The Supreme Court
State of Washington

Jay Pullman # 845002 Petioner	No. 80834-1 Reply to Respondants Response to discretionary review

A. STATUS of Petioner

I am currently confined at

Mc neil Island Correction Center
PO Box 881000
Steilacoom, Wa 98388

Jay Pullman # 845002

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ISSUES

1. Is the appellate court decision in my matter consistent with the decision they made in Adams Wn. App. 640 or Wheeler 140 wn. App 670
2. Did I receive written notice before cancellation of my release date.?
3. Did I have a opportunity to be heard before a competent tribunal?
4. Did I have a opportunity to challenge the facts relied on to change my tentative release date?

FACTS

1. Screened february 24, 2005 found to be eligible to receive fifty percent earned release time. Release date set at October, 13, 2006
2. Reassessed february 3, 2006 found to be ineligible to receive fifty percent earned release time.
3. Kevin Mavss, Correctional Program Manager sent letter stating why I loss my fifty percent earned release time July 11, 2006
4. Personal Restraint Petition dismissed October 8, 2007
5. On february 22, 2008 The Supreme Court directed the respondant to serve and file a response to my motion for review and include a discussion of the following two cases: Adams, 132 Wn. App 640 In re Pers. Restraint of Wheeler, 140 Wn App 670
6. Respondants response included no such discussion.

ARGUMENT

1. My argument is not whether DOC has the Authority to change my reassessment Score. My argument is that DOC dont have the right to change my release date without due process.

2. The Appellate Court states that my reclassification was virtually preordained by the outcome of my 4 major infractions.

3. Shouldn't that be more of reason to need to be heard before a competent tribunal before my release date was changed?

4. As in Restraint of Sinka, 92 Wn. 2d 555 P.2 1275 (1979) I should have had the right to challenge the facts because they may not be accurate.

5. DOC States that the one Item which was Changed

to increase my reassessment score was based on guilty findings of (4) Serious major infractions.

6. I received a WAC # 657 (Four or more general infractions) on January 6, 2006

7. My reassessment score was changed February, 3 2006 Without my Knowledge.

8. This extremly prejudice me and took away my liberty.

9. Had my score not been changed I would have been a free man as of October 13th, 2006

10. Without 4 General Infractions a inmate can not receive a 4 minor major.

11. One of my general infraction is for failure to secure cell door.

12. Only requirement of guilt is that I occupied the cell in question

13. My cellmate received and was found guilty

of the same infraction.

14. DOC reassessment policy states that the results of a risk assessment will not be based on unconfirmed or unconfirmable allegations.

15 Respondant has not addresses the cases the cases the court has directed them to include in their response because there is no viable argument that they can raise regarding these cases and how they apply to my case so the respondants response consists of smoke and mirrors to draw this courts attention away from my case and the merits it holds!

Conclusion

Appellant respectfully request this court to deny respondants response for failure to follow this court directive and grant this motion and direct DOC to reinstate 50 percent

earned release time,

Respectfully Submitted,

Jay Pullman # 845002