

**NOTICE: SLIP OPINION**  
**(not the court’s final written decision)**

The opinion that begins on the next page is a slip opinion. Slip opinions are the written opinions that are originally filed by the court.

A slip opinion is not necessarily the court’s final written decision. Slip opinions can be changed by subsequent court orders. For example, a court may issue an order making substantive changes to a slip opinion or publishing for precedential purposes a previously “unpublished” opinion. Additionally, nonsubstantive edits (for style, grammar, citation, format, punctuation, etc.) are made before the opinions that have precedential value are published in the official reports of court decisions: the Washington Reports 2d and the Washington Appellate Reports. An opinion in the official reports replaces the slip opinion as the official opinion of the court.

**The slip opinion that begins on the next page is for a published opinion, and it has since been revised for publication in the printed official reports.** The official text of the court’s opinion is found in the advance sheets and the bound volumes of the official reports. Also, an electronic version (intended to mirror the language found in the official reports) of the revised opinion can be found, free of charge, at this website: <https://www.lexisnexis.com/clients/wareports>.

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**FILE**

IN CLERKS OFFICE

SUPREME COURT, STATE OF WASHINGTON

DATE NOV 14 2013

Madsen, C.J.  
CHIEF JUSTICE

This opinion was filed for record  
at 8:00 am on Nov 14, 2013

Ronald R. Carpenter  
Supreme Court Clerk

**IN THE SUPREME COURT OF THE STATE OF WASHINGTON**

In the Matter of the Personal Restraint of  
DEREK E. GRONQUIST,  
  
Petitioner.

NO. 87666-5

EN BANC

Filed: NOV 14 2013

PER CURIAM—The Department of Corrections disciplined prison inmate Derek Gronquist for allegedly assaulting a correctional officer, imposing a sanction that included loss of early release credits. Gronquist challenged the department's action by personal restraint petition filed directly in this court. The court's commissioner dismissed the petition, and the court's clerk awarded the State costs consisting of statutory attorney fees in the amount of \$200. Gronquist moves to modify these rulings. RAP 17.7. We deny the motion to modify the commissioner's ruling, but for the reason discussed below, we grant the motion to modify the clerk's cost ruling.

By statute, appellate costs awardable to the State “are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction or sentence.” RCW 10.73.160(2). Gronquist’s challenge to the department’s administrative disciplinary action is not an appeal from or a collateral attack on a criminal conviction or sentence. It therefore falls outside the plain statutory limitation on appellate costs allowed to the State. *See State v. Ashby*, 141 Wn. App. 549, 556-57, 170 P.3d 596 (2007) (no costs allowed to State in action claiming department failed to credit inmate with early release time earned in jail).

The motion to modify the clerk’s ruling awarding the State costs is granted, and the award is vacated.