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ERROR

10) THE DEPARTMENT OF CORRECTIONS VIOLATED THE FOURTEENTH AMENDMENT IN THE BILL OF RIGHTS FOR THE UNITED STATES CONSTITUTION BY NOT PROVIDING EQUAL PROTECTION UNDER THE LAW.

ISSUE

10) DID THE
DEPARTMENT OF
CORRECTIONS DISCRIMINATE
AGAINST DALWBE?

ARGUMENT

10) DOES THE
DEPARTMENT OF
CORRECTIONS TREAT
ALL PEOPLE EQUALLY
UNDER LAW?
o

20) CAN THE
DEPARTMENT OF
CORRECTIONS VIOLATE
AN OFFENDER WHO
IS TOLLING?
o

3) CAN THE
DEPARTMENT OF
CORRECTIONS VIOLATE
AN OFFENDER WHO'S
STATUS IS INACTIVE?

4) CAN THE
DEPARTMENT OF
CORRECTIONS VIOLATE
AN OFFENDER NOT IN
THE COMMUNITY?

50) DOES THE
DEPARTMENT OF
CORRECTIONS HAVE TO
LIST A POLICY NUMBER
IN AN ACCUSATION
OF A VIOLATION?

STATEMENT OF CASE

TODAY AMER
DALLUE (DALLUE)
BRINGS QUESTIONS
BEFORE THIS COURT
ABOUT "PROBATION" BY
THE DEPARTMENT OF
CORRECTIONS (DOC).

DALLUE WAS
A PRETRIAL

DETAINEE INCARCERATED
IN THE GRANT COUNTY
JAIL PENDING A TRIAL.
THAT CHARGE HAS SINCE
BEEN DISMISSED.

PROBLEMS
AROSE OUT OF ARBITRARY
ACTION ON THE JAIL'S
PART. DALLUGE STARTED
PUSHING PAPER

WHICH INCREASED THE
JAIL'S MISCONDUCT.

HAVING NO
RELIEF AND NOT
TOLERATING SUCH A
DALLAGE BECAME
UNCIVILIZED. CHARGES
WERE PRESSED
AGAINST DALLAGE.

DOL AND
THE JAIL PLOTTED
TO ALSO PRESS
PROBATION VIOLATIONS.
(APPENDIX 2 / APPENDIX 6).
DALLAGE ARGUED HOW
CAN THAT BE SUBSTANTIATED
AS HE IS NOT FOUND
GUILTY OF ANY CHARGES.

AFTER FAILED
DEFENSES DOL

ONCE AGAIN PURSUED
PROBATION VIOLATIONS.
(APPENDIX 3).

BECAUSE
CONTENTED PROBATION
IS A SAFETY NET FOR
THE COMMUNITY
FROM RECIDIVISTS.

TO FURTHER
HIS CLAIM,

DALLAGE POINTED OUT
HIS PROBATION IS
TOLLING DUE TO
INCARCERATION AND HIS
PROBATION STATUS IS
INACTIVE. (APPENDIX 2 /
APPENDIX 4 / APPENDIX 6).
DOC DOES NOT HAVE
JURISDICTION OUTSIDE
THE COMMUNITY.

HOW CAN
DALLAGE'S

PROBATION STOP, BUT
DALLAGE BE SUBJECTED
TO HIS PROBATION'S
CONDITIONS AT A
PROBATION OFFICER'S
WHIM.

DALLAGE WAS
FOUND GUILTY OF ALL
VIOLATIONS AND
SENTENCED TO JAIL
TIMES (APPENDIX 4 /
APPENDIX 5 / APPENDIX 6).

DALLAGE

APPEALED TO NO RELIEF.

(APPENDIX 7 / APPENDIX 8 /
APPENDIX 9 / APPENDIX 10 /
APPENDIX 11).

DALLAGE NOW

COMES TO THIS

COURT FOR RELIEF.

(APPENDIX 1).

ARGUMENT

10) DOES THE
DEPARTMENT OF
CORRECTIONS TREAT
ALL PEOPLE EQUALLY
UNDER LAW?

DOC ENFORCES
LAW ON SOME, BUT
NOT ALL UNDER ITS
JURISDICTION. THIS IS
DISCRIMINATION.

EQUAL PROTECTION
UNDER THE LAW
MEANS TO SUBJECT
"ALL" THE SAME.

IF DOC WANTS
TO VIOLATE DALLAGE
FOR ACTIONS IN JAIL.
DOC SHOULD HAVE TO
VIOLATE ALL ON
PROBATION FOR ACTIONS
IN JAIL.

IT'S NOT, WE
DON'T LIKE YOU SEE
WHAT WE CAN DO.
THAT'S UNJUST.

IT'S NOT, WE
DECIDE WHO WE
WANT TO VIOLATE.
THAT'S UNEQUAL.

IT'S, IF YOU
BREAK

YOUR PROBATION DOC
VIOLATES YOU. CUT
AND DRY.

NOT. WHO YOU
ARE. NOT. WHO YOU
KNOW. NONE OF THAT.

DOC DID
DISCRIMINATE AGAINST
DALLAGE. IT'S NOT
FUNNY. IT'S HURTFUL.

ARGUMENT

20) CAN THE
DEPARTMENT OF
CORRECTIONS VIOLATE
AN OFFENDER WHO IS
TOLLING?

TOLLING MEANS
TO STOP AND START
WHERE LEFT OFF. CERTAIN
CIRCUMSTANCES INVOKE
TOLLING. WHEN

DALLAGE IS INCARCERATED
HIS PROBATION STOPS
(TOLLS). WHEN DALLAGE
IS RETURNED TO THE
COMMUNITY HIS PROBATION
CONTINUES AS BEFORE.

WHEN DALLAGE
IS INCARCERATED HE
DOES NOT HAVE TO
PERFORM ANY AFFIRMATIVE
ACTS TOWARDS

HIS PROBATION. DALWAGE'S
PROBATION IS NONEXISTENT
AND TOLLS.

TO ENFORCE
DALWAGE'S PROBATION
WHILE IT IS TOLLING
CONTRADICTS THE
FUNDAMENTALS OF
TOLLING AND LEGISLATURES
INTENT.

WHAT DOES
DID WAS

ARBITRARY AND
DISCRIMINATIVE.

(APPENDIX 2).

ARGUMENT

3.) CAN THE
DEPARTMENT OF
CORRECTIONS VIOLATE AN
OFFENDER WHO'S STATUS
IS INACTIVE?

WHEN DALLUVE
IS INCARCERATED HIS
PROBATION STATUS IS
INACTIVE. THIS PROBABLY
HAS TO DO

WITH THE NEXUS BETWEEN
PROBATION AND THE
COMMUNITY.

WHAT DOC
DID WAS ARBITRARY
AND DISCRIMINATIVE.

(APPENDIX 2).

ARGUMENT

40) CAN THE DEPARTMENT OF CORRECTIONS VIOLATE AN OFFENDER NOT IN THE COMMUNITY?

COMMUNITY CUSTODY (PROBATION) IS A SAFETY NET AGAINST RECIDIVISTS. IT STARTS WHEN AN OFFENDER IS

RELEASED BACK TO
THE COMMUNITY. IT'S
WHOLE BASIS IS SOCIETY.

TO VIOLATE
DALLAGE WHILE
INCARCERATED MISCONSTRUES
LEGISLATURES INTENT.
THE JAIL HAS PROCEDURES
FOR WHEN IT'S RULES
GET BROKE. THERE
WAS NO

NEED FOR DOC TO
INTERVENE.

DALLUBE GOT
CRIMINAL CHARGES, JAIL
INFRACTIONS, AND DOC
PROBATION VIOLATIONS.
WHEN IS ENOUGH,
ENOUGH.

ARGUMENT

5.) DOES THE DEPARTMENT OF CORRECTIONS HAVE TO LIST A POLICY NUMBER IN AN ALLEGATION OF A VIOLATION?

DOC VIOLATIONS ARE VAGUE AND UNCLEAR. PROBATION OFFICERS

BROADLY INTERPRET
JUDGEMENT AND
SENTENCES AND ADD
CAPRICIOUSLY TO THEM.

HOW CAN
DAMAGE PREPARE A
DEFENSE IF WHERE
IN THE JUDGEMENT
AND SENTENCE AND
WHAT

RAW IT PERFORMING
FROM IS NEVER
CONVERTED.

WHAT ARE
THE ELEMENTS THAT
MUST BE MET? HOW
DOES DOC HAVE
JURISDICTION AND WHO
GAVE WHOEVER GAVE
DOC AND SO FORTH?

HOW CAN DALLAGE
MOUNT A DEFENSE. HE'S
NOT GIVEN A LAWYER.
THE JUDGE IS PRETTY
MUCH A PROBATION
OFFICER. NO JURY.
IT'S WORSE THEN A
STAR CHAMBER AND
OUR FOUNDING
FATHERS WOULD HAVE
A FIT.

DALLAGE LOST
SIXTY DAYS OF LIBERTY
DUE TO. HE IS ENTITLED
TO KNOW WHAT
SPECIFIC POLICY
NUMBER HE BROKE
FOR SUCH A GRIEVOUS
LOSS.

"APPENDIX 9"



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
WESTERN HEARINGS RECORDS UNIT

1016 South 28th Street • Tacoma, WA 98409 • (253) 680-2712 • FAX (253) 597-4332

June 2, 2006

Amel Dalluge, DOC# 779283
Grant County Jail
PO Box 37
Ephrata WA 98823

Dear Mr. Dalluge:

This letter is in response to your inquiry regarding your 2/28/06 Hearing and Appeal.

Hearings Officer Allen has forwarded your appeal to us for processing however the reasons for your appeal are unclear. It seems you might be inquiring about ISRB jurisdiction however the Department and this Administrative Hearings Unit held your hearing, not the ISRB. This unit does have jurisdiction over your Grant County OAA Causes 02-1-00862-6 and 03-1-00986-8 to hear any violations.

If you have any other reasons for your appeal, please clearly outline them on the attached form and mail them to the address listed and I will process them to the panel. It will be accepted out of timeframes because of the first appeal being lost in the mail and the clarification needed for processing. Your appeal should be postmarked no later than, June 16th, 2006.

Sincerely,

Laura A. Dyer
Correctional Records Manager
Appeals Unit

cc: Hearings File

"Working Together for SAFE Communities"

TO: LAURA A. DYER
STATE OF WASHINGTON
DOC
APPEALS UNIT
POB 110518
TACOMA WA 98411

FROM: ANNE DALLOE D2
BRANT COUNTY JAIL
POB 37
EPHRATA WA 98823

CLARIFICATION

DEAR LAURA,

THE FORM YOU
WROTE OF

"APPENDIX 9"

WAS NOT ENCLOSED SO I
RESPOND AS MY REASONS
FOR APPEAL ARE:

10) THE DEPARTMENT
AND THIS ADMINISTRATIVE
HEARINGS UNIT DOES NOT
HAVE AUTHORITY TO JUDGE
AND SENTENCE AN ALLEGED
VIOLATION NOT COMMITTED
IN THE COMMUNITY.

20) THE DEPARTMENT
AND THIS ADMINISTRATIVE
HEARINGS UNIT

DID NOT SPECIFY WHAT
DOC PROBATION POLICY
NUMBER I ALLEGEDLY
VIOLATED.

FOR THE REASONS ABOVE
THE DEPARTMENT AND THIS
ADMINISTRATIVE HEARING
UNIT HAD NO AUTHORITY
TO ALLEGED A VIOLATION
OR IMPOSE A SENTENCE
AND NOT SPECIFYING AN
ACTUAL POLICY NUMBER DID
DEPRIVE MYSELF OF KNOWING
THE NATURE OF THE
ALLEGATION

TO PREPARE AN ADEQUATE
DEFENSE WHICH IS A
FUNDAMENTAL OF DUE
PROCESS.

AMELIORATED,
Amel Jallage
and Dave

DATED: JUNE 5TH 2006.

"APPENDIX 10"

Mr. Dalluge -

Sorry -

forgot to
attach
form

J. D.

"APPENDIX II"

BA 6/13/06



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

HEARING AND DECISION APPEAL

779283

AMEL DALLUGE
OFFENDER NAME

DOC NUMBER

I am appealing the decision of my Department of Corrections hearing, held on

6/13/06 at
DATE

GRANT COUNTY JAIL
LOCATION

by KIM ALLAN for the following reasons:
HEARING OFFICER NAME

1) THE DEPARTMENT AND THIS ADMINISTRATIVE HEARINGS UNIT DOES NOT HAVE AUTHORITY TO JUDGE AND SENTENCE AN ALLEGED VIOLATION NOT COMMITTED IN THE COMMUNITY.

2) THE DEPARTMENT AND THIS ADMINISTRATIVE HEARINGS UNIT DID NOT SPECIFY WHAT DOC PROBATION POLICY NUMBER I ALLEGEDLY VIOLATED.

3) MY STATUS AT TIME OF ALLEGED VIOLATION WAS "INACTIVE" AND MY PROBATION WAS "TOLLING" DUE TO INCARCERATION.

This appeal must be mailed to the address listed below within seven (7) calendar days of receipt of the Hearing and Decision Summary. Appeals are heard approximately every two (2) weeks. Sanctions are NOT STAYED pending the outcome of an appeal.

DOC REGIONAL APPEALS PANEL
HEARINGS UNIT
1016 So. 28th ST. 3rd Floor
TACOMA WA 98409

The contents of this document may be eligible for public disclosure.
Social Security Numbers are considered confidential information and will be redacted in the event of such a request.
This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.

"APPENDIX II"

RECEIVED

STATEMENT OF INDIGENCY

AUG 18 2006

In the Office of the Clerk of Court
Washington Court of Appeals, Division Three

By _____

I, ANNE DALLORE

STATE FORTH THAT I AM INDIGENT
AND REQUEST THE FILING FEE
TO BE WAIVED. TO HELP SUPPORT
THIS STATEMENT I HAVE
ATTACHED A DETERMINATION OF
INDIGENCY REPORT TO THIS.

DATED THIS 16 DAY OF AUGUST 2006.

Anne Dallore
ANNE DALLORE

APPELLANT

"STATE OF WASHINGTON"

STATE OF WASHINGTON
Determination Of Indigency Report

I. Identification

County BRANT Court APPELLANT
Jurisdiction (check one) () Superior () District () Municipal Name of City
Applicant's Name AMEL DELGADO Case Number:

Case Type

(check the category corresponding to the most serious charge)

- (1) Felony - Class A+ (5) Juvenile Felony - Class A+ (9) Dependency
(2) Felony - Class A (6) Juvenile Felony - Class A (10) Civil Commitment
(3) Felony - Class B or C (7) Juvenile Felony - Class B or C (11) Civil Contempt
(4) Misdemeanor (8) Juvenile - Misdemeanor (12) Other (specify)

Charges

Applicant's Address 350 CASTLE DRIVE MOSES LAKE WA 98957
(Street) (City) (State) (Zip Code)

Applicant's Telephone (509) 767-1147 Date of Birth 05/22/1980 Social Security # (optional) / /

Occupation Nurse Employer A. B. J. (Name) (Address) (Telephone)

II. Support Obligations

Total Number Dependents (include applicant in count) 0 If juvenile defendant, does he/she live with parents? (circle) Y N
If yes: Father's name Mother's name (include maiden)

III. Presumptive Eligibility (check all that apply)

a. Party is indigent because receives public assistance in form of: () AFDC () General Assistance () Food Stamps
() Medicaid () Poverty-Related V.A. Benefits () SSI () Refugee Resettlement Benefits () Other; specify
Case Number Verified? Method

b. Party is indigent because committed to a public mental health facility.
Verified? Method:

c. Party is indigent because annual income, after taxes, is 125% or less of current federally established poverty level.
\$ Specify annual income after taxes
Verified? Method:

If Section III, a, b, or c applies, complete only Sections VIII, X and XI. Submit report to Court. If Section III is not applicable, complete all remaining sections.

IV. Monthly Income

Table with 3 columns: Description, Amount (\$), Verified? (Y/N). Rows include Monthly take-home pay, Spouse's take-home pay, Contribution from any person, Interest/dividends, Non-poverty based assistance, and Other income.

V. Monthly Expenses (for applicant and dependents; average where applicable)

Table with 3 columns: Description, Amount (\$), Verified? (Y/N). Rows include Basic Living Costs (Shelter, Utilities, Food, Clothing, Health Care, Transportation, Loan Payments), Court imposed obligations, Bail/bond paid, and Other expenses.

1 Aid to Families with Dependent Children

2 Veterans' Administration

3 Supplemental Security Income

VI. Total Income Part IV, minus Total Expenses Part V

Disposable Net Monthly Income \$ 0

VII. Liquid Assets

a. Cash, savings, bank accounts (include joint accounts)	\$ <u>0</u>	Y	N
b. Stocks, bonds, certificates of deposit	\$ <u>0</u>	Y	N
c. Equity in real estate	\$ <u>0</u>	Y	N
d. Equity in motor vehicle required for employment, IF over \$3,000 (list average: value minus \$3,000)	\$ <u>0</u>	Y	N
Make of car _____ Year _____			
e. Equity in additional vehicles (list total value)	\$ <u>0</u>	Y	N
f. Personal property (jewelry, boat, stereo, etc.)	\$ <u>0</u>	Y	N
Total Liquid Assets		\$ <u>0</u>	

VIII. Affidavit and Notification

I, Amel DALLAGE (print name) do hereby certify (or declare) under penalty of perjury under the Laws of the State of Washington that the foregoing is true and correct (RCW 9A.72.085). By my signature below, I authorize the court to verify all information provided here. I further swear to immediately report any change in financial status to the court. I understand that if bail is imposed in this matter or if my financial condition changes I may request a redetermination.

Signed Amel DALLAGE Date 4/2/06
Place GRANT COUNTY

IX. Determination of Indigency

a. Disposable Net Monthly Income (from Section VI) \$ _____

b. Total Liquid Assets (from Section VII) + \$ _____

c. **Total Available Funds** (a plus b) = \$ _____

d. Anticipated Cost of Counsel for Offense Type(s) \$ _____

____ If (c) is zero (0) or less, party is **INDIGENT**. ____ If (c) is greater than (d), party is **NOT INDIGENT**.

____ If (c) is more than zero (0) but less than (d), party is **INDIGENT AND ABLE TO CONTRIBUTE**.

Assessment Amount \$ _____

X. Recommendation

Should this recommendation be modified due to anticipated length or complexity of case? (circle one) Yes No

If yes, explain _____

Other considerations or comments _____

The above constitutes my recommendation to the court. I have explained my recommendation to the party.

Screening Agent/Witness (please print) _____ Date _____

Signature _____ Agency/Organization _____

XI. Finding

____ Indigent ____ Not Indigent ____ Indigent and Able to Contribute Assessment \$ _____

Judge or Judge's Designee _____ Title _____

CERTIFICATION OF SERVICE

I, ANNE DALWAGE,
CERTIFIES THAT ON THE BELOW
NAMED DAY I DEPOSITED IN
THE MAIL FROM THE GRANT
COUNTY JAIL AND ADDRESSED
ENVELOPE CONTAINING A
STATEMENT OF INDIGENCY AND
A PERSONAL RESTRAINT
PETITION AND APPENDIX TO:

THE COURT OF APPEALS

DIVISION III

No 500 CEDAR

POB 2159

SPOKANE WA

99210

RECEIVED

AUG 18 2006

In the Office of the Clerk of Court
Washington Court of Appeals, Division Three

By _____

DATED THIS 16 DAY OF AUGUST 2006.

Anne Dalwage

ANNE DALWAGE

APPELLANT

DEAR KIM CALLEN,

I APOLOGIZE I DON'T
HAVE ANYTHING BEAUTIFUL
TO WRITE. JUST BUSINESS.

HOW LONG DOES AN
APPEAL TO THE HEARING
TAKE? DON'T I USUALLY GET
A RESPONSE?

PLEASE WRITE BACK
WITH PROPER DICTION AND
WELL ARTICULATION OF YOUR
WORDS.

Amet - I have no
record on file
of an appeal
filed / sent by you
after your last
hearing with me
in February.

ANXIOUSLY AWAITING,

Amel Jadhav

If you want
to resend / send it you can.
Appeals are generally dealt w/ within a couple
- 1 weeks + yes you would get a copy.
APPENDIX 8

"APPENDIX 4"



HEARING AND DECISION SUMMARY

RELEASE FROM DOC CUSTODY/CONFINEMENT: YES NO (See Confinement Order DOC 09-238)

OFFENDER NAME (LAST, FIRST) <u>Dalluge, Arnel</u>	DOC # <u>779283</u>	FOS # <u>—</u>	DATE OF BIRTH <u>5/22/80</u>
CAUSE NUMBER(S) <u>02-1-862-6 103-1-986 8 (Grant)</u>		<u>RMB / 3rd & 2nd Areas</u>	
OFFENDER STATUS	<input type="checkbox"/> CCI <input checked="" type="checkbox"/> CCP <input checked="" type="checkbox"/> CCJ <input type="checkbox"/> CCM <input type="checkbox"/> FOS	<input type="checkbox"/> PRE - OAA	<input checked="" type="checkbox"/> OAA

DATE OF HEARING 2/28/06 LOCATION OF HEARING GCT
 CCO NAME Logan
 OTHER PARTICIPANTS _____

WAIVED APPEARANCE YES NO
 COMPETENCY CONCERN YES NO
 WAIVED 24 HOUR NOTICE YES NO
 INTERPRET/COMM. ASSISTANT YES NO

ALLEGATIONS	PLEA	FINDING Guilty / Not Guilty Probable Cause Found
1) FTOALs by committing Malicious Mischief o/a 10/8/05.	NG	GUILTY
2) FTOALs by committing an assault on a law enf. off o/a 10/9/05.	NG	GUILTY

SUMMARY OF TESTIMONY / WITNESSES; RECOMMENDATION, REASONS FOR CONTINUANCE, HEARING OFFICER RECOMMENDATION (If Interstate Compact Case); MISCELLANEOUS INFORMATION

Def pled NG. Def disputes being under supv while in jail on new/other matters + tolling. TWO new 2005 J-S were presented as evidence of new obey all laws violations.

SANCTIONS AND DECISIONS

1) 60 days CCT w/ CIS beginning 2/28/06. Comply w/facility rules. 2) Report w/in 1 business day of release + weekly as directed per 4 weeks.

OFFENDER SIGNATURE Arnel Dalluge

HEARING OFFICER SIGNATURE Kimberly Allen

DATE 2/28/06

HEARING OFFICER NAME (PRINTED) Kimberly Allen

APPENDIX ATTACHED

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.

APPENDIX 4

" APPENDIX 5 "



Eligible for 1/3 off in good time if earned, on this DOC sanction

In the matter of:

NAME Arnel Dellucio
CAUSE NUMBER(S) 02-1-2866 & 105-1-2868 (both counts)
DOC NUMBER 779223 DOB 5/12/1960

On 2/28/06, a Hearing was conducted in accordance with WAC 137-104. The above captioned offender was found guilty of violating the conditions or requirements of Community Custody. Pursuant to RCW 9.94A, the undersigned Hearing Officer finds that it is in the public interest to sanction the offender to a term of confinement as follows:

TOTAL CONFINEMENT

The offender is serving a term of community custody for a sex offense committed on or after 06/06/96, and before 07/01/00, and having completed the maximum (CCM) term of total confinement, is therefore sanctioned to a term of confinement in a local correctional facility/jail as follows:

LOCATION _____ START DATE _____ TOTAL DAYS _____

The offender (CC) is sanctioned to a term of confinement in a county jail or equivalent correctional facility as stated below or, if confinement in such a facility is not available, the offender may be confined in a state correctional facility or institution as follows:

LOCATION CO START DATE 2/28/06 TOTAL DAYS 60

PARTIAL CONFINEMENT

The offender is sanctioned to a term of partial confinement as follows:

LOCATION _____ START DATE _____ TOTAL DAYS _____

Home detention with electronic monitoring, work crew, or a combination thereof to be arranged and managed through the supervising Community Corrections Officer as follows:

Home detention with monitoring START DATE _____ TOTAL DAYS _____
 Work Crew START DATE _____ TOTAL DAYS _____

*** During this term of confinement you are required to follow all rules and regulations of the facility. Failure to do so will be a violation of this order and may result in additional sanctions.**

Ordered this 28th, day of Feb, 2006

Signed Linda M. Allen 764-6186
HEARING OFFICER, DEPARTMENT OF CORRECTIONS

Distribution: **ORIGINAL** – Detaining Agency / Facility via CCO **COPY** – CCO, Offender, Hearing File ALL WHITE

" APPENDIX 6 "



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

COMMUNITY CUSTODY HEARING REPORT

OFFENDER NAME: Amel Dalluge
CRIME: AE) Escape from Community Custody
AF) Possession of Methamphetamine
COUNTY OF CONVICTION: AE & AF) Grant
CAUSE #: AE) 02-1-00862-6 & AF) 03-1-00986-8

DATE: 3/7/06

DOC NUMBER: 779283

A Community Custody Hearing was held on 2/28/06 at the Grant County Jail, regarding the following alleged violations of the conditions of supervision for Amel Dalluge. Hearing Officer Kimberly Allen conducted the hearing and parties present were: Mr. Dalluge and CCO Logan.

Upon convening the hearing, I determined that Mr. Dalluge had received proper service of the Notice of Allegations, Hearing, Rights, and Waiver. I found that he had previously been provided with copies of all of the documentary evidence to be used against him during the hearing.

I provided Mr. Dalluge with the notice of the right to appeal, the address for filing the appeal and an optional form to be used to file an appeal. He acknowledged that he understood his hearing and appeal rights.

DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

"APPENDIX 6"

Preliminary Matters:

CCO Logan advised that Mr. Dalluge has three felony charges pending. In Grant County he has pending charges for Possession of a Controlled Substance and Assault, 2nd Degree. In Adams County Mr. Dalluge has a pending charge for Malicious Mischief, 2nd Degree.

The Department of Corrections alleged that the following violations were committed:

Allegation 1: Failing to obey all laws by committing Malicious Mischief on or about 10/8/05.

Allegation 2: Failing to obey all laws by committing an assault on a law enforcement officer on or about 10/9/05.

The offender entered the following pleas to each violation:

Allegation 1: Not Guilty

Allegation 2: Not Guilty

The hearing officer made the following findings as to each violation:

Allegation 1: Guilty

Allegation 2: Guilty

DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

" APPENDIX B "

Evidence Relied Upon:

At sentencing in above-listed cases the Court directed Mr. Dalluge to complete 9-12 and 12 months of Community Custody Supervision, respectively. Conditions of supervision imposed by the Court in both cases include compliance with DOC rules and instructions. Intake processing was completed with Mr. Dalluge on 10/4/04. On that date he signed the DOC Standard Conditions, Requirements & Instructions form acknowledging his obligations, to include the imposed condition to obey all laws. Copies of the Judgment & Sentences and Conditions forms were presented as evidence at the hearing.

Allegations 1 & 2: CCO Logan testified that on 10/13/05 his office received a call from the Grant County Jail advising that while in custody Mr. Dalluge had committed new crimes. On 11/1/05 CCO Coronado reviewed the charges and requested that the alleged violations be Dismissed without Prejudice until the local prosecution was completed. CCO Logan noted that on 12/8/05 Mr. Dalluge was found guilty of Malicious Mischief, 1st Degree, Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution and Assault, 3rd degree. He was later sentenced in those matters under Grant County Causes 05-1-00755-1 and 05-1-00754-3 on January 10, 2006. CCO Logan presented copies of the new Judgment & Sentences as evidence.

Mr. Dalluge pled not guilty to both allegations as it is his contention that because he was in jail and his supervision was "tolling" that he was not under DOC jurisdiction. Mr. Dalluge asserted as well that at the time of the new criminal behavior for which he was convicted he was in jail as a pre-trial detainee and not on supervision.

Disposition:

The CCO provided the following information regarding the offender's adjustment on supervision:

CCO Logan noted that Mr. Dalluge has been tolling since 11/10/04 due to either incarceration or failing to report. He has several pending felonies that have yet to be adjudicated. CCO Logan advised that Mr. Dalluge "has been under DOC supervision continuously since 1998 for four separate felony convictions".

The offender provided the following information regarding their adjustment on supervision:

Mr. Dalluge stated that he feels that he is getting punished twice by having this violation process.

DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

The disposition recommendation of the CCO:

CCO Logan recommended 60 days of confinement. He noted that alternatives to incarceration were not considered due to the pending charges that Mr. Dalluge faces. Additionally, he has had numerous violation processes. CCO Logan advised that the violation behavior consisted of Mr. Dalluge breaking a window and a telephone and arming himself with pieces of the telephone. The jail had to assemble a SERT team and Mr. Dalluge barricaded the door to his cell. The next day, while in a segregation cell Mr. Dalluge was placed in the restraint chair, escalated and then spit into the face of a jail officer.

The disposition recommendation of the offender:

Mr. Dalluge did not offer a recommendation.

Hearing Officer **disposition**, decision, and reasons:

I found Mr. Dalluge guilty of the two allegations as he is on supervision and accountable for his behavior, even while incarcerated. Mr. Dalluge's argument that he should not be violated for behavior that took place in jail indicates that he has yet to invest in what supervision is about. Mr. Dalluge does not take responsibility or even acknowledge how unacceptable his behavior is.

Mr. Dalluge is 25 years old and is on supervision for his 5th & 6th adult felony offenses. Those convictions begin in 1998 and include: Rape, 3rd Degree; Rape, 3rd Degree by Complicity; Burglary, 2nd Degree and Theft, 2nd Degree. Additionally, Mr. Dalluge has a juvenile conviction from 1996 for Theft, 2nd Degree.

Mr. Dalluge has a Level of Service Inventory – Revised score of 43, is classified as RMB and this was his 3rd and 2nd process, respectively. Previous violations have included: failing to report (x6) and leaving the county without permission. Sanctions imposed to address these behaviors have included confinement of 11 and 15 day and increased reporting.

Mr. Dalluge was sentenced by the Court in the two newest cases to 12, 29 and 35 months of incarceration. He has two other pending felony charges as well. Certainly a sanction of 60 days for these violations pales to the sentences that Mr. Dalluge faces. However, the Department of Corrections is tasked with holding offenders accountable for their behavior. Mr. Dalluge has chosen to be non-compliant while on supervision and has continued his anti-social and criminal behaviors, which needs to be acknowledged and addressed by his supervising officers.

DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

I sanctioned Mr. Dalluge to serve 60 days of confinement with credit for time served since 2/28/06. He is to comply with facility rules, report to the DOC within 1 business day of release and weekly as directed for four weeks. These sanctions hold Mr. Dalluge accountable for his behavior and seek to provide basic supervision structure and parameters when he is initially released in the hope that at that time he will be willing to work with the DOC so that he can be successful on supervision.

Kimberly Allen

HEARINGS OFFICER

3/7/06

DATE

TI/ka/ 09-229CC.doc
3/7/06

Distribution: Prosecutor Offender County Clerk
 Central File Field File Hearing File
 Hearings Program Manager
 Hearings Officer 2
 ESRB for CCM only

DALLUGE, Amel
DOC 779283
02-1-00862-6 & 03-1-00986-8

DOC 09-229CC (FP Rev. 04/05/04)OAA / POL

DOC 670.500
DOC 460.130
OAA - COMMUNITY CUSTODY HEARING REPORT

"APPENDIX 6"

" APPENDIX 7 "

ORIGINAL



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

HEARING AND DECISION APPEAL

AMEL DALLUBE
OFFENDER NAME

779283
DOC NUMBER

I am appealing the decision of my Department of Corrections hearing, held on

2/28/06 at
DATE

GRANT COUNTY DETENTION FACILITY
LOCATION

by KIMBERLY ALLEN for the following reasons:
HEARING OFFICER NAME

THE INDETERMINATE SENTENCE REVIEW BOARD DOES NOT HAVE JURISDICTION WHEN AN OFFENDER'S COMMUNITY CUSTODY STATUS IS INACTIVE, WHEN AN OFFENDER ON COMMUNITY CUSTODY IS TOLLING, OR WHEN AN OFFENDER IS INCARCERATED. COMMUNITY CUSTODY DEALS WITH OFFENDER'S BEHAVIOR IN THE COMMUNITY, THIS NET INSURES THE COMMUNITY'S SAFETY AGAINST VIOLENT OR REPEAT OFFENDERS.

This appeal must be mailed to the address listed below within seven (7) calendar days of receipt of the Hearing and Decision Summary. Appeals are heard approximately every two (2) weeks. Sanctions are NOT STAYED pending the outcome of an appeal.

DOC REGIONAL APPEALS PANEL
HEARINGS UNIT
1016 So. 28th ST. 3rd Floor
TACOMA WA 98409

*The contents of this document may be eligible for public disclosure.
Social Security Numbers are considered confidential information and will be redacted in the event of such a request.
This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.*

"APPENDIX 7"

"APPENDIX 8"

CONCLUSION

10) EXPUNGE THE PROBATION VIOLATIONS.

20) AWARD LEGAL FEES.

30) GRANT RESTRAINING ORDERS / ANTI-HARRASSMENT ORDERS / RETALIATORY ACTS.

40) ORDER A COURT OF

ABLE BODY TO REVIEW
DALLUM'S PRESENT
CONDITIONS OF PROBATION
FOR ARBITRARINESS.

TABLE OF AUTHORITY

10) FOURTEENTH
AMENDMENT (UNITED
STATES CONSTITUTION).

TABLE OF APPENDIX

10) DECLARATION
(DALLUVE).

20) REPORT OF
ALLEGED VIOLATIONS.

30) NOTICE OF
ALLEGATIONS

40) HEARING/DECISION
SUMMARY.

50) CONFINEMENT
ORDER.

TABLE OF APPENDIX

60) HEARING REPORT.

70) HEARING/DECISION

APPEAL.

80) LETTER/RESPONSE

ABOUT APPEAL.

90) LETTER/RESPONSE

ABOUT NEED TO CLARIFY
APPEAL/CLARIFICATION.

100) NOTE ABOUT

NOT ATTACHING FORM FOR
CLARIFICATION.

110) HEARING/DECISION

APPEAL (CLARIFICATION).

"APPENDIX 1"

DECLARATION

I, ANNE DALWAGE,
DECLARE THAT I HAVE
EXAMINED AND TO THE BEST
OF MY KNOWLEDGE AND
BELIEF IT IS TRUE AND
CORRECT.

DATED THIS 16 DAY OF AUGUST 2006.

Anne Dalwage

Anne Dalwage

APPELLANT

"APPENDIX I"

"APPENDIX 2"



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

DOC- REPORT OF ALLEGED VIOLATION

REPORT TO:	DOC Hearing Officer	DATE:	2/22/06
OFFENDER NAME:	Dalluge, Amel	DOC NUMBER:	779283
AKA:	n/a	FOS NUMBER:	n/a
CRIME:	Escape from Community Custody Possession of Methamphetamine	DOB:	5/22/80
SENTENCE:	12 months community custody	Grant COUNTY CAUSE #:	02-1-00862-6 and 03-1-00986-8
Last Known Address:	550 Castle Drive Moses Lake, WA 98837	DATE OF SENTENCE:	6/3/03 and 2/24/04
MAILING ADDRESS:	same as above	TERMINATION DATE:	Tolling
		STATUS:	Inactive
		CLASSIFICATION:	RM-B

PREVIOUS ACTION:

Under Cause 02-1-00862-6:

11-21-03: Order for Arrest and Detention was issued.

12-02-03: Negotiated Sanction Review Hearing was held. Dalluge was violated for: 1) Failing to report to the Department of Corrections (DOC) on 11-5-03, 11-7-03, and 11-19-03. 2) Possessing a controlled substance, methamphetamine, on or about 11-23-03. Violation 2 was dismissed without prejudice, pending the outcome of his new cause. Dalluge pled guilty to violation 1, and agreed to serve 11 days confinement and report weekly for 4 weeks after his release from confinement.

07-05-05: Community Custody Hearing held at the Grant County Jail. Dalluge was found guilty of 1) Failing to report to the Department of Corrections on 10-26-04, 2) Failing to report on 11-3-04, 3) Leaving Grant County without permission on 11-9-04, 4) Failing to report on 6-6-05. He was sanctioned to 15 days confinement, report after release, and weekly for four weeks.

"APPENDIX 2"

ALLEGATION(S) SPECIFIED: The above named offender has violated the conditions of supervision by:

Allegation 1: Failing to obey all laws, by committing malicious mischief, on or about 10/8/05.

Allegation 2: Failing to obey all laws, by committing an assault on a law enforcement officer, on or about 10/9/05.

WITNESS(ES):

Community Corrections Officers with the Moses Lake Supervision Team

SUPPORTING EVIDENCE:

Allegation 1 and 2: On 6/3/03 Dalluge was sentenced on Cause 02-1-00862-6 to 12 months community custody. On 2/24/04 he was sentenced on Cause 03-1-00986-8 to 12 months community custody. On 10/4/04 Community Corrections Officer (CCO) Green met with Dalluge at the Moses Lake Department of Corrections office and reviewed the Department's Conditions, Requirements, and Instructions form. Dalluge signed said form, indicating he had read the form and all the conditions and requirements were explained to him and he agreed to comply with them. One of the conditions on that form was that he "obey all municipal, county, state, tribal, and federal laws", which is a standard condition for all offenders under "OAA" supervision.

On 10/13/05 the Moses Lake DOC office received a phone call from Sgt. Ponozzo with the Grant County Jail. He advised CCO Canterbury that Dalluge had committed new crimes while incarcerated. He said Dalluge would be charged. On 11/1/05, CCO Coronado requested and was granted, by Hearings Officer Cly Evans, dismissal without prejudice of the violations of failing to obey all laws by committing malicious mischief, possessing a weapon in a corrections facility, assault 3rd, and possession of a controlled substance, pending outcome of local prosecution. On 12/8/05, Dalluge was found guilty at trial of Assault in the 3rd Degree from an incident on 10/9/05, and of Malicious Mischief in the 1st Degree/Possession of a Weapon by a Person Serving a Sentence in a Local Correctional Institution from an incident on 10/8/05. He was subsequently sentenced on 1/10/06 to 29 months, 12 months, and 35 months.

"APPENDIX 2"

ADJUSTMENT AND SUPERVISION SUMMARY:

Dalluge has been under DOC supervision, continuously, since 1998, for four separate felony convictions. He now has two new convictions that will send him to prison. He has three other felony causes pending. Three of those five incidents occurred while Dalluge was incarcerated, either at the Grant County Jail or Adams County Jail. It is unclear exactly why Dalluge chose to cause problems for the jail staff and engage in riotous behavior, other than his perception of wrongdoing on the part of the criminal justice system, or the corrections officers, etc. He has been tolling since 11/10/04 due either to him being incarcerated or not reporting.

DISPOSITION RECOMMENDATION:

Dalluge is an RM-B level offender due to an LSI score of 43. This will be his 3rd and 2nd hearing on these current causes. According to the Behavior Response Guide, Dalluge should receive 21 to 45 days confinement, per violation. He has prison sentences to serve and therefore alternative sanctions are not a viable option. His behavior in these new offenses involved breaking windows and a phone at the jail, arming himself with pieces of the broken phone, and threatening officers. A tactical response team had to be assembled to deal with his behavior. The next day, he continued to be oppositional to the corrections officers and spat in the face of one of the corrections officers. Due to the violent nature of this behavior, I recommend 60 days confinement.

I certify or declare under penalty of perjury of the laws of the State of Washington that the foregoing statements are true and correct to the best of my knowledge and belief.

Submitted By:

Approved By:

Tim Logan 2/22/06
DATE

Michael J. Eby 2-23-06
DATE

Tim Logan
Community Corrections Officer 3
Moses Lake Department of Corrections
530 Interlake Rd.
Moses Lake, WA 98837
Telephone (509) 764 - 6180

Michael J. Eby
Community Corrections Supervisor

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2/22/06

Distribution:	COMMUNITY	ORIGINAL: Hearing Officer/File (via Discovery Packet)
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If DOC Hearing:	FOS	ORIGINAL: Hearing Officer / File, (via Discovery Packet)
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"APPENDIX 2"

"APPENDIX 3"

- ◆ If I waive my right to be present at the hearing, I understand that the Department of Corrections may conduct the hearing in my absence and may impose sanctions that could include loss of my liberty.
- ◆ To waive any or all of the above rights.

DOC REGIONAL APPEALS PANEL
 1016 So 28th ST. 3rd Floor
 Tacoma, WA 98409

I have read and understand the allegation(s), the hearing notice, and my rights as described:

OFFENDER SIGNATURE <i>Amel Dalluge</i>	DATE 2/23/06	TIME 3:25
WITNESS SIGNATURE / POSITION <i>Tur Joga</i>	DATE 2/23/06	TIME 3:25pm

Admission to Allegations

I admit to the following allegations:

OFFENDER SIGNATURE	DATE	TIME
WITNESS SIGNATURE / POSITION	DATE	TIME

In admitting the violation(s) and waiving the hearing, I understand that the Department of Corrections may still schedule and conduct a hearing to accept my waiver. I further understand that if I am found guilty, the Department may respond by imposing:

1. The existing supervision plan; or
2. The existing supervision plan plus increased monitoring, treatment, or programming; or
3. Placement in a work release or pre-release facility, or total confinement in a jail or prison facility, as well as the existing supervision and any additional reporting or program enhancement ; or
4. Recommend that the Sentencing Court, if appropriate and / or applicable, take further action.

Waiver of Hearing

OFFENDER SIGNATURE	DATE	TIME
WITNESS SIGNATURE / POSITION	DATE	TIME

TL/H/09-231.doc
 2/22/06

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Amel Dalluge 779283
 Page 2 of 2

"APPENDIX 3"

NAME: DALLUGE, AMEL WILLIAM

OFFICE: 130 MOSES LAKE OFFIC
OFFICER: 0430 LOGAN, TIMOTHY

11/01/05 CM 04 REQUESTED NEEDED ACTION TODAY (D/W PREJUDICE) ON NEW CAUSES:
GRANT: 05-1-754-3, 05-1-755-1, & 05-1-467-6, AND ADAMS:

05-1-467-6. 11/01/05 G CORONADO

11/01/05 HR 08 VIOLATIONS OF FAIL OBEY ALL LAWS BY COMMITTING MAL MISCHIEF 1ST,
POSSESS WEAPON IN CORRECTIONS FACILITY, ASSAULT 3 ON ENFORCE
OFFICER, AND POSSESS NON PRESCRIPTION CONTOLL SUBSTANCE ARE
DISMISSED WITHOUT PREJUDICE PEND OUTCOME OF LOCAL PROSECUTION.
11/01/05 C EVANS

"APPENDIX 3"