91595-4

Supreme Court No. (to be set)
Court of Appeals No. 45502-1-II
IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,
vs.
James Parker
Appellant/Petitioner

Jefferson County Superior Court Cause No. 07-1-00211-7
The Honorable Judge Pro Tem James Bendell

PETITION FOR REVIEW

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I. IDENTITY OF PETITIONER

Petitioner James Parker, the appellant below, asks the Court to review the decision of Division II of the Court of Appeals referred to in Section II.

II. COURT OF APPEALS DECISION

James Parker seeks review of the Court of Appeals opinion entered on February 18, 2015. A copy of the opinion is attached.

III. ISSUES PRESENTED FOR REVIEW

ISSUE 1: A sentencing condition is unconstitutionally vague if an ordinary person could not understand what it means, or if it creates a risk of arbitrary enforcement. Here, Mr. Parker was ordered not to use or buy "drugs" without providing DOC a valid prescription. Did the sentencing court's failure to define "drugs" render the sentencing condition unconstitutionally vague under the Fourteenth Amendment?

ISSUE 2: Due process requires the government to provide fair warning of proscribed conduct. Here, Mr. Parker was sanctioned for using marijuana in violation of federal law, despite the federal government's announcement that it will not pursue marijuana users covered by Washington's marijuana statutes. Is the condition requiring Mr. Parker to refrain from violating federal law unconstitutionally vague under the Fourteenth Amendment?

IV. STATEMENT OF THE CASE

James Parker was sentenced under the Special Sex Offender Sentencing Alternative (SSOSA) for an offense he committed in 2007. CP 1, 6.

The court conditioned Mr. Parker's partially suspended sentence on him obeying "all municipal, county, state, tribal, and federal laws." CP 120. The Department of Corrections (DOC) also imposed the following drug-related condition of his supervision, which the court adopted:

> Do not purchase, possess, or consume drugs without a valid prescription from a licensed medical professional. Provide [Community Corrections Officer (CCO)] with verification of all prescriptions received within 72 hours of receipt.
> CP 121.

After he was released from prison, Mr. Parker suffered a serious workplace injury. CP 128, 124-26. His doctors prescribed him several narcotic pain medications. CP 124-26. Mr. Parker also got authorization to use medical marijuana. CP 127. Mr. Parker's doctors agreed that medical marijuana was a good option for him because it reduced his dependence on narcotic pain medications. CP 124-25; RP 7.

Mr. Parker provided DOC with his medical marijuana authorization and letters from his doctors. CP 129. He asked that DOC permit him to use medical marijuana. CP 129. His request was denied. CP 129. Mr. Parker filed an administrative appeal. He argued that marijuana use permitted him to stop relying on narcotic pain medications like oxycodone. CP 95-99. DOC upheld the decision prohibiting Mr. Parker from using marijuana. CP 129.

After the recreational use of marijuana was legalized in Washington State, Mr. Parker began using marijuana to regulate his pain. RP 8. His marijuana use appeared on several urinalysis (UA) results and DOC charged him with multiple violations of the conditions of his sentence. CP 12-15, 22-25, 32-33, 36-39, 44-47, 82-84.

The first notice of violation alleged that Mr. Parker had violated the condition of his sentence proscribing drug use. CP 12-15. The subsequent notices did not mention which sentencing condition he was alleged to have violated. CP 22-25, 32-33, 36-39, 44-47, 82-84.

At a consolidated hearing addressing the alleged violations, Mr. Parker argued that his sentencing conditions did not prohibit the use of marijuana because it had been legalized in Washington. RP 8, 11-12. For the first time, the state argued that Mr. Parker had violated the condition prohibiting him from breaking federal law. RP 12.

The court found that Mr. Parker had violated the conditions of his sentence by breaking federal law against marijuana use. CP 129-30. The court declined to determine whether Mr. Parker's conduct constituted a violation of the condition proscribing drug use. CP 130. Mr. Parker was sanctioned to thirty days in custody. CP 133.

Mr. Parker timely appealed. CP 132-133. The Court of Appeals found that he had not received adequate notice of the condition he was

alleged to have violated. Opinion, pp. 4-6. But the court refused to consider his claim that the conditions requiring him to comply with all laws and prohibiting him from consuming drugs were unconstitutionally vague. Opinion, p. 8.

V. ARGUMENT WHY REVIEW SHOULD BE ACCEPTED

> The Supreme Court should accept review and hold that the sentencing conditions that Mr. Parker obey all laws and refrain from consuming "drugs" are unconstitutionally vague. This significant question of constitutional law is of substantial public interest and should be determined by the Supreme Court. RAP 13.4 (b)(3) and (4).

Due process requires that the state provide citizens with fair warning of proscribed conduct. *State v. Valencia*, 169 Wn.2d 782, 791, 239 P.3d 1059 (2010); U.S. Const. Amend. XIV; Wash. Const. art. I, § 3.[1] A sentencing condition is unconstitutionally vague if it (1) fails to define the proscribed conduct with "sufficient definiteness" that an ordinary person can understand what is prohibited or (2) fails to provide "ascertainable standards" to protect against arbitrary enforcement. *Bahl*, 164 Wn.2d at 752-53.

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[1] Constitutional issues are reviewed *de novo*. *Products, Inc. v. Washington State Dep't of Labor & Indus.*, 43636 -1-II, 2014 WL 710682, --- Wn. App. ---, --- P.3d --- (Wash. Ct. App. Feb. 25, 2014). A claim that a sentencing condition is unconstitutionally vague may be raised for the first time on appeal. *State v. Bahl*, 164 Wn.2d 739, 745, 193 P.3d 678 (2008).

Failure to satisfy either requirement renders the condition void for vagueness. *Id.* Unlike a statute or ordinance, the court does not begin with the presumption that a sentencing condition is constitutional. *Valencia*, 169 Wn.2d at 793.

In *Valencia*, for example, the court found that a sentencing condition prohibiting possession of "paraphernalia that can be used for ingestion or processing of controlled substances or that can be used to facilitate the sale or transfer of controlled substances" was unconstitutionally vague. *Id.* The court declined to read the word "paraphernalia" to mean only "drug paraphernalia," because the sentencing condition did not include such limiting language. *Id.*

The court also found that the *Valencia* condition violated the second alternative of the vagueness test:

> ...an inventive probation officer could envision any common place item as possible for use as drug paraphernalia, such as sandwich bags or paper. Another probation officer might not arrest for the same "violation," i.e. possession of a sandwich bag. A condition that leaves so much to the discretion of individual community corrections officers is unconstitutionally vague.

Valencia, 169 Wn.2d at 794-95.

The remedy for an unconstitutionally vague sentencing condition is to strike the condition from the judgment and sentence. *Valencia*, 169 Wn.2d at 795. Such a condition cannot form the basis for a violation. *Id.*

Pre-enforcement vagueness challenges to sentencing conditions are ripe for review. *Id.* at 790-91. This is because, if the condition is vague, the problem will not be cured with time. *Id.* at 788. The issue would also not benefit from further factual development. *Id.* at 788-89.

A probationer should not be required to "discover the meaning of his supervised release condition only under the continual threat of reimprisonment." *Id.* at 788.

Still, the Court of Appeals found that a ruling on Mr. Parker's vagueness challenges to his sentencing conditions would have been an advisory opinion. Opinion, p. 8. The court reasoned that it had already reversed the trial court's finding that Mr. Parker violated the condition requiring him to comply with all laws and that the court had not found that he violated the condition prohibiting drug consumption. Opinion, p. 8.

But a decision on the merits of the vagueness issue would not be advisory. Both of the challenged conditions remain a part of Mr. Parker's sentence. Indeed, they are common boilerplate conditions imposed in almost every case. The question of whether those conditions are unconstitutional vague continues to affect Mr. Parker and affects numerous other cases. This question of constitutional law is of substantial public interest and should be determined by the Supreme Court. RAP 13.4 (b)(3) and (4).

1. The sentencing condition prohibiting Mr. Parker from possessing or using "drugs" is unconstitutionally vague on its face and as applied in this case.

When a term in a condition of supervision is undefined, the court may consider its ordinary meaning as provided by a standard dictionary. *Bahl*, 164 Wn.2d at 754. In this case, the court prohibited Mr. Parker from purchasing, possessing, or consuming "drugs" without a valid prescription from a licensed medical professional. CP 121. The sentencing condition also requires Mr. Parker to provide "verification of all prescriptions received within 72 hours of receipt." CP 121.

The document informing Mr. Parker of the conditions does not define the word "drug." CP 120-23. The dictionary lists the first two definitions of "drug" as "a substance used as a medication or in the preparation of medication" and "a commodity that is not salable or for which there is no demand." *Merriam-Webster.com* (accessed 3/12/14). Only the third entry defines "drug" as "something and often an illegal substance that causes addiction, habituation, or a marked change in the consciousness." *Id.*

The condition prohibiting Mr. Parker from using or purchasing "drugs" fails both alternatives of the test for unconstitutional vagueness. *Bahl*, 164 Wn.2d at 752-53. First, it does not describe the prohibited conduct with sufficient definiteness that an ordinary person can

understand what is proscribed. *Id.* It is unclear whether the condition encompasses over-the-counter medications and prescriptions for things like antibiotics in addition to controlled substances. The word "drug" could also be interpreted to include herbal remedies and "unsalable commodities" of any kind. The average person would be left guessing about what, exactly, the sentencing condition includes. *Id.*

Second, the "drugs" condition fails to provide "ascertainable standards" to protect against arbitrary enforcement. *Bahl*, 164 Wn.2d at 752-53. An "inventive probation officer" could interpret the condition prohibiting "drugs" to include acetaminophen and aspirin. *Valencia*, 169 Wn.2d at 794-95. Another officer could find violation only for use or possession of illegal drugs. *Id.* The condition of supervision proscribing purchase or use of "drugs" is unconstitutionally vague on its face. *Bahl*, 164 Wn.2d at 752-53.

The sentencing condition prohibiting "drugs" is also unconstitutionally vague as applied to the facts of Mr. Parker's case. Recreational use of marijuana has been legalized in Washington. Laws of 2013, c. 3, § 22. Even if the prohibition against "drugs" is read to include

only illegal substances, it is not clear whether that encompasses marijuana.[2]

Additionally, the clause requiring Mr. Parker to inform his CCO with "verification of all prescriptions within 72 hours of receipt" is vague as applied. CP 121. The text of the condition does not specify whether a "prescription" could include doctor's authorization to use medical marijuana. It does not make clear whether or not Mr. Parker needs to obtain permission to take prescription drugs. In Mr. Parker's case, DOC denied him permission to take medical marijuana despite the fact that the drug was recommended by multiple doctors and would have reduced his reliance on narcotic pain medication. CP 124-25. Accordingly, the sentencing condition relating to "drugs" is unconstitutionally vague as applied to Mr. Parker.

The condition of supervision prohibiting Mr. Parker from buying or using "drugs" is unconstitutionally vague on its face and as applied to this case. *Bahl*, 164 Wn.2d at 752-53. The condition must be stricken and Mr. Parker's sanction for its violation must be reversed. *Id.*

[2] DOC is permitted by statute to restrict marijuana use by people who are on community supervision. RCW 69.51A.005(4). But the conditions of Mr. Parker's sentence do not mention marijuana. CP 120-123. It is unclear whether DOC was attempting to exercise that power in this case.

2. The sentencing requirement that Mr. Parker obey all federal laws is unconstitutionally vague as applied to this case.

The court conditioned Mr. Parker's suspended sentence on him obeying all "municipal, county, state, tribal, and federal laws." CP 120. This condition fails both prongs of the test of unconstitutional vagueness as applied to Mr. Parker's case. *Bahl*, 164 Wn.2d at 752-53. First, the condition does not provide "sufficient definiteness" for the ordinary person to understand what is prohibited. *Id.* Mr. Parker was sanctioned for violation of the federal law criminalizing use of marijuana. CP 2-3. But the United States Department of Justice has announced its intent not to enforce that law against most individual users in Washington State. DOJ Memo, James Cole, August 19, 2013.[3] The text of the condition is insufficient to make it clear to the average person whether it proscribes violation of federal laws that the federal government does not intend to enforce. *Bahl*, 164 Wn.2d at 752-53.

Second, the condition is too vague to protect against arbitrary enforcement. *Bahl*, 164 Wn.2d at 752-53. In Mr. Parker's case, the state pursued his sanction under the theory that he had violated the sentencing condition prohibiting drug use. CP 14. It was only at the hearing that the assistant attorney general argued that Mr. Parker had violated the

[3] Available at: http://www.justice.gov/iso/opa/resources/305201382913275685746 7.pdf.

prohibition against breaking federal law. RP 12. The facts of the case demonstrate that reasonable probation officers could differ regarding whether violation of an unenforced federal law constitutes violation of the sentencing condition. *Valencia*, 169 Wn.2d at 794-95. The condition regarding federal law permits arbitrary enforcement as applied to Mr. Parker. *Id.*

The condition of Mr. Parker's supervision prohibiting him from violating federal law is unconstitutionally vague as applied to this case. *Bahl*, 164 Wn.2d at 752-53. The condition must be stricken and Mr. Parker's sanction its violation must be reversed. *Id.*

VI. CONCLUSION

The conditions of Mr. Parker's sentence requiring him to comply with all laws and to refrain from "drug" consumption are unconstitutionally vague. This question of constitutional law is of substantial public interest and should be determined by the Supreme Court. RAP 13.4 (b)(3) and (4). This court should grant review.

Respectfully submitted April 22, 2015.

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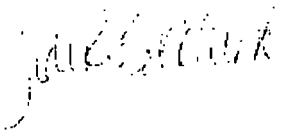

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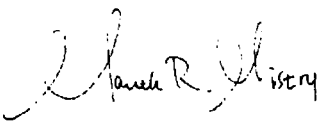

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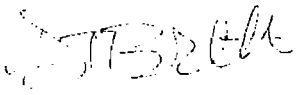

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CERTIFICATE OF SERVICE

I certify that I mailed a copy of the Petition for Review, postage pre-paid, to:

James Parker
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Brinnon, WA 98320

and I sent an electronic copy to

Jefferson County Prosecuting Attorney
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In addition, I electronically filed the original with the Court of Appeals.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

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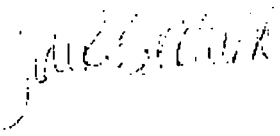

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APPENDIX:

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. JAMES NATHANIEL PARKER, Appellant.	No. 45502-1-II UNPUBLISHED OPINION

MAXA, J. — James Parker appeals the trial court's finding that he violated a condition of his Special Sex Offender Sentencing Alternative (SSOSA). He argues that (1) his due process rights were violated because the notices of violation he received provided inadequate notice of the condition the trial court found he had violated, (2) the trial court lacked the authority to require him to comply with community custody conditions imposed by the Department of Corrections (DOC), and (3) the community custody conditions requiring his compliance with all laws and prohibiting him from consuming drugs without a prescription are unconstitutionally vague.

We hold that Parker did not receive adequate notice because he was not informed that he allegedly violated the condition requiring compliance with all laws, which was the condition that the trial court found he violated. Therefore, we reverse the trial court's finding that he violated that condition. However, we hold that the trial court had the authority to require Parker to comply with the DOC conditions and that DOC had the authority to impose conditions that were crime related. Accordingly, we reverse the trial court's ruling that Parker violated the condition requiring

compliance with all laws, but affirm that the trial court had the authority to require Parker to comply with the DOC conditions and that DOC had the authority to impose the conditions that were not crime related. We do not address whether the conditions requiring compliance with all laws and prohibiting drug possession and consumption are unconstitutional.

FACTS

Parker pled guilty to second degree rape of a child on January 25, 2008, and requested a SSOSA. The pre-sentencing report showed that Parker smoked marijuana every day from age 14 until age 20. The report also showed that Parker continued to use marijuana up until nine months before he committed his crime and that he had difficulty moderating his behavior. However, there were no specific allegations that Parker's crime involved drug use. The trial court granted Parker's request for a SSOSA and sentenced him to 120 months community custody under the supervision of DOC.

The trial court ordered Parker to comply with any conditions imposed by DOC. DOC imposed several conditions, including that Parker was (1) required to obey all municipal, county, state, tribal, and federal laws; and (2) prohibited from purchasing, possessing, or consuming drugs without a valid prescription.

Parker received a doctor's authorization to use medical marijuana after he was released from prison. He asked DOC to permit him to use medical marijuana, but DOC denied his request. Nevertheless, Parker used marijuana and several of his urine samples submitted to DOC tested positive for marijuana.

The DOC filed several notices of violation alleging that Parker violated his community custody conditions by consuming marijuana. The first notice alleged that Parker violated the condition of his sentence prohibiting drug consumption without a prescription. The subsequent notices referred back to the original notice and did not specify the conditions of his sentence that Parker allegedly violated by consuming marijuana. Instead, the notices stated that the trial court "ordered Parker to comply with any conditions imposed by the court or DOC during the term of community custody" and that Parker "violated conditions of supervision" by "consuming marijuana." Clerk's Papers at 37.

Parker filed a pro se motion with the trial court to dismiss the community custody conditions violations. He also moved to modify his judgment and sentence by removing order 4.5(d), which required Parker's compliance with all rules, regulations, and requirements of DOC. At a consolidated hearing addressing his alleged violations, Parker argued that his sentencing conditions did not prohibit the use of marijuana because it had been legalized in Washington. Parker also argued that he should be able to use marijuana because it helps with his pain.

The trial court denied Parker's motions. The trial court found that Parker had violated the conditions of his sentence by breaking federal law prohibiting marijuana use. But the trial court expressly declined to determine whether Parker violated the conditions of his sentence prohibiting drug consumption. The trial court sanctioned Parker with 30 days in custody. Parker appeals.

ANALYSIS

A. NOTICE OF COMMUNITY CUSTODY CONDITION VIOLATIONS

Parker argues that the notices of his community custody conditions violations were inadequate and violated his due process rights under the Fourteenth Amendment of the United States Constitution and article I, sections 3 and 22 of the Washington Constitution. He argues that he did not receive adequate notice because the violation notices stated only that he violated his community custody conditions by consuming marijuana, and did not reference the condition requiring him to comply with all laws. We agree.

Offenders who allegedly violate a SSOSA condition are entitled to the same minimal due process rights as those afforded during the revocation of probation or parole. *State v. Dahl*, 139 Wn.2d 678, 683, 990 P.2d 396 (1999); *see generally In re Pers. Restraint of Blackburn*, 168 Wn.2d 881, 884, 232 P.3d 1091 (2010). This minimal due process requires (1) written notice of the claimed violations, (2) disclosure of the evidence against the offender, (3) an opportunity to be heard, (4) the right to confront and cross-examine witnesses, (5) a neutral and detached hearing body, and (6) a statement by the court of the evidence relied on and the reasons for the revocation. *Dahl*, 139 Wn.2d at 683 (citing *Morrissey v. Brewer*, 408 U.S. 471, 92 S. Ct. 2593, 33 L. Ed. 2d 484 (1972)). Alleged violations of the due process right to adequate notice are reviewed de novo. *See State v. Zillyette*, 178 Wn.2d 153, 158, 307 P.3d 712 (2013) (addressing adequacy of an information).

Here, the notices informed Parker of the factual basis of the alleged violations. They stated that Parker had violated his community custody provisions by consuming marijuana, based on

positive urinalysis reports. And they stated that Parker violated the condition of supervision prohibiting drug consumption without a prescription and requiring him to abide by the written or verbal instructions issued by the community corrections officer. But the notices did not inform Parker that the consumption of marijuana violated the condition requiring compliance with all laws.

Our Supreme Court in *Dahl* did not address what level of specificity was required when informing an offender of alleged violations. However, the court did state that "[d]ue process requires that the State inform the offender of the *specific violations alleged*." *Dahl*, 139 Wn. 2d at 685 (emphasis added). The court stated that the notice must set forth all alleged violations so that a defendant has the opportunity to marshal the facts in his defense. *Id.* at 684. And in *Blackburn*, our Supreme Court did address the substance of the notice with regard to an "obey all laws" condition – the "level of specificity required to inform the offender of the violation alleged." *Blackburn*, 168 Wn.2d at 885. The court held that a notice alleging violation of an "obey all laws" condition was inadequate because it did not specify *which* law the offender allegedly had violated. *Id.* at 886-88.[1]

Here, the DOC notices did not identify the "specific violations alleged." *Dahl*, 139 Wn.2d at 685. The supporting facts identified in the notices – marijuana consumption – did not provide Parker with any notice that he allegedly violated the condition requiring compliance with all laws.

[1] The State argues that *Blackburn* is inapplicable because that case involved reclassifying an offender from community custody to total confinement. But the trial court did not suggest that its analysis was limited to that scenario.

Further, even if the notice was sufficient to inform Parker that he allegedly had violated this condition, the notices did not specify which law he allegedly had violated. Under *Blackburn*, the failure to identify the particular law that had been violated renders the notices inadequate. Accordingly, we hold that DOC's notices violated due process.[2]

B. AUTHORITY TO IMPOSE DRUG-RELATED CONDITIONS

Parker moved to modify his judgment and sentence to remove the trial court's order to comply with all community custody conditions that DOC imposed. Parker argues that the trial court lacked authority to require his compliance with various drug-related supervision conditions because they were not crime-related. However, DOC imposed the conditions that Parker allegedly violated, not the trial court. We hold that Parker's argument has no merit because the trial court has the authority to require Parker to comply with the DOC conditions, and DOC has the authority to impose conditions that were not crime related based on the risk to community safety.

1. Trial Court Authority

A *trial court* may only impose crime-related conditions, such as a drug prohibition condition, if there is evidence that the prohibited conduct was involved in the crime of conviction. RCW 9.94A.030(10); *State v. Warnock*, 174 Wn. App. 608, 612, 299 P.3d 1173 (2013). Whether a court has imposed a community custody condition beyond the bounds of its authority is reviewed de novo. *Id.* at 611.

[2] Violations of an offender's minimum due process rights are subject to a harmless error analysis. *Dahl*, 139 Wn. 2d at 688. However, we need not address harmless error because the State does not argue that any error was harmless.

However, here the trial court did not impose the community custody conditions at issue; DOC imposed those conditions. The trial court ordered that Parker comply with any conditions imposed by DOC. The trial court has the authority to order a defendant to comply with any conditions imposed by the DOC. *State v. McWilliams*, 177 Wn. App. 139, 154, 311 P.3d 584 (2013), *review denied*, 179 Wn.2d 1020 (2014).[3] Accordingly, we hold that the trial court did not err in ordering that Parker comply with the DOC's community custody provisions.

2. DOC Authority

As noted above, the trial court has authority to impose only crime-related sentencing conditions. But this crime-related limitation applies only to the trial court and does not apply to DOC, which is an agency and not a court. *In re Pers. Restraint of Golden*, 172 Wn. App. 426, 432, 290 P.3d 168 (2012).

DOC's authority to impose conditions of community custody on Parker came from former RCW 9.94A.715(2)(b) (2006)[4], which does not limit DOC's supervisory conditions to those that are crime-related. *Id.* at 433. Instead, former RCW 9.94A.715(2)(b) directs DOC to perform a risk assessment and then impose "additional conditions of the offender's community custody based upon the risk to community safety." DOC has broader authority to impose conditions than the trial

[3] RCW 9.94A.703(1)(b) now provides that the trial court is *required* to order a defendant to comply with DOC conditions. However, this statute did not become effective until after Parker was sentenced.

[4] Parker was sentenced on April 18, 2008. At the time, RCW 9.94A.715 was in effect. In 2008, the relevant provisions were recodified at 9.94A.704. The language remained the same.

court because DOC focuses on the risk posed by the defendant, whereas the trial court generally must focus on the defendant's crime. *Golden*, 172 Wn. App. at 433.

Here, the pre-sentencing report showed that Parker had been a regular marijuana user from age 14 until age 20 and used marijuana nine months before he committed his crime. The report also suggested that Parker has difficulty moderating his behavior. Because of Parker's significant history as a heavy drug user and his inability to moderate his behavior, DOC reasonably determined that Parker was a risk to community safety when using marijuana.

Accordingly, we hold that DOC had the authority to impose the conditions that were not crime related even though Parker is not being supervised for a drug offense.

C. VAGUENESS OF COMMUNITY CUSTODY CONDITIONS

Parker argues that the DOC conditions requiring him to comply with all laws and prohibiting him from purchasing, possessing, or consuming drugs without a prescription are unconstitutionally vague. However, we do not address these arguments because we reverse the trial court's finding that Parker violated the condition requiring compliance with all laws, and the possession and consumption of drugs condition was not the basis for the trial court's finding that Parker violated a DOC condition. We decline to give an advisory opinion on the constitutionality of these conditions. *See State v. Eggleston*, 164 Wn.2d 61, 76-77, 187 P.3d 233 (2008).

We reverse the trial court's ruling that Parker violated the condition requiring compliance with all laws, but affirm that the trial court had the authority to require Parker to comply with the DOC conditions and that DOC had the authority to impose conditions that were not crime related.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Maxa, J.
MAXA, J.

We concur:

Johanson, C.J.
JOHANSON, C.J.

J.
LEE, J.

BACKLUND & MISTRY

April 22, 2015 - 12:59 PM

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