

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

In re the Personal Restraint Petition of:

JON ANDREW STEVENS,

Petitioner.

RESPONSE OF THE  
DEPARTMENT OF  
CORRECTIONS

Respondent, the Department of Corrections (Department or DOC), responds to Stevens's personal restraint petition pursuant to RAP 16.9. Stevens was in prison in Idaho when he requested to be sent to Pierce County for disposition of untried charges, pursuant to the Interstate Agreement on Detainers (IAD). He was convicted and sentenced to prison, to run concurrently to the Idaho sentence. After sentencing, Pierce County sent him back to Idaho. After he finished his Idaho sentence, he was sent to the DOC to finish the remainder of his Pierce County sentence. Because Idaho does not give early release time, the DOC did not credit his Pierce County sentence with early release time for his time in Idaho's prison. Unlike in the case of offenders transferred under the Interstate Corrections Compact (ICC), the DOC does not have jurisdiction over offenders incarcerated in the other state under the IAD and does not receive reports on their conduct while in the other state.

## I. BASIS OF CUSTODY

Stevens is in DOC custody pursuant to a Pierce County conviction by plea for one count of first degree identity theft, two counts of second degree identity theft, and one count of second degree theft, committed in 2009. Exhibit 1, Judgment and Sentence. The superior court (the Honorable Kathryn J. Nelson) sentenced him to 63 months of confinement and 12 months of community custody. *Id.* at 5-6. Stevens's early release date is currently April 22, 2015. Exhibit 2, Offender Management Network Information (OMNI) Legal Face Sheet, at 1 ("ERD: 04/22/2015").

## II. STATEMENT OF THE CASE

Between January 16, 2009, and February 5, 2009, Stevens committed several crimes in Pierce County. Exhibit 1. Around April 21, 2010, he began serving an unrelated sentence in federal prison. Exhibit 3, Idaho DOC Offender Movement Screen, at 1 ("FED PRISON 04/21/2010"). On March 30, 2011, he was released from the federal prison into the custody of Idaho authorities, at which point he began a prison sentence in Idaho. Exhibit 4, OMNI Chronos, at entry dated 05/09/2013.

Before Stevens finished serving his Idaho sentence, Idaho DOC sent him to Pierce County Jail in November 2011, and he arrived at the

jail on November 4, 2011. Exhibit 5, Jail Certification. He was sent pursuant to the IAD so that Pierce County could adjudicate the 2009 identity theft charges. Stevens pleaded guilty on March 12, 2012, to the charges and was sentenced to 63 months in prison plus a year of community custody, to run consecutively to the federal sentence and concurrently to the Idaho sentence. Exhibit 1, at 5. The Pierce County Jail sent Stevens back to the Idaho DOC on March 26, 2012. Exhibit 5.

When Stevens finished his Idaho prison term, he was sent to Pierce County Jail on April 30, 2013, and he was sent from there to the DOC on May 3, 2013. Exhibit 4; Exhibit 5; Exhibit 6, OMNI Sentence Information Screen (showing time start date). From March 30, 2011 through May 3, 2013, Stevens was not a Washington state inmate, nor had he been sent to Idaho by the DOC under the Interstate Corrections Compact (ICC) under RCW 72.74.020. *See* Exhibit 2, at 4 (showing release from prison on 08/06/2003; admission to prison and initial classification on 05/03/2013).

After Stevens arrived at the DOC, records staff calculated the amount of credit for time served and early release credits he was entitled to on his Pierce County sentence. The judgment and sentence ordered credit for 348 days, which represents the time spent in the Idaho DOC starting March 30, 2011, to the date of sentencing for the Pierce County

cause on March 12, 2012. Exhibit 7, at 6. The jail certification indicates that the amount of time spent solely in the Pierce County Jail was 146 days, representing the periods from November 4, 2011, to March 26, 2012 (143 days), and from April 30, 2013, to May 3, 2013 (3 days). Jail good time at a rate of 33 percent of the sentence is 73 days if the time served is 146 days.<sup>1</sup> Hence, the DOC credited Stevens's sentence with 73 days of jail good time. Exhibit 6 (showing "Cause ERT Credit").

As for Idaho time, the DOC calculated 219 days spent in Idaho DOC prior to sentencing on the Pierce County cause, and 400 days spent after sentencing on the Pierce County cause. Exhibit 4, at entry dated 05/09/2013. Adding those periods to the 146 days of jail time, Stevens had spent a total of 765 days in custody on the Pierce County cause prior to arriving at the DOC. Exhibit 6 (showing "Cause Credits"). Thus, the DOC credited his sentence with 765 days of time served. *Id.* The DOC has not calculated any good time credits for the time spent in the Idaho DOC because Idaho DOC does not give good time. Exhibit 4, at entry dated 05/09/2013.

### III. STANDARD OF REVIEW

A petitioner who challenges a decision from which he has had "no previous or alternative avenue for obtaining state judicial review" must show

---

<sup>1</sup> Jail good time at a rate of 33 percent of the total jail sentence (i.e., the combined good time and time served) always equals 50 percent of the time served.

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, 292, ¶ 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 (1992).

#### **IV. ISSUES PRESENTED**

1. Where the DOC has no jurisdiction over an inmate in prison in another state pursuant to the IAD, in contrast to an inmate under

the ICC, is the inmate not entitled to early release credits during that time in the other state if the other state does not award such credits?

2. Is an inmate in another state under the IAD not similarly situated to an inmate in another state under the ICC?

## V. ARGUMENT

### A. **The DOC Cannot Give Good Time When It Has No Control Over, Or Input Into, An Inmate's Incarceration**

Stevens, who was in Idaho under the IAD, was not under the DOC's jurisdiction while he was in Idaho, unlike offenders under the ICC. Therefore, while prisoners under the ICC receive early release credits for time in the other state, prisoners like Stevens are not entitled to early release credits for time spent in the other state.

#### 1. **The IAD**

The Interstate Agreement on Detainers, codified in this state at RCW 9.100.010, creates a comprehensive and uniform set of procedures for resolving the untried charges underlying prisoners' detainers. *Alabama v. Bozeman*, 533 U.S. 146, 148, 121 S. Ct. 2079, 2082, 150 L. Ed. 2d 188 (2001).<sup>2</sup> The IAD is a congressionally sanctioned interstate compact

---

<sup>2</sup> "A detainer is a request filed by a criminal justice agency with the institution in which a prisoner is incarcerated, asking the institution either to hold the prisoner for the agency or to notify the agency when release of the prisoner is imminent." *Carchman v. Nash*, 473 U.S. 716, 719, 105 S. Ct. 3401, 3403, 87 L. Ed. 2d 516 (1985). The IAD governs detainers based on *untried* charges only; it cannot be used for resolving

within the meaning of the Compact Clause of the United States Constitution, art. I, § 10, cl. 3, and is therefore a matter of federal law and subject to federal construction. *New York v. Hill*, 528 U.S. 110, 111, 120 S. Ct. 659, 662, 145 L. Ed. 2d 560 (2000); *State v. Morris*, 126 Wn.2d 306, 313, 892 P.2d 734 (1995). It has been adopted by 48 other states, the District of Columbia, Puerto Rico, the Virgin Islands, and the federal government. *Carchman v. Nash*, 473 U.S. 716, 719, 105 S. Ct. 3401, 187 L. Ed. 2d 516 (1985).

Where the United States Supreme Court has ruled on a particular provision of the IAD, that Court's interpretation is the governing interpretation. *Cuyler v. Adams*, 449 U.S. 433, 442, 101 S. Ct. 703, 708-09, 66 L. Ed. 2d 641 (1981); *State v. Welker*, 157 Wn. 2d 557, 564, 141 P.3d 8 (2006). "The IAD's purpose—providing a nationally uniform means of transferring prisoners between jurisdictions—can be effectuated only by nationally uniform interpretation." *Reed v. Farley*, 512 U.S. 339, 348, 114 S. Ct. 2291, 2297, 129 L. Ed. 2d 277 (1994).

Under the IAD, when a charging jurisdiction lodges a detainer against a prisoner who is incarcerated in another state, the prisoner must be promptly notified of the detainer and his right to demand final disposition of the underlying charges. RCW 9.100.010, Article III(c).

---

sentencing or probation violation detainers. *Id.* at 726; *State v. Barefield*, 110 Wn.2d 728, 731-32, 756 P.2d 731 (1988).

There are two ways for the new charges to be resolved under the IAD in the receiving state. First, the prisoner can initiate the process by filing a request for disposition. The receiving state must then bring him to trial within 180 days. *See* RCW 9.100.010, Article III(a). The 180-day time period commences when the prisoner's request for final disposition has been actually delivered to the appropriate trial court and prosecuting official in the receiving state. *Fex v. Michigan*, 507 U.S. 43, 52, 113 S. Ct. 1085, 1091, 122 L. Ed. 2d 406 (1993); *State v. Bishop*, 134 Wn. App. 133, 137, 139 P.3d 363 (2006).

The second way to resolve charges under the IAD is for the prosecutor to initiate it by asking the sending state to send the prisoner to the receiving state. In that case, the prosecutor must bring the prisoner to trial within 120 days after the prisoner's arrival in the receiving state. *See* RCW 9.100.010, Article IV(c); *Reed v. Farley*, 512 U.S. at 342. Failure to hold a trial within these time periods will result in dismissal of the charge unless the court grants a continuance or the prisoner fails to object. RCW 9.100.010, Articles IV(e), V(c); *Reed v. Farley*, 512 U.S. at 352.

Following trial and sentencing in the receiving state, the prisoner must be immediately returned to the sending state to complete any remaining sentence to be served in that state. In that regard, Article V addresses the nature of the receiving state's temporary custody of the

prisoner, emphasizing that the receiving state's custody is for a limited purpose and must be truly *temporary*. Article V(d) provides that "[t]he temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges" underlying the prisoner's detainer. Article V(e) requires that "[a]t the earliest practicable time consonant with the purpose of this agreement, the prisoner shall be returned to the sending state." Article V(g) states that "[f]or all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state . . . ." RCW 9.100.010, Article V(g).

“Temporary custody” does *not* include imprisonment in the receiving state for the newly adjudicated charges: “The ‘temporary custody’ allowed under Article V(d) does not expressly, or by implication, indicate custody for the purpose of service or execution of sentence in the receiving State. Indeed, nowhere in the Act does it suggest this type of transfer of permanent custody.” *State of New York by Coughlin v. Poe*, 835 F. Supp. 585, 591 (E.D. Okla. 1993); *see also State ex rel. Pharm v. Bartow*, 298 Wis. 2d 702, 719, 727 N.W.2d 1 (2007) (“temporary custody [under the IAD] does not include custody for the purpose of subsequent

incarceration in a receiving state.”); *accord, Merchant v. Wyoming Department of Corrections*, 168 P.3d 856 (Wyo. 2007).<sup>3</sup>

Because Stevens was in Idaho under the IAD, the DOC did not have jurisdiction over him. It did not receive information on his conduct while he was there, and it could not dictate that he be disciplined with an infraction hearing.

## 2. The ICC

Interstate transfer of prisoners under the ICC is markedly different from interstate transfers under the IAD. Under the ICC, a state's department of corrections may place an offender in an out-of-state prison for service of his sentence. RCW 72.74.020. While the prisoner is serving the sentence in the other state (the receiving state), the originating state (the sending state) retains control over him or her. (Washington would have been the sending state in this case if it had transferred Stevens to Idaho under the ICC to serve his Washington sentence). Prisoners are “at all times . . . subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, . . . or for any other purpose permitted by the laws of the sending state . . . .” RCW 72.74.020(4)(c); *see also* RCW

---

<sup>3</sup> A prisoner's request for final disposition under Article III is deemed a waiver by the prisoner of extradition to the receiving state for purposes of trial, as well as a future waiver of extradition to the receiving state to serve his receiving state sentence *after* completing his term of imprisonment in the sending state. *See* Article III(e).

72.74.020(4)(d) (requiring receiving state prison to provide regular reports of the prisoner's conduct to the sending state); RCW 72.74.020(4)(e) (“The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state”); RCW 72.74.020(4)(g) (prisoner shall be returned to sending state for release); RCW 72.74.020(5)(b) (prisoner who escapes is deemed a fugitive of both the sending state and the receiving state); RCW 72.74.020(4)(f) (if the sending state's laws entitle the offender to a hearing, the receiving state shall allow the hearing in the receiving state, consistent with the laws of the sending state).

If Stevens had been sent to Idaho under the ICC, Idaho would have functioned as an agent of Washington and would have been required to report regularly on Stevens’s conduct and status. Additionally, Stevens would have been entitled to early release time:

Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

RCW 72.74.020(4)(h). If Stevens had had disciplinary problems that required deduction of early release credits, he also would have been entitled to a hearing. RCW 72.74.020(4)(f).

In contrast, under the IAD, Washington had no control over Stevens's location and circumstances while he was in Idaho's prison system. It had no statutory or legal authority to require Idaho to assist it in monitoring Stevens's conduct, awarding early release credits, or holding violation hearings.

**B. IAD Offenders Are Not Similarly Situated To ICC Offenders**

Stevens may argue that the Equal Protection Clause requires the DOC to give him early release credits, just as the DOC gives ICC offenders early release credits when they serve their Washington sentences in another state. But as demonstrated above, he is not similarly situated to ICC offenders because the DOC had no jurisdiction over him when he was in Idaho, while the DOC retains jurisdiction over ICC offenders while they are in other states.

The Equal Protection Clause of the Fifth Amendment requires that all persons similarly situated be treated alike. *F.S. Royster Guano Co. v. Commonwealth of Virginia*, 253 U.S. 412, 415, 40 S. Ct. 560, 64 L. Ed. 989 (1920); *Plyler v. Doe*, 457 U.S. 202, 216, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982). The aim of equal protection is "securing equality of treatment by

prohibiting undue favor" or "hostile discrimination." *Andersen v. King County*, 158 Wn.2d 1, 15, 138 P.3d 963 (2006). A necessary element for a violation of equal protection is that the person be "similarly situated" to others receiving different treatment. If the complainant is not similarly situated, there is no violation of equal protection. *Powell v. Ducharme*, 998 F.2d 710, 716 (9th Cir. 1993).

When he was in Idaho DOC, Stevens was not similarly situated to inmates serving Washington sentences in Idaho DOC pursuant to the ICC (RCW 72.74.020). The DOC has no authority or control over the location and circumstances of prisoners transferred under the IAD. This is in contrast to the control the DOC exercises over prisoners subject to other interstate transfers—such as those under the ICC or those transferred to out-of-state prisons pursuant to a contract to reduce overcrowding at DOC prisons. *See* RCW 72.68.010. During the time that prisoners transferred under the IAD are in the sending state (i.e., Idaho in this case), they remain subject to the control of the sending state.

In contrast, if the DOC transfers a prisoner to another state to serve his or her Washington sentence under the ICC or under a contract, that prisoner remains a Washington inmate and is still subject to the DOC's control and jurisdiction pursuant to RCW 72.74.020(4).

Because Stevens was in Idaho under the IAD, he is not similarly situated to Washington inmates in Idaho under the ICC. Therefore, there is no violation of equal protection.

**C. The Court Views Equal Protection Challenges Against Correctional Facilities Under The Rational Basis Test**

Equal protection claims concerning post-conviction sentencing and confinement are reviewed under the rational basis test. *McQueary v. Blodgett*, 924 F.2d 829, 834 (9th Cir. 1991). Even if a person is similarly situated, an equal protection claim "must be rejected unless the [state's] action is patently arbitrary and bears no relationship to a legitimate governmental interest." *Vermouth v. Corrothers*, 827 F.2d 599, 602 (9th Cir. 1987). To survive an equal protection challenge, the State need not elect the best means for advancing its goals. *Id.* at 603. As long as the State's action bears some rational relationship to a legitimate governmental interest, a court cannot "'sit as a super legislature' and dictate another [course of action] it believes to be wiser or more equitable." *Id.* at 604 (quoting *City of New Orleans v. Dukes*, 427 U.S. 297, 303, 96 S. Ct. 2513, 49 L. Ed. 2d 511 (1976) (*per curiam*)).

"Improvement in sentencing is [a] rational government purpose." *McQueary*, 924 F.2d at 834 (quoting *Foster v. Washington State Board of Prison Terms and Paroles*, 878 F.2d 1233, 1235 (9th Cir. 1989)). Even if

some felons have received more lenient sentences for more serious crimes, there is no equal protection violation. "A mere demonstration of inequality is not enough; the Constitution does not require *identical* treatment. There must be an allegation of invidiousness or illegitimacy in the statutory scheme before a cognizable claim arises: it is a 'settled rule that the Fourteenth Amendment guarantees equal laws, not equal results.'" *McQueary*, 924 F.2d at 835 (emphasis in original) (quoting *Personnel Adm'r of Massachusetts v. Feeney*, 442 U.S. 256, 273, 99 S. Ct. 2282, 2293, 60 L. Ed. 2d 870 (1979)).

It is a primary goal of prison systems to promote a safe and secure environment within the prison for staff, inmates, and community members. *Bell v. Wolfish*, 441 U.S. 520, 546, 99 S. Ct. 1861, 60 L. Ed. 2d 447 (1979). "Maintaining institutional security and preserving internal order and discipline are essential goals that may *require* limitation or retraction of the retained constitutional rights of . . . convicted prisoners . . ." *Id.*, 441 U.S. at 521.

To maintain order and discipline, state prison administrators have adopted rules allowing offenders to earn early release credits while under the DOC's jurisdiction. RCW 9.94A.729 provides that the DOC may reduce a prisoner's sentence by early release time "in accordance with procedures that shall be developed and adopted by the correctional agency

having jurisdiction in which the offender is confined." RCW 9.94A.729(1)(a). This statute gives the DOC the authority to create the rules regarding early release time. Pursuant to that authority, the DOC has a rule that allows ICC offenders to earn early release time while in another state, but it does not allow IAD offenders to earn early release time in another state unless the other state's own prison awards them early release time. *See* Exhibit 7, Kiosk Message ("We are not able to give you good time on the time from Idaho because they informed us that they do not give good time . . .").

The Constitution does not require identical treatment of Stevens and ICC offenders. The DOC had no legal jurisdiction over him when he was in Idaho. It received no updates on his conduct and retained no right to require Idaho DOC to return him to Washington. And Stevens was not *statutorily* entitled to the benefits he would have received in a Washington prison. The DOC's rules are rationally related to the goal of maintaining order and discipline. Therefore, the rules do not violate equal protection.

Furthermore, the Fifth Amendment prohibits only purposeful discrimination. *Washington v. Davis*, 426 U.S. 229, 239-40, 96 S. Ct. 2040, 48 L. Ed. 2d 597 (1976). "‘Discriminatory purpose,’ we said, ‘implies more than intent as volition or intent as awareness of consequences. It implies that the decisionmaker ... selected or reaffirmed

a particular course of action at least in part “because of,” not merely “in spite of,” its adverse effects upon an identifiable group.” *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 271-272, 113 S. Ct. 753, 122 L. Ed. 2d 34 (1993) (quoting *Personnel Administrator of Mass. v. Feeney*, 442 U.S. 256, 279, 99 S. Ct. 2282, 60 L. Ed. 2d 870 (1979)).

Clearly there is no discriminatory purpose in this case. The purpose in this case is to link the award of early release credits to conduct. The DOC' s action of requiring credits to be based on conduct is an action taken *in spite of* its adverse effects on IAD offenders in statutes like Idaho, not *because of the* adverse effects. There is no purposeful discrimination. Thus, there is no equal protection violation.

**D. Any Equal Protection Claim Requires Application Of The *Turner v. Safley* Four-Part Test**

Because this case involves rules of a prison, a special standard of review applies to this Court's adjudication of any equal protection claim. It is a relaxed standard as compared to the standards applied in the non-prison context.

In *Turner v. Safley*, 482 U.S. 78, 89-91, 107 S. Ct. 2254, 96 L. Ed. 2d 64 (1987), the Supreme Court defined the test to be applied to all litigation regarding prison regulations that affect a prison inmate's constitutional rights. In *Turner*, the Supreme Court "stated that the proper

inquiry turns on whether a prison regulation is 'reasonably related' to legitimate penological objectives, or whether it represents an 'exaggerated response' to those concerns." *In re Parmelee*, 115 Wn. App. 273, 281-82, 63 P.3d 800 (2003) (quoting *Turner*, 482 U.S. at 89-90). Four factors are relevant in determining whether the prison regulation is reasonable. "First, there must be a valid, rational connection between the prison regulation and the legitimate governmental interest put forward to justify it." Second, a court considers whether there are "alternative means of exercising the [constitutional] right that remain open to prison inmates." Third, a court considers "the impact accommodation of the asserted constitutional right will have on guards and other inmates, and on the allocation of prison resources generally." And fourth, "the absence of ready alternatives is evidence of the reasonableness of a prison regulation." *Turner*, 482 U.S. at 89-90 (internal quotation marks omitted). "[T]he *Turner* factors concern only the relationship between the asserted penological interests and the prison regulation." *Shaw v. Murphy*, 532 U.S. 223, 227, 121 S. Ct. 1475, 149 L. Ed. 2d 420 (2001). The *Turner* test does not accommodate valuations of the content of the prison's rule. *Id.*

This test was designed by the Court to prevent courts from becoming "the primary arbiters of what constitutes the best solution to every administrative problem, thereby 'unnecessarily perpetuat[ing] the

involvement of the federal courts in affairs of prison administration." *Turner*, 482 U.S. at 89 (citing *Procunier v. Martinez*, 416 U.S. 396, 407, 94 S. Ct. 1800, 40 L. Ed. 2d 224 (1974), *overruled on other grounds by Thornburgh v. Abbott*, 490 U.S. 401, 413-14, 109 S. Ct. 1874, 104 L. Ed. 2d 459 (1989)). The Court also recognized that "such a standard is necessary if 'prison administrators, ... and not the courts, [are] to make the difficult judgments concerning institutional operations.'" *Turner* 482 U.S. at 89 (citing *Jones v. North Carolina Prisoners' Union*, 433 U.S. 119, 128, 97 S. Ct. 2532, 53 L. Ed. 2d 629 (1977)).

Under *Turner*, this Court cannot evaluate the content of the DOC's rule that IAD offenders are not allowed to earn early release credits while in another state unless the other state awards early release credits. The Court only can evaluate whether the rule is rationally related to the asserted penological interest of maintaining order and discipline.

The DOC's interest in maintaining order and discipline is rationally connected to the DOC's policy of not allowing early release credits for time spent under the IAD in a state that does not give early release credits. The DOC gives early release credits for the sole purpose of motivating good behavior and good performance. The DOC cannot determine whether behavior was good unless it receives information on an offender's conduct. And it cannot deduct early release credits for bad behavior unless the

offender is afforded an infraction hearing. If another state's prison system has a program for giving early release credits, the DOC can rely on that system and honor those credits. But if the other state has no such process and the DOC receives no conduct reports and has no right to require the other state to hold an infraction hearing for behavior violations, the DOC has no way to know whether the early release credits are actually motivating good behavior and good performance. In such cases, there is no ready alternative for the DOC to link early release to the offender's conduct.

Also, giving early release credits to an offender who may have been undeserving of them while in the other state's prison could negatively impact other inmates at the DOC because the offender may have developed a sense of impunity or of entitlement that he or she should receive early release credits regardless of his or her behavior in prison. After such offender comes to the DOC, his or her sense of entitlement may result in acting out and harming other inmates. For these reasons, the DOC's policy satisfies the *Turner* test.

**E. The DOC Respectfully Disagrees With *In Re Salinas***

*In re Salinas*, 130 Wn. App. 772, 124 P.3d 665 (2005), involved an offender who served time in South Dakota under the IAD. Like Idaho, South Dakota had no early release program for prison inmates. *See Salinas*, 130 Wn. App. at 779. The Court in *Salinas* held that it violated

equal protection to not give Salinas early release credits for his time in South Dakota. *Salinas*, 130 Wn. App. at 778.

But the Court in *Salinas* did not have the information it needed to make an informed decision. As a result, it did not address or cite the IAD. Hence, it did not distinguish between the control that the DOC has over inmates under the ICC as compared to the lack of control the DOC has over inmates under the IAD. As such, the *Salinas* Court's equal protection analysis was incomplete, and its holding should not be replicated in this case.

The court in *Merchant v. State of Wyoming Department of Corrections*, 168 P.3d 856 (Wyo. 2007), was critical of the decision in *Salinas* and correctly concluded that offenders under the IAD are not similarly situated to offenders under the ICC, and thus, equal protection is not violated by the denial of early release credits. *Merchant*, 168 P.3d at 867 ("Without significant discussion, the court concluded that Mr. Salinas was similarly situated to other inmates who did receive earned early release credit).

This Court should also hold that equal protection does not require Stevens to receive early release credits for the time he spent in Idaho.

///

///

## VI. CONCLUSION

Because Stevens is not entitled to early release credits for his time in the Idaho DOC, Respondent respectfully requests that this Court deny his personal restraint petition with prejudice.

RESPECTFULLY SUBMITTED this 5th day of June, 2014.

ROBERT W. FERGUSON  
Attorney General

s/ Ronda D. Larson  
RONDA D. LARSON, WSBA #31833  
Assistant Attorney General  
Corrections Division OID# 91025  
PO Box 40116  
Olympia WA 98504-0116  
(360) 586-1445

**CERTIFICATE OF SERVICE**

I certify that on the date below I caused to be electronically filed the foregoing document with the Clerk of the Court using the electronic filing system and I hereby certify that I have mailed by United States Postal Service the document to the following non electronic filing participant:

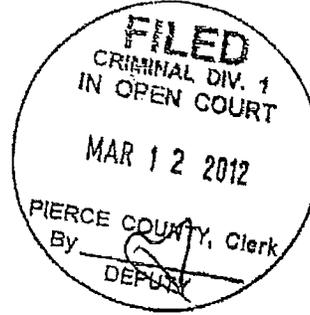
JON ANDREW STEVENS #822329  
CEDAR CREEK CORRECTIONS CENTER  
PO BOX 37  
LITTLEROCK, WA 98556

JASON RUYF  
PIERCE COUNTY PROSECUTORS OFFICE  
930 TACOMA AVE S  
ROOM 946  
TACOMA WA 98402-2102

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

EXECUTED this 5th day of June, 2014, at Olympia, WA.

s/ Cherrie Melby  
CHERRIE MELBY  
Legal Assistant



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-04990-6 MAR 12 2012  
COUNTS I, III, IV, IX ONLY

vs.

JUDGMENT AND SENTENCE (FJS)

JON ANDREW STEVENS

Defendant.

- Prison [ ] RCW 9.94A.712 Prison Confinement
- [ ] Jail One Year or Less
- [ ] First-Time Offender
- [ ] Special Sexual Offender Sentencing Alternative
- [ ] Special Drug Offender Sentencing Alternative
- [ ] Alternative to Confinement (ATC)
- [ ] Clark's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8
- [ ] Juvenile Decline [ ] Mandatory [ ] Discretionary

SID. 20201235  
DOB [REDACTED]

522329  
5/3/13  
cc to I Oaho  
CS to Federal

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

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

2.1 CURRENT OFFENSE(S) The defendant was found guilty on 3/12/12  
by [ X ] plea [ ] jury-verdict [ ] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO
I	IDENTITY THEFT IN THE FIRST DEGREE	9.35.020(1)(2)(a)		1/16/09	090890948
III	THEFT IN THE SECOND DEGREE	9A.56.020(1)(b) AND 9A.56.040(1)(a)		2/5/09	090890948
IV	IDENTITY THEFT IN THE SECOND DEGREE	9.35.020(3)		2/5/09	090890948
IX	IDENTITY THEFT IN THE SECOND DEGREE	9.35.020(3)		1/26/09	090890948

JUDGMENT AND SENTENCE (JS)  
(Felony) (7/2007) Page 1 of 11

Office of Prosecuting Attorney  
930 Tacoma Avenue S. Room 946  
Tacoma, Washington 98402

12-9-02717-1

EXHIBIT 1

\* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Hom, See RCW 46 61 520,  
(JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW  
9.94A.533(8) (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the AMENDED Information

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589).
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	FORGERY X 13	2/26/01	GRANT	1/4/00	A	NV
2	THEFT 1	2/26/01	GRANT	1/4/00	A	NV
3	FORGERY X2	6/20/03	KITTITAS	11/20/00	A	NV
4	THEFT BY DECEP	4/15/02	DIST CT IDAHO	1/12/02	A	NV
5	THEFT/CONSP TO COMMIT GRANT THEFT		DIST CT IDAHO	1/12/02	A	NV
6	THEFT BY DECEPTION		IDAHO	1/25/02	A	NV
7	CONSP TO COMMIT GRANT THEFT		BANNOCK CO, ID	1/25/04	A	NV
8	FELON IN POSS OF F/A BY CONT SUBSTANCE USER	1/25/10	US DIST CT, AZ	9/21/09	A	NV

- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	24	IV	63-84 MOS	NONE	63-84 MOS	10 YRS
III	24	I	22-29 MOS	NOEN	22-29 MOS	3 YRS
IV	24	II	43-57 MOS	NONE	43-57 MOS	5 YRS
IX	24	II	43-57 MOS	NONE	43-57 MOS	5 YRS

- 2.4  EXCEPTIONAL SENTENCE Substantial and compelling reasons exist which justify an exceptional sentence.
- within  below the standard range for Count(s) \_\_\_\_\_
  - above the standard range for Count(s) \_\_\_\_\_
    - The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence further and is consistent with the interests of justice and the purposes of the sentencing reform act.
    - Aggravating factors were  stipulated by the defendant,  found by the court after the defendant waived jury trial,  found by jury by special interrogatory.

JUDGMENT AND SENTENCE (JS)  
(Felony) (7/2007) Page 2 of 11

Office of Prosecuting Attorney  
930 Tacoma Avenue S Room 946  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Findings of fact and conclusions of law are attached in Appendix 2.4.  Jury's special interrogatory is attached. The Prosecuting Attorney  did  did not recommend a similar sentence.

2.5 **ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS** The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753).

The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate.

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are  attached  as follows, N/A

III. JUDGMENT

3.1 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1

3.2  The court DISMISSES Counts \_\_\_\_\_  The defendant is found NOT GUILTY of Counts \_\_\_\_\_

IV. SENTENCE AND ORDER

IT IS ORDERED.

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE

<i>KIN/RJN</i>	\$ <u>1452.77</u>	Restitution to: <u>Key Bank</u>
	\$ <u>544.78</u>	Restitution to: <u>Community Credit Union</u>
	(Name and Address--address may be withheld and provided confidentially to Clerk's Office)	
<i>PCV</i>	\$ <u>500.00</u>	Crime Victim assessment
<i>DNA</i>	\$ <u>100.00</u>	DNA Database Fee
<i>PUB</i>	\$ _____	Court-Appointed Attorney Fees and Defense Costs
<i>FRC</i>	\$ <u>200.00</u>	Criminal Filing Fee
<i>FCM</i>	\$ _____	Fine

**OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)**

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ \_\_\_\_\_ Other Costs for: \_\_\_\_\_

\$ \_\_\_\_\_ TOTAL

**JUDGMENT AND SENTENCE (JS)**

(Relony) (7/2007) Page 3 of 11

Office of Prosecuting Attorney  
930 Tacoma Avenue S Room 946  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing.

shall be set by the prosecutor.

is scheduled for \_\_\_\_\_

RESTITUTION. Order Attached

Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant	CAUSE NUMBER	(Victim name)	(Amount-\$)
RJN			

The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein. Not less than \$ per clerk per month commencing per clerk RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

COSTS OF INCARCERATION. In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW, 10.73.160.

4.1b ELECTRONIC MONITORING REIMBURSEMENT. The defendant is ordered to reimburse \_\_\_\_\_ (name of electronic monitoring agency) at \_\_\_\_\_ for the cost of pretrial electronic monitoring in the amount of \$ \_\_\_\_\_

4.2  DNA TESTING. The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

HIV TESTING. The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340

4.3 NO CONTACT

The defendant shall not have contact with JAMES TODD ANDERSON (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 10 years (not to exceed the maximum statutory sentence).

Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 OTHER. Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law


4.4a  All property is hereby forfeited

Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law

4.4b BOND IS HEREBY EXONERATED

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

63 months on Count I 43 months on Count IX  
22 months on Count II \_\_\_\_\_ months on Count \_\_\_\_\_  
43 months on Count IV \_\_\_\_\_ months on Count \_\_\_\_\_

~~Three~~ Concurrent w/ Idaho case 04-B0388 from 3/30/11.

Actual number of months of total confinement ordered is: 63 months

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

The confinement time on Count(s) \_\_\_\_\_ contain(s) a mandatory minimum term of \_\_\_\_\_

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively. Consecutive to federal sentence.

*(Released from FBOP 3-30-11)*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.389:

Confinement shall commence immediately unless otherwise set forth here:

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 348 days  
(3/30/11 - 3/12/12)

46 [ ] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count \_\_\_\_\_ for \_\_\_\_\_ months;

Count \_\_\_\_\_ for \_\_\_\_\_ months;

Count \_\_\_\_\_ for \_\_\_\_\_ months;

*73 days GT  
Verify Idaho AND  
Federal time*

COMMUNITY CUSTODY (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701)

(A) The defendant shall be on community custody for the longer of:

(1) the period of early release. RCW 9.94A.728(1)(2); or

(2) the period imposed by the court, as follows:

Count(s) \_\_\_\_\_ 36 months for Serious Violent Offenses

Count(s) \_\_\_\_\_ 18 months for Violent Offenses

Count(s) I, IV + IX 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(B) While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed, (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The court orders that during the period of supervision the defendant shall:

[ ] consume no alcohol.

[ ] have no contact with: \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

remain  within  outside of a specified geographical boundary, to wit: \_\_\_\_\_

not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age

participate in the following crime-related treatment or counseling services: \_\_\_\_\_

undergo an evaluation for treatment for  domestic violence  substance abuse  
 mental health  anger management and fully comply with all recommended treatment.

comply with the following crime-related prohibitions: \_\_\_\_\_

Other conditions: POV CLO

For sentences imposed under RCW 9 94A.702, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision RCW 9 94A.562.

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7  WORK ETHIC CAMP. RCW 9 94A.690, RCW 72.09.410 The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 OFF LIMITS ORDER (known drug trafficker) RCW 10 66.020 The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections. \_\_\_\_\_

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to

arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090

5.2 **LENGTH OF SUPERVISION** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606

5.4 **RESTITUTION HEARING**

Defendant waives any right to be present at any restitution hearing (sign initials).

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION** RCW 9A.44.130, 10.01.200

N/A

5.8 [ ] The court finds that Count \_\_\_\_\_ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 8 of 11

Office of Prosecuting Attorney  
930 Tacoma Avenue S Room 946  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5 10 OTHER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DONE in Open Court and in the presence of the defendant this date 3/12/12

JUDGE h  
Print name KATHRYN J. NELSON

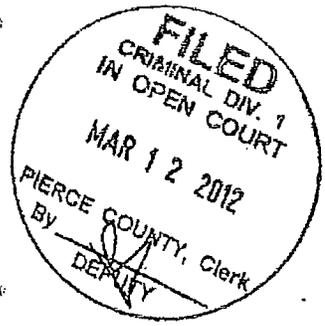
[Signature]  
Deputy Prosecuting Attorney  
Print name: WBS #  
WSB # \_\_\_\_\_

[Signature]  
Attorney for Defendant  
Print name: Talmy  
WSB # 22154

[Signature]  
Defendant  
Print name: [Signature]

VOTING RIGHTS STATEMENT: RCW 10 64 140 I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9 94A 637; b) A court order issued by the sentencing court restoring the right, RCW 9 92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9 96 050, or d) A certificate of restoration issued by the governor, RCW 9 96.020 Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: [Signature]



Case Number: 09-1-04990-6 Date: April 30, 2013  
SerialID: 5BA83B11-F20D-AA3E-5E9B95A9273D1528  
Certified By: Kevin Stock Pleros County Clerk, Washington

09-1-04990-6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 09-1-04990-6

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date. \_\_\_\_\_

Clerk of said County and State, by, \_\_\_\_\_, Deputy Clerk

IDENTIFICATION OF COURT REPORTER

DANA EBY

Court Reporter

Case Number: 09-1-04990-6 Date: April 30, 2012  
SerialID: 5BA83B11-F20D-AA3E-5E9B95A9273D1528  
Certified By: Kevin Stock Pierce County Clerk, Washington

09-1-04990-6

IDENTIFICATION OF DEFENDANT

SID No. 20201235  
(If no SID take fingerprint card for State Patrol)

Date of Birth [REDACTED]

FBI No. [REDACTED]

Local ID No. UNKNOWN

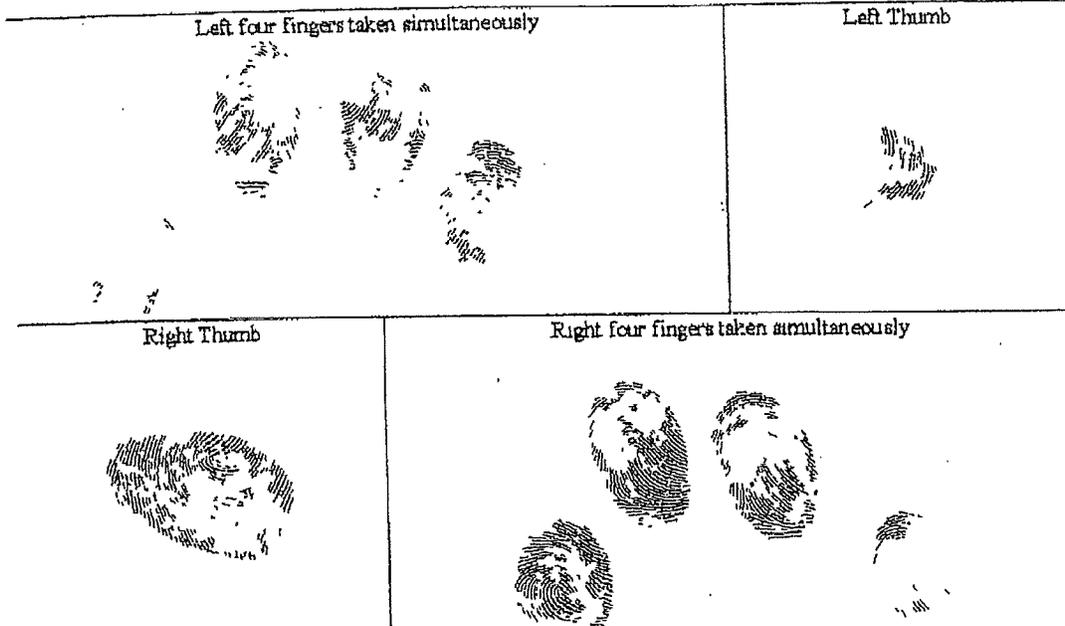
PCN No. 539751816

Other

Alias name, SSN, DOB \_\_\_\_\_

Race:					Ethnicity:		Sex:	
[ ] Asian/Pacific Islander	[ ]	Black/African-American	[ X ]	Caucasian	[ ]	Hispanic	[ X ]	Male
[ ] Native American	[ ]	Other			[ X ]	Non-Hispanic	[ ]	Female

FINGERPRINTS



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, Strom Dated 3-12-12

DEFENDANT'S SIGNATURE \_\_\_\_\_

DEFENDANT'S ADDRESS \_\_\_\_\_



09-1-04990-6 40452956 WC 05-01-13

Case Number: 09-1-04990-6 Date: May 1, 2013  
SerialID: 62652B2C-F20D-AA3E-5A8E-F87447E4CB  
Certified By: Kevin Stock Pierce County Clerk, Washington

MAY 01 2013

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 09-1-04990-6

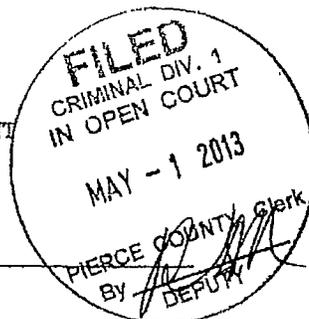
vs

JON ANDREW STEVENS,

Defendant.

WARRANT OF COMMITMENT

- 1)  County Jail
- 2)  Dept. of Corrections
- 3)  Other Custody



THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

- [ ] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).
- [ ] 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

WARRANT OF COMMITMENT -1

Office of Prosecuting Attorney  
930 Tacoma Avenue S. Room 946  
Tacoma, Washington 98402-2171  
Telephone: (253) 798-7400

[ ] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence (Sentence of confinement or placement not covered by Sections 1 and 2 above).

[ ] 4. CALCULATION OF CREDIT FOR TIME SERVED:

The defendant was incarcerated in the IDAHO DEPARTMENT OF CORRECTIONS on charges from the State of IDAHO. The defendant exercised his rights under the Interstate Agreement on Detainers. On APRIL 30, 2013, the defendant was returned to Pierce County and sentenced under this cause number and given credit for 348 DAYS. (See Judgment and Sentence entered with court on MARCH 12, 2012). The defendant completed his sentence under IDAHO cause # 04-B0388 and is now being remanded to the Washington State Department of Corrections to serve time under this cause. The defendant's credit for time served is calculated from MARCH 12, 2012 to MAY 1, 2013 which totals 415 DAYS. Thereby the court orders the defendant's total credit for time served shall be 763 days.

Dated: 5.1.13

By direction of the Honorable  
*Kevin Stock*  
JUDGE  
KEVIN STOCK  
CLERK  
By: *Margdalena Spore*  
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF  
MAY 01 2013 Date By *Margdalena Spore* Deputy



STATE OF WASHINGTON  
County of Pierce

I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.  
IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

KEVIN STOCK, Clerk  
By: \_\_\_\_\_ Deputy

WARRANT OF COMMITMENT -2

**Inmate: STEVENS, Jon Andrew (822329)**

Gender: Male	DOB: <span style="background-color: black; color: black;">[REDACTED]</span>	Age: 33	Category: Regular Inmate	Body Status: Active Inmate
RLC: HNV	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 2 - Camp	Location: CCCC — OLY / OB11R
ERD: 04/22/2015	CC/CCO: Albertsen, Paris P			

**Offender Information (Combined)**

Prison Max Expiration Date: 06/28/2016	Last Static Risk Assessment Date: 05/31/2013	DOSA:
Planned Release Date:	Last Offender Need Assessment Date: 06/06/2013	ISRB? No
Earned Release Date: 04/22/2015	RLC Override Reason:	CCB? No
ESR Sex Offender Level:		SOSSA? No
ESR Sex Offender Level Date:	Offender Release Plan: Unknown	WEP? No
County Sex Offender Level:	Victim Witness Eligible? No	
Registration Required?	County Of First Felony Conviction: Grant	
ORCS? Unknown	P C L H E S D X T 1 1 1 1 1 1 2 1	
DD? Unknown		
SMIO? No		

**Sentence Structure (Field)**

**Cause: AE - 091049906 - Pierce**

Convicted Name: Jon Stevens	Date Of Sentence: 03/12/2012	Cause Status: Active	Offense Category: Property
Distinct Supervision Type: CCP	Start Date: 04/22/2015	Scheduled End Date: 04/21/2016	Consecutive Supervision:
<b>Count: 1 - RCW 9.35.020(2) - Identity Theft 1</b>			
Count Start Date: 04/22/2015	Supervision Length: 0Y, 12M, 0D	Length In Days: 365	Count End Date: 04/21/2016
Stat Max: 03/29/2021	Violent Offense? No	DW / FA Enhancement? N	Anticipatory:
<b>Count: 4 - RCW 9.35.020(3) - Identity Theft 2</b>			
Count Start Date: 04/22/2015	Supervision Length: 0Y, 12M, 0D	Length In Days: 365	Count End Date: 04/21/2016
Stat Max: 05/08/2017	Violent Offense? No	DW / FA Enhancement? N	Anticipatory:
<b>Count: 9 - RCW 9.35.020(3) - Identity Theft 2</b>			
Count Start Date:	Supervision Length:	Length In Days:	Count End Date: Stat Max:

EXHIBIT 2

04/22/2015	0Y, 12M, 0D	365	04/21/2016	05/08/2017
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
No	N			
<b>Cause: AF - 091049906 - Pierce</b>				
Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:	
Jon Stevens	03/12/2012	Active	Property	
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:	
MON	04/22/2015			
<b>Count: 3 - RCW 9A.56.040(1)(a) - Theft 2 - Property or Services &gt;\$250.00 &lt;\$1500.00</b>				
Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
04/22/2015	0Y, 0M, 0D	0		03/17/2018
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
No	N			

<b>Sentence Structure (Inmate)</b>									
<b>Cause: AE - 091049906 - Pierce</b>									
State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:						
Washington	Jon Stevens	03/12/2012							
Time Start Date:	Confinement Length:	Earned Release Date:							
05/03/2013	0Y, 63M, 0D	04/22/2015							
<b>Count: 1 - RCW 9.35.020(2) - Identity Theft 1</b>									
Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 63M, 0D	33.33%	04/22/2015	06/28/2016	03/29/2021	No
Supervision Type:	Supervision Length:	Consecutive Count:		Hold To Stat Max Expiration:					
CCP	0Y, 12M, 0D								
<b>Count: 4 - RCW 9.35.020(3) - Identity Theft 2</b>									
Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 43M, 0D	33.33%	03/12/2014	10/28/2014	05/08/2017	No
Supervision Type:	Supervision Length:	Consecutive Count:		Hold To Stat Max Expiration:					
CCP	0Y, 12M, 0D								
<b>Count: 9 - RCW 9.35.020(3) - Identity Theft 2</b>									
Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 43M, 0D	33.33%	03/12/2014	10/28/2014	05/08/2017	No
Supervision Type:	Supervision Length:	Consecutive Count:		Hold To Stat Max Expiration:					
CCP	0Y, 12M, 0D								

**Cause: AF - 091049906 - Pierce**

State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Jon Stevens	03/12/2012	
Time Start Date:	Confinement Length:	Earned Release Date:	
05/03/2013	0Y, 22M, 0D	05/03/2013	

**Count: 3 - RCW 9A.56.040(1)(a) - Theft 2 - Property or Services >\$250.00 <\$1500.00**

Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
				0Y, 22M, 0D	33.33%	05/03/2013	05/03/2013	03/17/2018	No

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

**External / Internal Movements**

Movement Date/Time	From Location	To Location	Movement Type		Movement Reason		Created By	
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CCCC	04/23/2014	OB11R	Albertsen, Paris P	70050761	03/04/2014			Swofford, Michael A
CCCC	01/29/2014	OC08R	Albertsen, Paris P	70050761	03/04/2014			Arnold, David J
CCCC	01/29/2014	OC08R	Arnold, David J	70050863	02/13/2014			Arnold, David J
CCCC	01/29/2014	OC08R	Jorban, Cheryl J	70050863	02/11/2014			Arnold, David J
CCCC	01/29/2014	OC08R	Unassigned					Swofford, Michael A
01/29/2014 03:16:24	Pierce	CCCC		Temporary Absence From Prison		Return From Escorted Leave		Keller, Mark G
01/29/2014 10:18:17	CCCC	Pierce		Temporary Absence From Prison		Industries		Longoria, Frank A
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
CCCC	01/09/2014	OC08R	Albertsen, Paris P	70050761	01/22/2014			Byers, Debra M
CCCC	01/09/2014	OC08R	Jorban, Cheryl J	70050863	01/16/2014			Longoria, Frank A
CCCC	08/11/2013	OE05L	Jorban, Cheryl J	70050863	01/16/2014			Thorson, Laura J
CCCC	08/11/2013	OE05L	Byers, Debra M	70050863	01/16/2014			Thorson, Laura J
CCCC	08/11/2013	OE05L	Byers, Debra M	70050863	01/16/2014			Thorson, Laura J

CCCC	08/11/2013	OE05L	Jorban, Cheryl J	70050863	01/16/2014			Thorson, Laura J
CCCC	08/11/2013	OE05L	Pickard, Anthony J	70050824	07/19/2013			Keller, Mark G
CCCC	07/19/2013	OE05U	Pickard, Anthony J	70050824	07/19/2013			Downey, Elaine K
CCCC	07/19/2013	OE05U	Unassigned					Downey, Elaine K
07/19/2013 08:38:44	WCC-RC	CCCC		Transfer Between Prisons		Initial Classification		Davis, Daniel J
07/19/2013 08:34:11	WCC-RC	CCCC		Transfer Between Prisons		Initial Classification		Brunetti, Melanie S
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
WCC-RC	07/01/2013	5B02U	Sheridan, Heidi A	71023857	06/04/2013			Brunetti, Melanie S
WCC-RC	05/23/2013	5H09U	Sheridan, Heidi A	71023857	06/04/2013			Brunetti, Melanie S
WCC-RC	05/23/2013	5H09U	Malham, Gwenn J	70045180	05/14/2013			Ricker, Eugene K
WCC-RC	05/21/2013	5B12F	Malham, Gwenn J	70045180	05/14/2013			Ricker, Eugene K
WCC-RC	05/03/2013	1E02L	Malham, Gwenn J	70045180	05/14/2013			Uglick, Joseph P
WCC-RC	05/03/2013	1E02L	Unassigned					Grout, Phillip A
05/03/2013 12:57:12	King	WCC-RC		Admission To Prison		Initial Classification		Brunetti, Melanie S
08/06/2003 01:15:00	MICC (Closed)	Pierce		Release From Prison		DOC Policy		System, Obts
07/16/2003 06:04:00	Pierce	MICC (Closed)		Admission To Prison		CCI/CCP Offender		System, Obts
Facility Name	Bed Assignment	Bed ID	Assigned Counselor	Position ID	Counselor Assignment	Segregation Placement	Segregation Narrative	Created By
MICC (Closed)	07/16/2003	FA10	(Vacant)	70051591	07/16/2003			System, Obts
MICC (Closed)	07/16/2003	FA10	Unassigned					System, Obts

I DOC. CFTS

872329

AKA: STEVENS, JON ANDREW

= OFFENDER TRACK ===== QUERY OFFENDER BY NAME ===== 05/09/2013 = Page 1  
Doc No: 66758 Name: MARKHAM, NICHOLAS PC/ST DET WASHINGTON

=====

FBI No.:	SID No.:	PrbPar Class: See CIS
Birthdate: [REDACTED]	S.S.N.: [REDACTED]	Status Type: Parole
Sex: MALE	Ethnicity: WHITE	Status Date: 04/22/2013
Height: 6'02	Complexion: FAIR	Par Elig: 03/29/2005
Weight: 184	Pre ID Incr: 0	Inst Disch: 04/17/2014
Eyes: BLUE	Detain/Warr: NONE	Tent. Par. Date:
Hair: BLONDE	Nxt Par Hrg:	
Birthplace: BREMERTON	WA	Case Mgr/Par Off: UNASSIGNED
Alerts: MED		

Crime	# Dis Cnty	Docket Number / Seq	Fac/Lvg	Pd T Cl Bk	Date
GR THFT CNS	I BANNO	CRFE02-00010B 3	PC/ST DET	WASHINGTON	04/22/2013
GR THFT CNS	K BANNO	CRFE02-00010B 2	ICIO/C2	00 C 19 A	03/16/2013
GR THFT CNS	J BANNO	CRFE02-00010B 1	ICIO/C2	00 C 14 A	12/21/2012
			ICIO/C2	00 B 1 05	12/04/2012
			ICIO/A2	00 2 31 B	10/15/2012
			ISCI/TR		10/15/2012
			ISCI/UNT24	00 A 33 A	09/23/2012
			ISCI/UNT24	00 A 35 B	08/02/2012
			ISCI/UNT10	00 A 24 A	07/22/2012
			ISCI/UNT10	00 C 65 A	07/17/2012
			ISCI/UNT10	00 A 13 B	06/13/2012
			ISCI/UNT24	00 A 28 B	04/23/2012
			ISCI/UNT07	00 C 29 B	04/12/2012
			WAIT TRNSP	ADA/SH	03/28/2012
			RT/DETAINR	WASHINGTON	11/01/2011
			ISCI/UNT24	00 A 47 B	09/20/2011
			ISCI/UNT24	00 B 50 B	09/16/2011
			ISCI/UNT24	00 B 44 A	08/31/2011
			ISCI/UNT07	00 A 8 B	08/25/2011
			WAIT TRNSP	BONNEVL/SH	08/24/2011
			SECRTYHOLD	MADISON/SH	08/02/2011
			SAWC/GHSG	00 E 1 03	07/20/2011
			SAWC/GHSG	00 E 1 27	07/20/2011
			SICI/TR		07/20/2011
			SICI/MAIN	00 2 1 09	05/12/2011
			SICI/NORTH	00 A 1 11	04/26/2011
			ISCI/TR		04/26/2011
			ISCI/UNT15	00 B 66 B	04/03/2011
			RT/OS/CC	FED PRISON	04/21/2010
			PC/CU	ARIZONA	09/21/2009
			FUGTV/PC	ABSCONDERS	06/29/2009
			PC/IC	WASHINGTON	11/21/2006
			ISCI/UNT16	00 B 66 B	11/20/2006
			ISCI/UNT15	00 A 26 B	10/08/2006
			ISCI/UNT15	00 A 43 A	09/06/2006
			ISCI/UNT15	00 B 21 A	08/10/2006
			PC/CU	WASHINGTON	06/22/2006
			FUGTV/PC	ABSCONDERS	05/23/2006
			PC/IC	TEXAS	07/06/2005

EXHIBIT 3

D7ID FALLS	CCD	SPRVSN			03/31/2005
ISCI/UNT09	00	B	51	A	02/27/2005
ISCI/UNT09	00	C	59	A	02/22/2005
ISCI/UNT07	00	A	5	B	02/17/2005
SECRTYHOLD	BONNEVL	/SH			12/30/2004
CWC-IF	00	2	33	C	12/07/2004
CWC-IF	00	1	14	C	12/01/2004
SICI/TR					12/01/2004
SICI/NORTH	00	C	6	A	11/30/2004
ICIO/TR					11/30/2004
GIVENSHALL	00	A	22	B	07/30/2004
ICIO/B2	00	A	1	09	04/13/2004
ICIO/A2	00	1	30	B	03/22/2004
ISCI/TR					03/22/2004
ISCI/UNT15	00	B	15	A	03/10/2004
ISCI/UNT15	00	B	45	A	03/04/2004
BANNOCK/JB					02/24/2004
RT AWT NOT	BANNOCK	/SH			02/23/2004
D6BENCHWAR	CCD	SPRVSN			09/29/2003
D6POCATELL	CCD	SPRVSN			02/14/2003
D6/AW ACTV	CCD	SPRVSN			01/06/2003
RJ to JD 6	BANNOCK	/SH			12/11/2002
ISCI/UNT07	00	C	25	B	12/09/2002
NICI/TR					12/09/2002
NICI/UNIT4	00	4	44	B	09/29/2002
NICI/UNIT4	00	4	16	B	07/29/2002
NICI/UNIT1	00	1	9	B	07/22/2002
ISCI/TR					07/22/2002
ISCI/UNT07	00	B	15	A	07/18/2002
ISCI/UNT15	00	A	16	B	07/18/2002
ISCI/UNT15	00	B	67	A	06/26/2002
ISCI/UNT15	00	B	35	A	06/21/2002
ISCI/UNT15	00	B	43	B	06/21/2002
BANNOCK/JB					06/18/2002
RT AWT NOT	BANNOCK	/SH			06/17/2002

Previous Numbers:

Superceded Numbers:

**Inmate: STEVENS, Jon Andrew (822329)**

Gender: Male	DOB: [REDACTED]	Age: 33	Category: Regular Inmate	Body Status: Active Inmate
RLC: HNV	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 2 - Camp	Location: CCCC — OLY / OB11R
ERD: 04/22/2015	CC/CCO: Albertsen, Paris P			

**Details**

Date & Time Created: 10/09/2013 03:01 PM  
 Offender Location At Occurrence: CCCC  
 Date & Time Of Occurrence: 10/09/2013  
 DOC No.: 822329  
 Offender Name: STEVENS Jon Andrew  
 Author Name: Hedgers Gladys  
 Events: Records Issues ( RC )

**Text**

5892 Jail Good Time review completed on Pierce County, Cause 091049906 AE/AF. Original jail good time credits were correct. No adjustments made to the ERD.

Date & Time Created: 05/09/2013 12:54 PM  
 Offender Location At Occurrence: WCC-RC  
 Date & Time Of Occurrence: 05/09/2013  
 DOC No.: 822329  
 Offender Name: STEVENS Jon Andrew  
 Author Name: Olsen Jayne  
 Events: Records Issues ( RC )

Req'd IDOC CFTS from Glenna Traylor today: This offender was sentence to 63 months in WA DOC by Pierce County on CSE#09-1-04990-6 on 3/12/12, concurrent to his Idaho case from 3/30/11. The sentence is also consecutive to his federal sentence. I am trying to figure out his credit for time served in Idaho DOC as well as his federal credit if any. The Pierce Co jail cert I have reflects he was in their jail 11/4/11 to 3/26/12 and then again 4/30/13 to 5/3/13, the date he was sent to our facility. If you can send me an offender profile for his time served in IDOC, I should be able to take it from there. I understand IDOC does not give any good time credit on time served unless the sentence was prior to 1987. I am basically trying to verify he was incarcerated in IDOC from 3/11/11-11/4/11 (perhaps he was borrowed on IAD) and then again from 3/26/12-4/30/13. At this time I do not have any info on his federal sentencing/dates of incarceration.

**Appended Text:**CFTS: J&S gives 348 days. Rec'd offender profile from IDOC showing dates of incarceration. Applied 219JT/OGT 3/30/11-11/4/11 IDOC credit; 146JT/73GT PCJ 11/4/11-3/26/12 & 4/30/13-5/3/13; 400JT/OGT 3/26/12-4/30/13 IDOC credit; Total CFTS 765JT/73GT on PC CSE#091049906.

**Appended Text:**According to FBOP website, P was released 3/30/11. PC CSE#091049906 is CS to federal sentence, therefore no CFTS eligible from feds.

Date & Time Created: 09/25/2009 02:10 PM  
 Offender Location At Occurrence: Not Unique  
 Date & Time Of Occurrence: 09/25/2009  
 DOC No.: 822329  
 Offender Name: STEVENS Jon Andrew  
 Author Name: McCullough Floyd  
 Events: Telephone Collateral ( TC )

I returned phone call to p's wife, [REDACTED] who informed me that p had been picked up on the Idaho warrant. She left a contact number of [REDACTED]

**EXHIBIT 4**

**Pierce County Sheriff's Department  
Correction Division  
Incarceration Time Credit Report**

Cause Number: 09-1-04990-6      Inmate Name: STEVENS, JON ANDREW

To: Department of Corrections

Date: 5/3/13

The following information is provided for the purpose of crediting time spent in confinement in the Pierce County Corrections and Detention Center:

Cause Number: 09-1-04990-6      Inmate Name: STEVENS, JON ANDREW

**Personal Information**

---

Dob: [REDACTED]	Age: 32	Gender: M		
Race: WHITE	Ethnicity: NON-HISPANIC	Height: 6' 2"	Weight: 210	
Hair: BLONDE OR	Eye: BLUE	OLS: WA	OLN: [REDACTED]	
Ssn: [REDACTED]	Scars:			

---

---

Booking ID: 2013120035	Cause # Start: 04/30/2013	Cause # End: 05/03/2013	Total 3 days	
<b>Charge</b>	<b>Start Dt</b>	<b>End Dt</b>	<b>Chg Disposition</b>	<b>Total</b>
S22D - IDENT THFT 1	04/30/2013	05/03/2013	WSI Chain	3
S22C - THEFT 2	04/30/2013	05/03/2013	WSI Chain	3
S22E - IDENT THFT 2	04/30/2013	05/03/2013	WSI Chain	3

---

---

Booking ID: 2011308023	Cause # Start: 11/04/2011	Cause # End: 03/26/2012	Total 143 days	
<b>Charge</b>	<b>Start Dt</b>	<b>End Dt</b>	<b>Chg Disposition</b>	<b>Total</b>
S299 - UICD	11/04/2011	03/12/2012	Dismissed	129
S26C - FORGERY	11/04/2011	03/12/2012	Dismissed	129
S22C - THEFT 2	11/04/2011	03/26/2012	Mini-Chain	143
S22D - IDENT THFT 1	11/04/2011	03/26/2012	Mini-Chain	143
S22E - IDENT THFT 2	11/04/2011	03/26/2012	Mini-Chain	143

---

**Time Credit Report Summary**

Officer Name: Guiler

Personnel ID: 89-040

Final Release Date: 05/03/2013

For this cause number

Total Days Served:	146 days.
Good Behavior Percentage:	50.0%
Total Good Time Given:	73 days.
Total Days Credited:	219 days.

Comment:

EXHIBIT 5

Washington State  
Department of Corrections

Offender Management Network Information

DOC No.: 822329 [Go]

Selected DOC No.: 822329 STEVENS, Jon Andrew

Home | Assignments | Offender | Facility | Search | Administration

Home > Offender > Sentence Information > View J & S - Prison

Most Recent Search | Logged in as Ronda Larson

Sentence Information Menu

Inmate: STEVENS, Jon Andrew (822329)

Legal Face Sheet

- View J & S - Prison
- View J & S - Field
- Conditions
- Earned Time
- Good Conduct Time
- Problem J & S

Gender: Male	DOB: [REDACTED]	Age: 33	Category: Regular Inmate	Body Status: Active Inmate
RLC: HNV	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 2 - Camp	Location: CCCC - OLY / OB11R
ERD: 04/22/2015				CC/CO: Albertsen, Paris P

View J & S - Prison

Period Of Jurisdiction  
05/03/2013 - Current

Display  
 Include Closed Causes  Enable Scrolling

Sentence Drilldown:  
Cause, Count, & Confinement Element  
WEP Eligible Offender : No  
Felony Firearm Registration : No

Details  
 ERD Calculations  MaxEx Calculations  StatMax Calculations  
 Out Time  Graphical Sentence View

Cause	Count	Confinement Element	Consecutive Confinement	Status	Confinement Length	Time Start Date	ERD	+ Length In Days	- Cause ERT Credit	- Cause Credits	ERT %	- Potential ET	ET Earned	+ ET Not Earned	Available ET	Potential ECT	ECT Certified	+ ECT Lost	Available ECT	+ Out Time
<b>Offender Overall</b>				Active	0Y, 63M, 0D	05/03/2013	04/22/2015	-	-	-	-	-	-	-	-	-	-	-	-	-
AE-091049906-Pierce-CCP				Active	0Y, 63M, 0D	05/03/2013	04/22/2015	1,917	765	73	33.33%	119.86	50.33	0.00	69.54	240	0	0	240	0
1- Identity Theft 1				Active	0Y, 63M, 0D	05/03/2013	04/22/2015	1,917	765	73	33.33%	119.86	50.33	0.00	69.54	240	0	0	240	0
Base				-	0Y, 63M, 0D	05/03/2013	04/22/2015	1,917	765	73	33.33%	119.86	50.33	0.00	69.54	240	0	0	240	0
4- Identity Theft 2				Pending Field	0Y, 43M, 0D	05/03/2013	03/12/2014	1,308	765	73	33.33%	52.21	50.33	0.00	1.89	104	0	0	104	0
Base				-	0Y, 43M, 0D	05/03/2013	03/12/2014	1,308	765	73	33.33%	52.21	50.33	0.00	1.89	104	0	0	104	0
9- Identity Theft 2				Pending Field	0Y, 43M, 0D	05/03/2013	03/12/2014	1,308	765	73	33.33%	52.21	50.33	0.00	1.89	104	0	0	104	0
Base				-	0Y, 43M, 0D	05/03/2013	03/12/2014	1,308	765	73	33.33%	52.21	50.33	0.00	1.89	104	0	0	104	0
AF-091049906-Pierce-MON				Pending Field	0Y, 22M, 0D	05/03/2013	05/03/2013	669	669	0	33.33%	-	-	-	-	0	0	0	0	0
3- Theft 2 - Property Or Services >\$250.00 <\$1500.00				Pending Field	0Y, 22M, 0D	05/03/2013	05/03/2013	669	669	0	33.33%	0.00	0.00	0.00	0.00	0	0	0	0	0
Base				-	0Y, 22M, 0D	05/03/2013	05/03/2013	669	669	0	33.33%	0.00	0.00	0.00	0.00	0	0	0	0	0

Sanctions

Maintain: [View] [Update] [Modify J & S] [Cancel Modify] [Delete] [View J & S Versions] Create: [Add Cause] [Add Count] [Copy Count] [At]

Action: [Calculate] [Analyze] [Print]

EXHIBIT 6

**Original Message**

From: Records (DOWNEY, ELAINE)  
To: STEVENS, JON ANDREW (822329)

Sent: 7/23/2013 2:24:12 PM  
Read: 7/23/2013 2:37:50 PM

Allow Reply: Once

You were given a total of 765 days jail time credits and were given 73 days of good time on the time served in Pierce county. We are not able to give you good time on the time from Idaho because they informed us that they do not give good time on their jail time.

**Reply**

From: STEVENS, JON ANDREW ( DOC:822329 / Unit:OLYMPIC / Cell:OLYOC08R )  
To: Records

Sent: 7/23/2013 2:56:07 PM  
Read: 7/24/2013 5:48:32 AM

ALL THE TIME SERVED IN CONJUNCTION TO THIS CAUSE NUMBER IS ELIGIBLE FOR GOOD TIME CREDITS NO MATTER WHERE THE TIME WAS SERVED. FROM THE MATH THAT I AM COMING UP WITH IN THE CURRENT CALCULATION I WILL HAVE TO SERVE ALMOST 50 MONTHS ON A 63 MONTH SENTANCE?

EXHIBIT 7

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

In re the Personal Restraint Petition of:

JON ANDREW STEVENS,

Petitioner.

DECLARATION OF  
RONDA LARSON

I, RONDA LARSON, make the following declaration:

1. I am an assistant attorney general (AAG) for the Washington Attorney General's Office (AGO) at the Corrections Division in Olympia, 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) software used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from OMNI. Among other things, OMNI tracks information regarding an offender's location and custody.

//

//

//

//

//

//

3. I printed out correct copies of the OMNI Legal Face Sheet, sentence information screen, and chronos for Jon Stevens, DOC No. 822329, to be used as exhibits.

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 5<sup>TH</sup> day of June 2014, at Olympia, Washington.

  
RONDA LARSON

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

In re the Personal Restraint Petition of:

JON ANDREW STEVENS,

Petitioner.

DECLARATION OF  
ELAINE DOWNEY

I, ELAINE DOWNEY, make the following declaration:

1. I am the Correctional Records Supervisor (CRS) for the Department of Corrections (DOC) at the Cedar Creek Corrections Center (CCCC) in Littlerock, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The DOC maintains an inmate central file for each offender. This file contains information on an inmate's sentence structure and documents relevant to his incarceration. As a CRS, I am a custodian of records kept by DOC in the ordinary course of business.

3. When an offender is received into the custody of DOC, a certified copy of his judgment and sentence becomes an official record in his DOC central file.

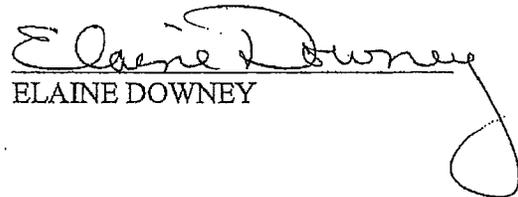
4. Upon request of the Attorney General's Office, I provided correct copies of several documents from the central file of inmate Jon Stevens, DOC No. 822329, to be used as exhibits. These include the

EXHIBIT 9

Judgment and Sentence for Pierce County Cause No. 09-1-04990-6, the jail certification for that cause, an offender movement screen printout from Idaho DOC, and a prison kiosk message printout dated July 23, 2013.

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 5<sup>th</sup> day of June 2014, at Littlerock, Washington.

  
ELAINE DOWNEY

**WASHINGTON STATE ATTORNEY GENERAL**

**June 05, 2014 - 4:25 PM**

**Transmittal Letter**

Document Uploaded: prp2-457164-Response~2.pdf

Case Name: In re Personal Restraint Petition of Jon Andrew Stevens

Court of Appeals Case Number: 45716-4

**Is this a Personal Restraint Petition?**  Yes  No

**The document being Filed is:**

Designation of Clerk's Papers  Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion:

Answer/Reply to Motion:

Brief:

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes:

Hearing Date(s):

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other:

**Comments:**

No Comments were entered.

Sender Name: Cherrie S Melby - Email: [cherriek@atg.wa.gov](mailto:cherriek@atg.wa.gov)