yes No
 County Of Origin: King

County: Ferry
 Sponsor Phone No. Phone Type
 (360) 556-5466 Cell

Address Line
 2
 Approximatley
 4 miles north
 of Curlew
 *City
 Curlew
 *State:
 Washington
 *Country
 United States
 Zip Code:
 99118

Outside Of County Of Origin? : Yes

Counselor Outside Of Origin Comments

This offender is a Level 3 sex offender who has been referred for possible civil commitment under RCW 71.09. Offender was been approved for a county of origin exception for previous ORP's, however the ORP's were denied. He has had 8ORP's (over 10 different addresses) denied overall. He also had an Interstate compact request denied, His first ORP was denied at the Boylston Hotel in Seattle, his county of origin. His second ORP was denied to Ferry County, a county of origin exception. His third ORP was denied to Thurston County, county of origin exception and his 4th ORP was denied to a duplex in Lacey, WA . His 5th ORP was denied to Pierce County, an address through White-Feather Re-Entry program in Tacoma, WA, a county of origin exception. His 6th ORP was denied to Pierce County, 3 addresses through White-Feather Re-Entry program in Tacoma, WA, a county of origin exception, 7th ORP was denied for the New Washington Apartments in Spokane County. His 7th ORP was denied to Spokane County, New Washington Apartments. His 8th ORP was denied, Cowlitz, Hudson Hotel. All 8 ORP's were denied due to community concerns. His pattern of criminal behavior appears to be a history of crimes against numerous minor stranger victims. All 8 ORP's were denied due to community concerns. His pattern of criminal behavior appears to be a history of crimes against numerous minor stranger victims. **County of Origin Exception request form submitted directly to Associate Superintendent **

Outside of County of Origin Approval

Approver Name: Sawyer, Andrew
W

	Approve	Deny	Approval Reason
Address 1	<input checked="" type="radio"/>	<input type="radio"/>	The location of family or other sponsoring persons or organizations willing to support the offender

Approver Outside Of County Of Origin Comments:
 approved to make the request.

Counselor

Comments:

This offender is a Level 3 sex offender who has been referred for possible civil commitment under RCW 71.09. Please see above that details his support and proposed placement. Attached are his conditions. Condition Description: Advise CCO-Prescribed Meds, CCO-Report, Comply-Affirmative Acts, Controlled, Substance-Consume, Controlled Substance-Possess, DNA Testing, HIV Testing, Maintain Ed/Voc, Maintain Employment, No Contact- Victim(s), No Contact-Victim Family, No Firearms/Deadly Weapon, Pay LFOs, Pay Supervision Fees, Sex Offender Registration, and Sex Offender/Living.

Assignment Officer

Comments:

Community Corrections Officer

Assigned CCO Name: Mooney, Todd R

Housing Voucher Approved:

Comments:

The release plan itself consists of an undeveloped piece of property in rural Ferry County. There are no power services on the property. There is no septic on the property. There is no well on the property. According to Ferry County, no permitting processes have even been started for any of these services. Mr. Gronquist family has offered to park a recreational vehicle on the property until services are installed and a more permanent structure can be erected. The time frame for having a permanent, self-sustaining structure being put on the property is unknown. In my experience with this area, the plan to reside in an RV under the current circumstances is not a viable, sustainable situation. While Mr. Gronquist family is willing to at least temporary live on the property and assist with Mr. Gronquist, they do not currently live in the region. The family could provide Mr. Gronquist the same support anywhere to include the county of origin. Ferry County is not Mr. Gronquist's county of origin. There are four exceptions which allow an offender to release to a county other than the county of first felony conviction; however, Mr. Gronquist case does not meet any of those exceptions. The judgment and sentence does not restrict Mr. Gronquist from returning to the county of origin. There are no significant victim's safety issues precluding Gronquist from returning to the county of origin. There are no reasons for concern about negative influences on the offender in the county of origin as he acted alone in his offenses. The fourth exception being the presence of family or sponsoring organizations willing to support the offender, also does not exist based on the information above. There is only a vacant lot. Other concerns exist as well. This plan was previously denied in part because GPS could not be used in this area. To my knowledge, there are school bus stops on Boulder Road. The property is also located in a rural region where children are allowed to remain unsupervised in the community for extended periods of time. The elementary school is located at the base of Boulder Road and there are several recreational areas nearby frequented by minors. Also, it is unknown if Mr. Gronquist is amenable to treatment or if the local sex offender treatment provider will accept him as a client.

Reviewer: Logan, Timothy E

- Approve
 Deny

Community Corrections Supervisor

Supervisor Name: Logan, Timothy E

Comments:

ORP does not meet 6157 exception criteria. There are no sponsoring persons or organizations at the ORP address or in the area. It is currently an undeveloped lot with not even the basic utilities. This address was previously submitted and denied. There have been no changes made to the property since the previous ORP, other than a street address getting assigned. The offender's crime date precludes him from being supervised by GPS by policy and the offender has challenged this as well. This would only allow him to be unmonitored in a remote area with very limited and lengthy response time from area law enforcement should he re-offend in a similar manner. He has been determined to be a predatory sex offender that is highly likely to re-offend. This plan puts the community at risk due to the extensive travelling he would be engaged in at this address just to report, attend treatment, and get basic supplies. He would also be going past several places minors congregate. Adequate monitoring and supervision can not be provided at this remote location.

Reviewer: Conner, Debra A

- Approve
- Deny

Field Administrator

Field Administrator Name: Conner, Debra A

Comments:

Plan denied based upon supervisors comments.

- Approve
- Deny

ORP History

Action Date	Staff Name	Position	Action	Status	Approve/ Complete Deny
09/11/2015	Conner, Debra A	Field Administrator - E	Deny Address#1 Out of County	Archived	Deny
09/10/2015	Logan, Timothy E	Community Corrections Supervisor	Forward Address#1 for Denial	In-Review	
09/09/2015	Mooney, Todd R	Community Corrections Officer 2	Forward Address#1 for Denial	In-Review	
07/02/2015	Merrill, Tamela J	Secretary Senior	Submit Address#1 for Notification or Investigation	In-Work	
06/30/2015	Partida, Mauro Jr.	Classification Counselor 3	Submit address#1 for Assignment	In-Work	
06/29/2015	Sawyer, Andrew W	Associate Superintendent - CRCC	Approve Address#1 Out of County	In-Work	
06/26/2015	Partida, Mauro Jr.	Classification Counselor 3	Submit Out of County Approval	In-Work	
06/26/2015	Partida, Mauro Jr.	Classification Counselor 3	Create ORP	In-Work	

EXHIBIT 8

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

In re the Personal Restraint Petition of:

DEREK E. GRONQUIST,

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 on OMNI. I printed from OMNI for Derek Gronquist, DOC #943857, the following documents to be used as exhibits:

Exhibit 2: OMNI Legal Face Sheet

Exhibit 4: OMNI Sentence Information Screen

Exhibit 6: OMNI Chrono

3. I made correct copies of several documents from the AGO case file of *State v. Derek Gronquist*, King County Superior Court Cause No. 13-2-06199-6. These include the following exhibits:

Exhibit 1: Judgment and Sentence, *State v. Gronquist*, King County Superior Court Cause No. 93-1-00121-1

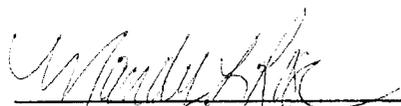
Exhibit 3: Order Amending Judgment and Sentence, *State v. Gronquist*, King County Superior Court Cause No. 93-1-00121-1

4. I made a correct copy of a document from the AGO case file of *State v. Derek Gronquist*, Court of Appeals Cause No. 70333-1-I. These include the following exhibit:

Exhibit 5: Order of Dismissal, *In re Gronquist*, Court of Appeals Cause No. 70333-1-I.

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

DATED this 10th day of June, 2016, at Olympia, Washington.



MANDY L. ROSE
Assistant Attorney General

EXHIBIT 9

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

In re the Personal Restraint Petition of:

DEREK E. GRONQUIST,

Petitioner.

DECLARATION OF
SHARI HALL

I, SHARI HALL, make the following declaration:

1. I am the Legal Liaison Officer (LLO) for the Department of Corrections (DOC) at the Washington State Penitentiary in Walla Walla Washington. I have knowledge of the facts stated herein and am competent to testify.

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 on OMNI. I printed from OMNI for Derek Gronquist, DOC #943857, the following document to be used as an exhibit:

Exhibit 7: OMNI Offender Release Plan dated 9/11/2015

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

EXECUTED this 15th day of June, 2016, at Walla Walla, Washington.


SHARI HALL