

39080-9-11

NO. 82149-6

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SUPREME COURT  
STATE OF WASHINGTON

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SUPREME COURT OF THE STATE OF WASHINGTON

In re Personal Restraint Petition of:

TEDDY GLENN TALLEY,

Petitioner.

RESPONSE OF THE  
DEPARTMENT OF  
CORRECTIONS

83284-6

Respondent, the Department of Corrections (Department or DOC), responds to Talley's personal restraint petition pursuant to RAP 16.9. Talley claims that he should have received jail good time of 58 days and that the jail's policy of not awarding good time to jail inmates who are ineligible to participate in the jail's work programs violates equal protection. However, Division One dealt with this precise issue in another case and found no equal protection violation. Talley also claims that the DOC did not credit him with DOC early release credits of 55 days and jail time served of 2 days. His math is incorrect.

**I. BASIS OF CUSTODY**

Talley is in the Department's custody pursuant to a conviction for second degree murder, committed on October 27, 2005. Exhibit 1, Judgment and Sentence. The Skamania County Superior Court (the Honorable E. Thompson Reynolds) sentenced him to 123 months of confinement. *Id.* at 6. His possible early release date is March 12, 2015.

ORIGINAL

Exhibit 2, OMNI Legal Face Sheet; Exhibit 3, OMNI Sentence Information (“ERD 03/12/2015”).

## II. STATEMENT OF THE CASE

Talley pled guilty to second degree murder. Exhibit 1. The trial court sentenced him to 123 months confinement. Id. at 6. The jail certified 516 days of jail time served and zero days of jail good time. Exhibit 4, Jail Certification. Talley’s attorney later wrote to the jail and challenged its policy of not giving good time to certain inmates. Appendix E to Petition, at Letter from Jail to Steven Thayer. Talley himself also wrote the jail seven months later and made the same challenge. Appendix E to Petition, at Letter from Jail to Talley. In both cases, the jail responded that its policy is to award good time to inmates who participate in its work programs. It explained that Talley was not eligible to participate in those programs because he had not been sentenced at the time he was in the jail and also because he was not a medium or low risk inmate. Id.

The DOC received custody of Talley from the jail on March 20, 2007. Exhibit 2, at 5 (“Admission to Prison”). The DOC calculated Talley’s sentence as follows. It set his DOC time start date as March 20, 2007, the day it received him from the jail. Exhibit 3 (“Time Start Date 03/30/2007”). His sentence is 123 months long, or 3,743 days. Exhibit 3

("Length In Days"). The DOC credited him with 516 days of jail time served and zero days of jail good time. Id. ("Cause Credits"). Subtracting 516 jail credits from the 3,743-day sentence leaves 3,227 days remaining to serve in the DOC's custody.

If Talley were to receive all of his earned release credits, his time to serve in the DOC's custody would be 90 percent of this amount. See Exhibit 3 ("ERT % 10.00%"). Ninety percent of 3,227 is 2,904 days. This is rounded down because the DOC does not require inmates to serve partial days.

Talley has thus far lost zero days of good conduct time and has not missed earning any earned time. Exhibit 3 ("GCT Lost 0"; "ET Not Earned 0.00"). Adding 2,904 days to Talley's time start of March 30, 2007, results in a possible early release date of March 12, 2015. Hence, the DOC set Talley's possible early release date as March 12, 2015. Exhibit 3.

In March 2008, Talley wrote to DOC and stated that the DOC's calculation was off by 55 days because he should have earned good time credits while at the jail at a rate of 10 percent. Exhibit 5, Letter from Talley to DOC dated March 11, 2008. In another letter, he stated that he was denied early release time based on the unavailability of programs. Exhibit 6, Letter from DOC to Talley dated April 28, 2008. The DOC

responded that he needed to contact the jail to take issue with jail good time. Exhibit 7, Inmate Kite. As to the unavailability of programs, the DOC responded that the DOC does not deny good time based on a program being available or not. Exhibit 6.

### III. STANDARD OF REVIEW

To obtain state judicial review of a decision through a personal restraint proceeding, an inmate is required to demonstrate both that he or she is being restrained and that the restraint is unlawful. RAP 16.4(a); In re Dutcher, 114 Wn. App. 755, 758, 60 P.3d 635 (2002) (citing In re Cashaw, 123 Wn.2d 138, 144, 866 P.2d 8 (1994)). The petitioner may obtain relief by demonstrating either a constitutional violation or a violation of state law. RAP 16.4(c)(2), (6); Cashaw, 123 Wn.2d at 148.

If the inmate has had a previous or alternative avenue for obtaining state judicial review of the challenged decision, he or she has a “threshold” burden of establishing the appropriateness of collateral review. Cashaw, 123 Wn.2d at 148-49. Upon meeting this threshold, the petitioner has a burden of proving by a preponderance of the evidence that an alleged error caused him actual and substantial prejudice. In re Cook, 114 Wn.2d 802, 813-14, 792 P.2d 506 (1990).

Allegations unsupported by citation to authority, facts, or persuasive reasoning cannot sustain this burden of proof. Cook, 114 Wn.2d at 813-14.

A petitioner must present evidence that is more than speculation, conjecture, or inadmissible hearsay. In re Gronquist, 138 Wn.2d 388, 396, 978 P.2d 1083 (1999).

#### IV. ISSUE PRESENTED

1. The Skamania County jail awards no good time to inmates who have not yet been sentenced. Is Talley entitled to receive good time on his presentence jail time served?

2. Did the Department properly credit Talley with all time due to him?

#### V. ARGUMENT

##### A. **DISPARATE TREATMENT OF PRE-SENTENCE DETAINEES DOES NOT VIOLATE EQUAL PROTECTION**

Talley claims his rights were violated by the disparate earned release time policies of the Skamania County jail. Low or medium risk inmates sentenced to serve their confinement time in the Skamania County Jail rather than in prison can earn such good time credits only because they are eligible to participate in jail work programs.<sup>1</sup> Inmates' sentence to prison and inmates deemed to be high risk are not subject to this additional requirement. The jail's policy does not violate equal protection.

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<sup>1</sup> Jails award good time based on a different statute than the DOC. See RCW 9.92.151. It allows no more than one-third off in good time. Jails are not subject to RCW 9.94A.728, which governs DOC's good time policies.

Division One dealt with the precise issue in In re Cromeenes, 72 Wn. App. 353, 864 P.2d 423 (1993). There, the court found no equal protection violation. As in that case, Talley's argument would require the jail to treat pre-sentence inmates "more favorably than inmates sentenced to jail since the sentenced inmates must engage in 'affirmative conduct' to earn their full one-third sentence reduction." Id., 72 Wn. App. at 358.

In addition to In re Cromeenes, the Washington Supreme Court dealt with a situation similar to Talley's in In re Fogle, 128 Wn.2d 56, 904 P. 2d 722 (1995). There, the petitioners challenged the county jails' policies of granting pre-sentencing detainees good time at a rate of less than the statutory maximum one-third available under DOC's policies. In denying the petitions, the Washington Supreme Court determined that the county jails' policies were statutorily permissible and that the state's substantial interest in maintaining prisoner discipline justified disparate treatment of pre-sentence detainees. See Fogle, 128 Wn.2d at 63.

The petitioners appealed to the Ninth Circuit Court of Appeals. That court held that the county policies violated equal protection. MacFarlane v. Walter, 179 F.3d 1131 (1999). But the United States Supreme Court vacated the Ninth Circuit's opinion and ordered that the case be dismissed as moot. Lehman v. MacFarlane, 529 U.S. 1106, 120 S. Ct. 1959, 146 L. Ed. 2d 790

(2000). The Ninth Circuit then dismissed the case as moot. MacFarlane v. Walter, 216 F.3d 881 (2000).

Because the Ninth Circuit's opinion was vacated, the opinion of the Washington Supreme Court controls. Thus, county jails' policies awarding less than the statutory maximum early release time are permissible.

The Skamania County Jail's policy of not allowing pre-sentence inmates and high risk inmates to participate in work programs and thereby earn good time does not violate the Constitution. The Court should deny Talley's petition.

**B. THE DOC PROPERLY CREDITED TALLEY'S SENTENCE WITH ALL CREDITS HE IS DUE**

Although Talley claims the DOC's award of presentence time is two days short and its award of DOC good time is 55 days short, his math is incorrect. His release date calculation, Exhibit 3, shows that the DOC credited him with the full 516 days of jail time served that the jail certified. And of the 3,227 days remaining on his 3,743-day sentence after the jail time is subtracted, the DOC set his possible early release date 2,904 days (or 90 percent of his remaining 3,227 days) after the DOC received custody of him.

Statute requires that when an offender is transferred from jail to the DOC, the jail must certify to the DOC the amount of time spent in custody

at the jail and the amount of early release time earned there. RCW 9.94A.728(1). The Department is entitled to give presumptive legal effect to this certification. In re Williams, 121 Wn.2d 655, 664, 853 P.2d 444 (1993). The statute prohibits the Department from accepting a jail certification only if the certification is based on apparent or manifest errors of law. Id.

Additionally, an offender is entitled to credit for time served before sentencing only if that time served was exclusively on the offense that was sentenced:

The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was **solely in regard to the offense for which the offender is being sentenced.**

RCW 9.94A.505(6) (emphasis added); In re Phelan, 97 Wn.2d 590, 597, 647 P.2d 1026 (1982). Credit is not allowed for time served on other charges. In re Costello, 131 Wn. App. 828, ¶ 13, 129 P.3d 827 (2006).

Also, the statute does not give the sentencing court authority to credit an offender for more pre-trial detention time than he or she is entitled to by law. Costello, 131 Wn. App. at ¶ 14. Accordingly, neither RCW 9.94A.505(6) nor a judgment and sentence form incorporating that provision can be construed as authorizing a jail to credit an offender with more time than he or she is entitled to by law. Costello, supra.

Also, the jail's calculation of credit for time served is not independently legally binding. Id. If the jail's calculation is correct, it has the force of law. Id. If the jail's calculation is erroneous, the law, not the certification, provides the correct result. Id.

The DOC received a jail certification from the Skamania County Jail that showed Talley had served 516 days of pre-sentence jail time. The DOC calculated 90 percent of his remaining sentence less jail time and added that to his start date in DOC custody. This resulted in an early release date of March 12, 2015. Talley has submitted nothing to show any apparent or manifest errors of law. He has the burden to show that the jail certification and the DOC's time calculation are incorrect and he has not done that. The Court should dismiss the petition.

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VI. CONCLUSION

The jail's policy of awarding no good time to high risk inmates and inmates sentenced to prison does not violate equal protection. Also, the DOC correctly credited Talley with his jail time served and DOC good time. Therefore, Respondent respectfully requests that this court deny Talley's personal restraint petition and dismiss this case with prejudice.

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of January, 2009.

ROBERT M. MCKENNA  
Attorney General



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Assistant Attorney General  
Corrections Division  
PO Box 40116  
Olympia WA 98504-0116  
(360) 586-1445

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**CERTIFICATE OF SERVICE**

I certify that I served a copy of the foregoing document on all parties or their counsel of record as follows: \_\_\_\_\_  
CLERK

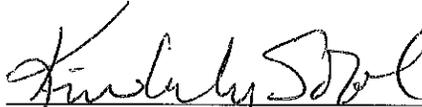
- US Mail Postage Prepaid
- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- State Campus Delivery
- Hand delivered by \_\_\_\_\_

TO:

TEDDY GLENN TALLEY, DOC #304090  
MCNEIL ISLAND CORRECTIONS CENTER  
PO BOX 881000  
STEILACOOM WA 98388-1000

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

EXECUTED this 23<sup>rd</sup> day of January, 2009 at Olympia, WA.

  
\_\_\_\_\_  
KIMBERLY SOBOL  
Legal Assistant

SKAMANIA COUNTY  
**FILED**  
 MAR 29 2007  
 SHARON K. VANCE, CLERK  
 DEPUTY

304090  
 3-30-07

IN THE SUPERIOR COURT OF THE  
 STATE OF WASHINGTON  
 IN AND FOR THE COUNTY OF SKAMANIA

STATE OF WASHINGTON,  
  
 Plaintiff,  
  
 vs.

TEDDY GLENN TALLEY,  
  
 SID:  
 If no SID, use DOB: [REDACTED]  
  
 Defendant.

No. 05-1-00111-7  
 Felony Judgment and Sentence (FJS)  
 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  
 Clerk's Action Required, para.  
 4.5 (SDOSA), 4.15.2, 5.3, 5.6 and  
 5.8

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 3-7-07 by  plea  jury-verdict  bench trial of:

| COUNT | CRIME                       | RCW                 | DATE OF CRIME |
|-------|-----------------------------|---------------------|---------------|
| I     | MURDER IN THE SECOND DEGREE | RCW 9A.32.050(1)(a) | 10-27-05      |

(If the crime is a drug offense, include the type of drug in the second column.)

as charged in the Third Amended Information.

- Additional current offenses are attached in Appendix 2.1.
- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding that the offense was predatory was returned on Count(s) \_\_\_\_\_ RCW 9.94A.\_\_\_\_\_.
- A special verdict/finding that the victim was under 15 years of age at the time of the offense was returned on Count(s) \_\_\_\_\_ RCW 9.94A.\_\_\_\_\_.

EXHIBIT **1**

- A special verdict/finding that the victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense was returned on Count(s) \_\_\_\_\_ RCW 9.94A.\_\_\_\_, 9A.44.010.
- A special verdict/finding of sexual motivation was returned on Count(s) \_\_\_\_\_ RCW 9.94A.835.
- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- A special verdict/finding for use of firearm was returned on Count(s) \_\_\_\_\_ RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for use of deadly weapon other than a firearm was returned on Count(s) \_\_\_\_\_ RCW 9.94A.602, 9.94A.533.
- A special verdict/finding for Violation of the Uniform Controlled Substances Act (VUCSA) was returned on Count(s) \_\_\_\_\_, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, public transit vehicle, or public transit stop shelter; or in, or within 1000 feet of the perimeter of a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine, including its salts, isomers, and salts of isomers, when a juvenile was present in or upon the premises of manufacture was returned on Count(s) \_\_\_\_\_ RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030.
- The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) \_\_\_\_\_ involve(s) domestic violence.
- 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 or Juv | TYPE OF CRIME |
|------------------|------------------|-----------------------------------|---------------|---------------------|---------------|
| NO KNOWN HISTORY |                  |                                   |               |                     |               |

- Additional criminal history is attached in Appendix 2.2.
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525.
- The court finds that the following prior convictions are one offense

for purposes of determining the offender score (RCW 9.94A.525):  
 The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 Sentencing Data:

| COUNT | OFFENDER SCORE | SERIOUSNESS LEVEL | STANDARD RANGE (not including enhancements) | PLUS ENHANCEMENT (F) FIREARM (D) DEADLY WEAPON (V) VUCSA in a protected zone | TOTAL STANDARD RANGE | MAXIMUM TERM     |
|-------|----------------|-------------------|---|--|----------------------|------------------|
| I     | 0              | XIV               | 123-220 MONTHS                              | N/A  | 123-220              | LIFE<br>\$50,000 |

\* (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, RCW 9.94A.533(8).

Additional current offense sentencing data is attached in Appendix 2.3.

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 furthers 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.

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 defendant'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):

2.6 For violent offenses, most serious offenses, or armed offenders

recommended sentencing agreements or plea agreements are [ ] attached [ ] as follows: \_\_\_\_\_

III. Judgment

3.1 The defendant is Guilty of the Counts and Charges listed in Paragraph 2.1 and Appendix 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:

JASS CODE \$ TBD Restitution to: Birkenfeld Family

RTN/RJN \$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

Name & Address-Address may be withheld and provided confidentially to Clerk's Office

PCV \$ 500.00 Victim Assessment RCW 7.68.035

\$ \_\_\_\_\_ Domestic Violence assessment RCW10.99.080

CRC \$ 200.00 Court costs including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190.

Criminal Filing Fee \$ 200.00 FRC

Witness costs \$ \_\_\_\_\_ WFR

Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/WRF

Jury demand fee \$ \_\_\_\_\_ JFR

Extradition Cost \$ \_\_\_\_\_ EXT

Other \$ \_\_\_\_\_

PUB \$ \_\_\_\_\_ Fees for court appointed attorney RCW 9.94A.760

WFR \$ \_\_\_\_\_ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ \_\_\_\_\_ Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/PCD \$ \_\_\_\_\_ Drug enforcement fund of: RCW 9.94A.760

NTF/SAD/SDI \_\_\_\_\_

CLF \$ 100.00 Crime lab fee [ ] suspended due to indigency RCW 43.43.690

\$ 100.00 Felony DNA collection fee [ ] not imposed due to

hardship RCW 43.43.7541

RTN/RJN \$ \_\_\_\_\_ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1,000 maximum) RCW 38.52.430

\$ 500.00 Other costs for: Skamania County Sheriff's Office Investigation Fund

\$ 1400.00 TOTAL RCW 9.94A.760

[X] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[X] shall be set by the prosecutor.  
 [ ] is scheduled for .  
 [ ] Restitution Schedule attached.

[ ] Restitution ordered above shall be paid jointly and severally with:

| <u>Name of other defendant</u> | <u>Cause Number</u> | (Victim's 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).

[X] All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 25 per month commencing May 1, 2007. RCW 9.94A.760.

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

[ ] In addition to the other costs imposed herein, the court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the rate of \$50.00 per day, unless another rate is specified here: \_\_\_\_\_ (JLR) RCW 9.94A.760.

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

4.2 DNA Testing. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release

from confinement. RCW 43.43.754.

HIV Testing. The defendant shall submit to HIV testing. RCW 70.24.340.

4.3 The defendant shall not have contact with \_\_\_\_\_

\_\_\_\_\_ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for life (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.

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

4.4 Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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):

|                                     |                             |
|-------------------------------------|-----------------------------|
| <u>123</u> months on Count <u>I</u> | _____ months on Count _____ |
|-------------------------------------|-----------------------------|

Actual number of months of total confinement ordered is: \_\_\_\_\_.

(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 \_\_\_\_\_.

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: \_\_\_\_\_

The sentence herein shall run consecutively with the sentence in cause number(s) \_\_\_\_\_

but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

(b) Confinement. RCW 9.94A.712 (Sex Offenses only): The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count \_\_\_\_\_ minimum term \_\_\_\_\_ maximum term \_\_\_\_\_

Count \_\_\_\_\_ minimum term \_\_\_\_\_ maximum term \_\_\_\_\_

(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: 5160 days IT, P, G

4.6 [ ] Community Placement is ordered as follows:

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

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

[ ] Community Custody for count(s) \_\_\_\_\_, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

[X] Community Custody is ordered as follows:

Count I for a range from 24 to 48 months;

Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;

Count \_\_\_\_\_ for a range from \_\_\_\_\_ to \_\_\_\_\_ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:

i) Sex offense ii) Violent offense iii) Crime against a person (RCW 9.94A.411)

iv) Domestic violence offense (RCW 10.99.020) v) Residential burglary offense

vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,

vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)

b) the conditions of community placement or community custody include chemical dependency treatment.

c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.

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) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC; and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The 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.

[X] The defendant shall not consume any alcohol.

[X] Defendant shall have no contact with:

[ ] Defendant shall remain [ ] within [ ] outside of a specified geographical boundary, to wit:

[ ] Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8)).

[ ] The defendant shall participate in the following crime-related treatment or counseling services:

[ ] The defendant shall undergo an evaluation for treatment for [ ] domestic violence [ ] substance abuse

[ ] mental health [ ] anger management and fully comply with all recommended treatment.

[ ] The defendant shall comply with the following crime-related prohibitions:

[X] Other conditions: See 'Appendix A'

[ ] For sentences imposed under RCW 9.94A.712, 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.

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: \_\_\_\_\_.

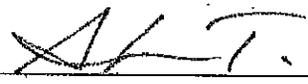
#### V. Notices and Signatures

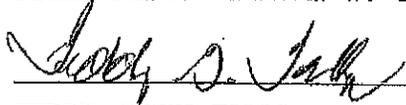
- 5.1 **Collateral Attack on Judgment.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to 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(5). 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.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 Any violation of this Judgment and Sentence is punishable by up

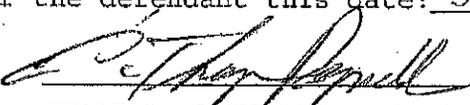
to 60 days of confinement per violation. RCW 9.94A.634.

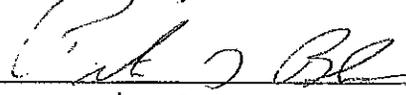
- 5.6 Firearms. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.
- 5.8 [ ] 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.
- 5.10 Other: \_\_\_\_\_

DONE IN OPEN COURT in the presence of the defendant this date: 3-29-07

  
\_\_\_\_\_  
Attorney for Defendant  
WSBA # 7449  
Print Name: STEVEN W. THAYER

  
\_\_\_\_\_  
TEDDY GLENN TALLEY  
Defendant

  
\_\_\_\_\_  
JUDGE E. THOMPSON REYNOLDS

  
\_\_\_\_\_  
Prosecuting Attorney  
WSBA # 7174  
Print Name: PETER S. BANKS

Voting Rights Statement: I acknowledge that my right to vote has been lost due to felony conviction. 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: \_\_\_\_\_

CAUSE NUMBER of this case: 05-1-00111-7

I, SHARON K. VANCE, 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 the Court of said county and state, by: \_\_\_\_\_ Deputy Clerk





**Inmate: TALLEY, Teddy Glenn (304090)**

|                 |                         |                          |  |
|-----------------|-------------------------|--------------------------|--|
| Gender: Male    | DOB: [REDACTED] Age: 57 | Category: Regular Inmate | Body Status: Active Inmate                   |
| RLC: RMD        | Wrap-Around: No         | Comm. Concern: No        | Custody Level: Minimum 3 - Long Term Minimum |
| ERD: 03/12/2015 |                         |                          | Location: MICC — MDU / D2202                 |
|                 |                         |                          | CC/CCO: Wooten, Dairyene G                   |

**Offender Information (Combined)**

|                              |            |  |             |           |
|------------------------------|------------|--|-------------|-----------|
| Prison Max Expiration Date:  | 01/29/2016 | Last Static Risk Assessment Date:      | 07/30/2007  | DOSA:     |
| Planned Release Date:        |            | Last Offender Need Assessment Date:    |             | ISRB? No  |
| Earned Release Date:         | 03/12/2015 | RLC Override Reason:                   |             | CCB? No   |
| ESR Sex Offender Level:      |            | OSP Status:                            |             | SOSSA? No |
| ESR Sex Offender Level Date: |            | Offender Release Plan:                 | Pending RLC | WEP? No   |
| County Sex Offender Level:   |            | Victim Witness Eligible?               | Yes         |           |
| Registration Required?       |            | County Of First Felony Conviction:     | Skamania    |           |
| DMIO?                        | No         | P U L H E S D X T<br>2 1 1 2 1 1 3 1 1 |             |           |
| DD?                          | No         |  |             |           |
| SMIO?                        |            |  |             |           |

**Personal Characteristics**

**Aliases, Dates of Birth and Places of Birth**

|                  |                          |                         |   |
|------------------|--------------------------|-------------------------|---|
| Aliases          |                          |                         |   |
| *Last Name:      | First Name:              | Middle Name or Initial: | Suffix:   |
| Dates of Birth   |                          |                         |   |
| *Dates of Birth: | Use for Age Calculation? | Places of Birth         |   |
| [REDACTED]       | Yes                      | City: Unknown           | State / Province: Texas<br>Country: United States |

**Identifications**

|                         |                       |                             |                            |
|-------------------------|-----------------------|-----------------------------|----------------------------|
| General                 |                       |                             |                            |
| FBI Number:             | FBI Fingerprint Code: | WA State ID Number:         | ICE Registration Number:   |
| 153886EA0               | DODIPMPI17181513PI18  | WA12965072                  |                            |
| Social Security         |                       | Driver's License            |                            |
| Social Security Number: | Validated with SSA?   | Driver's License Number:    | State / Province: Country: |
| [REDACTED]              | N                     |                             |                            |
| Jurisdiction            |                       |                             |                            |
| *Type of Jurisdiction:  | County/State/Country: | *Other Jurisdiction Number: |                            |
|                         |                       | 2                           |                            |

**EXHIBIT 2**

**Physical Description / Marital Status**

|         |             |               |                           |                 |
|---------|-------------|---------------|---------------------------|-----------------|
| Gender: | Hair Color: | Eye Color:    | Complexion:               | Marital Status: |
| Male    | Brown       | Blue          | Medium                    |                 |
| Height: | Weight:     | *Person Type: | *Twin or Multiple Births? |                 |
|         |             |               |                           |                 |

5 Ft. 8 In.      175 Lbs      DOC      N

**Race, Hispanic Origin and Citizenship**

|       |                      |                        |                  |               |
|-------|----------------------|------------------------|------------------|---------------|
| Race: | Ethnic Affiliation:  | Use for Documentation? | Hispanic Origin? | Citizenship:  |
| White | European/N.Am./Austr | Y                      | N                | United States |

**Languages**

|           |             |       |          |
|-----------|-------------|-------|----------|
| Language: | Comprehend? | Read? | Prefers: |
| English   | Yes         | No    | Yes      |

**Scars, Marks and Tattoos**

|                                    |              |            |              |
|------------------------------------|--------------|------------|--------------|
| SMT Type:                          | SMT Subtype: | Body Part: | Description: |
| Remarks                            |              |            |              |
| OBTS Conversion: C5350607 04/04/07 |              |            |              |

**Religion and Diet**

|                       |                       |            |              |                 |           |
|-----------------------|-----------------------|------------|--------------|-----------------|-----------|
| Religious Preference: | Denomination or Sect: | Diet Name: | Approved At: | Effective Date: | End Date: |
| Christian             | Protestant            |            |              | 03/01/2007      |           |
| Christian             | Protestant            |            |              | 08/01/2007      |           |

**Primary, Mailing and Other Addresses**

|       |                   |                    |                    |              |                 |           |
|-------|-------------------|--------------------|--------------------|--------------|-----------------|-----------|
| Role: | Name and Address: | Current Residence? | Valid for Mailing? | Disclosable? | Effective Date: | End Date: |
|-------|-------------------|--------------------|--------------------|--------------|-----------------|-----------|

**Emergency Contacts**

|                                      |                                     |               |                 |           |
|--------------------------------------|-------------------------------------|---------------|-----------------|-----------|
| Relationship:                        | Emergency Contact Name and Address: | Phone Number: | Effective Date: | End Date: |
| Wife                                 |                                     | [REDACTED]    | 07/31/2008      |           |
| OBTS Emergency Contact Info Follows: |                                     |               |                 |           |
| [REDACTED]                           |                                     |               |                 |           |
| OBTS Conversion                      |                                     |               |                 |           |

**Email Addresses and Phone Numbers**

|                 |       |                |                 |           |
|-----------------|-------|----------------|-----------------|-----------|
| Email Addresses |       |                |                 |           |
| Role:           | Name: | Email Address: | Effective Date: | End Date: |
|                 |       |                |                 |           |
| Phone Numbers   |       |                |                 |           |
| Role:           | Name: | Phone Number:  | Effective Date: | End Date: |
|                 |       |                |                 |           |

**Employers**

|   |             |               |          |                 |               |  |                 |           |
|---|-------------|---------------|----------|-----------------|---------------|--|-----------------|-----------|
| Employer Name:                              | Occupation: | Contact Name: | Address: | Employer Email: | Phone Number: | Monthly Income:                            | Effective Date: | End Date: |
| Other Monthly Income                        |             |               |          |                 |               |  |                 |           |
| Other Monthly Income Description (Current): |             |               |          |                 |               | Other Monthly Income Amount (Current):     |                 |           |
|   |             |               |          |                 |               | Monthly Income From All Sources (Current): |                 |           |
|   |             |               |          |                 |               | \$0.00                                     |                 |           |

**Military Service**

|              |         |             |           |            |                 |                    |                 |            |
|--------------|---------|-------------|-----------|------------|-----------------|--------------------|-----------------|------------|
| Claim Number | Branch: | Start Date: | End Date: | Served In: | Service Number: | Type of Discharge: | DD214 Verified? | War Zones: |
|--------------|---------|-------------|-----------|------------|-----------------|--------------------|-----------------|------------|

| Vehicles |       |        |       |        |                       |                 |
|----------|-------|--------|-------|--------|-----------------------|-----------------|
| Year:    | Make: | Model: | Type: | Color: | License Plate Number: | State: Country: |

**Sentence Structure (Field)**

**Cause: AA - 051001117 - Skamania**

|                            |                   |                     |                          |
|----------------------------|-------------------|---------------------|--------------------------|
| Convicted Name:            | Date Of Sentence: | Cause Status:       | Offense Category:        |
| Teddy Talley               | 03/29/2007        | Active              | Murder 2                 |
| Distinct Supervision Type: | Start Date:       | Scheduled End Date: | Consecutive Supervision: |
| CCP                        | 03/12/2015        | 03/11/2019          |                          |

**Count: 1 - RCW 9A.32.050 - Murder 2**

|                   |                      |                 |                 |           |
|-------------------|----------------------|-----------------|-----------------|-----------|
| Count Start Date: | Supervision Length:  | Length In Days: | Count End Date: | Stat Max: |
| 03/12/2015        | 4Y, 0M, 0D           | 1,460           | 03/11/2019      | Life      |
| Violent Offense?  | DW / FA Enhancement? | Anticipatory:   |                 |           |
| Yes               | N                    |                 |                 |           |

**Sentence Structure (Inmate)**

**Cause: AA - 051001117 - Skamania**

|                  |                     |                      |                    |
|------------------|---------------------|----------------------|--------------------|
| State:           | Convicted Name:     | Date Of Sentence:    | Consecutive Cause: |
| Washington       | Teddy Talley        | 03/29/2007           |                    |
| Time Start Date: | Confinement Length: | Earned Release Date: |                    |
| 03/30/2007       | 10Y, 3M, 0D         | 03/12/2015           |                    |

**Count: 1 - RCW 9A.32.050 - Murder 2**

|                   |                     |                    |                              |                     |        |            |            |           |                  |
|-------------------|---------------------|--------------------|------------------------------|---------------------|--------|------------|------------|-----------|------------------|
| Anticipatory:     | Modifier:           | Enhancement:       | Mandatory:                   | Confinement Length: | ERT %: | ERD:       | MaxEx:     | Stat Max: | Violent Offense? |
|                   |                     |                    |                              | 10Y, 3M, 0D         | 10.00% | 03/12/2015 | 01/29/2016 | Life      | Yes              |
| Supervision Type: | Supervision Length: | Consecutive Count: | Hold To Stat Max Expiration: |                     |        |            |            |           |                  |
| CCP               | 4Y, 0M, 0D          |                    |                              |                     |        |            |            |           |                  |

**Conditions**

**Cause: AA - 051001117 - Skamania**

| Condition Name               | Narrative   | Imposing Authority | Start Date | End Date |
|------------------------------|---|--------------------|------------|----------|
| Advise CCO-Change/Address    |   | Court Ordered      | 03/29/2007 |          |
| Advise CCO-Change/Employment |   | Court Ordered      | 03/29/2007 |          |
| Alcohol-Consume              |   | Court Ordered      | 03/29/2007 |          |
| CCO-Report                   |   | Court Ordered      | 03/29/2007 |          |
| Comply-Affirmative Acts      |   | Court Ordered      | 03/29/2007 |          |
| Controlled Substance-Consume |   | Court Ordered      | 03/29/2007 |          |
| Controlled Substance-Possess |   | Court Ordered      | 03/29/2007 |          |
| Maintain Ed/Voc              |   | Court Ordered      | 03/29/2007 |          |
| Maintain Employment          |   | Court Ordered      | 03/29/2007 |          |
| Contact- Victim(S)           |  | Court Ordered      | 03/29/2007 |          |
| No Firearms/Deadly Weapon    |  | Court Ordered      | 03/29/2007 |          |
| Non-Sex Offender/Living      |   | Court Ordered      | 03/29/2007 |          |

|                      |               |            |
|----------------------|---------------|------------|
| Obey All Laws        | Court Ordered | 03/29/2007 |
| Pay LFOs             | Court Ordered | 03/29/2007 |
| Pay Supervision Fees | Court Ordered | 03/29/2007 |

**Violations Summary**

| Offender Violations          |
|------------------------------|
| Violation Group Number       |
| Level of Response            |
| Response Date                |
| There is no data to display. |

**Gain-Loss**

**Cause - 051001117 - Skamania**

| Cause Info  |                              |                               |                               |
|---|------------------------------|-------------------------------|-------------------------------|
| Convicted Name: Teddy Talley  | Date Of Sentence: 03/29/2007 | Schedule End Date: 03/11/2019 | Cause Status:                 |
| Crime Type: Murder 2  | DOSA: No                     | Intake Complete: No           | EM Flag: No                   |
| Distinct Supervision Info   |                              |                               |                               |
| Cause Prefix: AA  | Type: CCP                    | Statutory Max Date: Life      | Schedule End Date: 03/11/2019 |
|   |                              |                               | Tolling Indicator: No         |
| Supervision Activities  |                              |                               |                               |
| Supervision Type  | Activity Type                | Activity Date                 | State                         |
|   |                              | Supervising Officer           | Field Office                  |
| There is no data to display.  |                              |                               |                               |
| <a href="#">Reorder</a> <a href="#">Include Transfer Activities</a> |                              |                               |                               |

**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     |
| MICC                | 08/13/2008     | D2202       | Wooten, Dairyene G | 70051514    | 06/06/2008           |                          |                       | System, Obts   |
| MICC                | 03/13/2008     | D1071       | Wooten, Dairyene G | 70051514    | 06/06/2008           |                          |                       | Ohelo, Renee L |
| MICC                | 10/23/2007     | D1072       | Wooten, Dairyene G | 70051514    | 06/06/2008           |                          |                       | System, Obts   |
| MICC                | 09/20/2007     | D2131       | (Vacant)           | 70047253    | 06/18/2007           |                          |                       | System, Obts   |
| 09/20/2007 09:30:00 | WCC-RC         | MICC        |                    |             |                      | Transfer Between Prisons | Good Adjustment       | System, Obts   |
| 09/20/2007 06:00:00 | WCC-RC         | MICC        |                    |             |                      | Transfer Between Prisons | Good Adjustment       | System, Obts   |
| Facility Name       | Bed Assignment | Bed ID      | Assigned Counselor | Position ID | Counselor Assignment | Segregation Placement    | Segregation Narrative | Created By     |
| MICC                | 09/20/2007     | D2131       | Wooten, Dairyene G | 70051514    | 06/06/2008           |                          |                       | System, Obts   |
| WCC-RC              | 09/17/2007     | 5E04L       | (Vacant)           | 70047253    | 06/18/2007           |                          |                       | System, Obts   |
| 09/17/2007          |                |             |                    |             |                      |                          |                       | System,        |

|                        |                |         |                    |                          |                        |                       |                       |                 |
|------------------------|----------------|---------|--------------------|--------------------------|------------------------|-----------------------|-----------------------|-----------------|
| 02:30:00               | MCC-WSR        | WCC-RC  |                    | Transfer Between Prisons | Good Adjustment        |                       |                       | Obts            |
| 09/17/2007<br>11:34:00 | MCC-WSR        | MICC    |                    | Transfer Between Prisons | Good Adjustment        |                       |                       | System,<br>Obts |
| Facility Name          | Bed Assignment | Bed ID  | Assigned Counselor | Position ID              | Counselor Assignment   | Segregation Placement | Segregation Narrative | Created By      |
| MCC-WSR                | 08/23/2007     | B404L   | (Vacant)           | 70047253                 | 06/18/2007             |                       |                       | System,<br>Obts |
| MCC-WSR                | 06/18/2007     | B404U   | (Vacant)           | BR19                     | 06/12/2007             |                       |                       | System,<br>Obts |
| 06/18/2007<br>10:11:00 | WCC-RC         | MCC-WSR |                    | Transfer Between Prisons | Initial Classification |                       |                       | System,<br>Obts |
| 06/18/2007<br>06:00:00 | WCC-RC         | MCC-WSR |                    | Transfer Between Prisons | Initial Classification |                       |                       | System,<br>Obts |
| Facility Name          | Bed Assignment | Bed ID  | Assigned Counselor | Position ID              | Counselor Assignment   | Segregation Placement | Segregation Narrative | Created By      |
| MCC-WSR                | 06/18/2007     | B404U   | (Vacant)           | 70047253                 | 06/18/2007             |                       |                       | System,<br>Obts |
| WCC-RC                 | 04/23/2007     | 5A06U   | (Vacant)           | BR19                     | 06/12/2007             |                       |                       | System,<br>Obts |
| WCC-RC                 | 04/23/2007     | 5A06U   | (Vacant)           | BR77                     | 03/30/2007             |                       |                       | System,<br>Obts |
| WCC-RC                 | 04/19/2007     | 5A05F   | (Vacant)           | BR77                     | 03/30/2007             |                       |                       | System,<br>Obts |
| WCC-RC                 | 04/17/2007     | 1C07U   | (Vacant)           | BR77                     | 03/30/2007             |                       |                       | System,<br>Obts |
| WCC-RC                 | 03/30/2007     | 1E08U   | (Vacant)           | BR77                     | 03/30/2007             |                       |                       | System,<br>Obts |
| 03/30/2007<br>03:45:00 | Skamania       | WCC-RC  |                    | Admission To Prison      | Initial Classification |                       |                       | System,<br>Obts |
| Facility Name          | Bed Assignment | Bed ID  | Assigned Counselor | Position ID              | Counselor Assignment   | Segregation Placement | Segregation Narrative | Created By      |
| WCC-RC                 | 03/30/2007     | 1E08U   | (Vacant)           | BR77                     | 03/30/2007             |                       |                       | System,<br>Obts |

**Earned Time**

| Start Date | End Date   | Action Date | Type   | Reason | Days |
|------------|------------|-------------|--------|--------|------|
| 03/30/2007 | 06/01/2007 | 03/30/2007  | Earned |        | 2.33 |
| 06/01/2007 | 09/01/2007 | 06/01/2007  | Earned |        | 3.41 |
| 09/01/2007 | 10/01/2007 | 09/01/2007  | Earned |        | 1.11 |
| 10/01/2007 | 03/01/2008 | 10/01/2007  | Earned |        | 5.63 |

**Inrraction Summary**

| Offender Infraction | Infraction Group Number | Overall Infraction Report Status | Hearing Type | Infraction Data Indicator | Incident Date | Violation Codes |
|---------------------|-------------------------|----------------------------------|--------------|---------------------------|---------------|-----------------|
|---------------------|-------------------------|----------------------------------|--------------|---------------------------|---------------|-----------------|

There is no data to display.

**Offender Holds**

| Date/Time           | Hold Reason          | Hold Location | Notes Exist | Authorizing Staff     | Hold Until Date | Closed Date | Closed By |
|---------------------|----------------------|---------------|-------------|-----------------------|-----------------|-------------|-----------|
| 02/01/2008 11:49:00 | Medical Hold         | MICC          |             | System, Obts          | 05/01/2009      |             |           |
| 01/28/2008 12:12:00 | Medical Hold         | MICC          |             | System, Obts          | 04/22/2009      | 02/01/2008  |           |
| 01/18/2008 14:17:00 | Vocational Education | MICC          |             | Wooten, Dairylene G   | 04/12/2008      | 01/18/2008  |           |
| 01/17/2008 11:48:00 | Medical Hold         | MICC          |             | System, Obts          | 01/16/2009      | 01/28/2008  |           |
| 04/26/2007 12:49:00 | Medical Hold         | WCC-RC        |             | System, Obts          | 06/26/2007      | 05/31/2007  |           |
| 04/26/2007 12:43:00 | Medical Hold         | WCC-RC        |             | System, Obts          | 06/26/2007      | 05/31/2007  |           |
| 04/18/2007 10:52:00 | Minimum 3 Targeted   | WCC-RC        |             | Maccionnath, Callin L | 09/30/2007      | 09/07/2007  |           |

**Custody Facility Plan History**

**Next Review Date**

03/12/2009

**Current Incarceration**

| Review Type      | Purpose | Start Date | Custody Score | Calculated Custody |
|------------------|---------|------------|---------------|--------------------|
| 1 Regular Review |         | 07/30/2008 | 67            | Minimum            |
| 2 Plan Change    |         | 07/16/2007 | 59            | Minimum            |
| 3 Initial        |         | 04/18/2007 | 37            | Close              |

| Assigned Custody                | Override Reason | Location | In-Effect Date | Status    |
|---------------------------------|-----------------|----------|----------------|-----------|
| Minimum 3 - Long Term Minimum   |                 | MICC     | 08/08/2008     | In-Effect |
| 2 Minimum 3 - Long Term Minimum |                 |          | 08/03/2007     | Archive   |
| 3 Close                         |                 |          | 06/08/2007     | Archive   |





STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

### JAIL TIME CERTIFICATION

The following information is requested for the purpose of crediting time spent in confinement prior to the transfer of the below listed subject:

|                              |     |   |
|------------------------------|-----|---|
| NAME <i>Talley, Teddy G.</i> | DOC | DATE OF BIRTH: <span style="background-color: black; color: black;">[REDACTED]</span> |
|------------------------------|-----|---|

|                         |                          |
|-------------------------|--------------------------|
| COUNTY: <b>SKAMANIA</b> | CAUSE <i>05-1-0011-7</i> |
|-------------------------|--------------------------|

Please list all dates of arrest and release plus earned early release credits concerning the above subject up to the Date of Transfer, then return to the address below. Thank you.

| START DATE      | END DATE        | TOTAL DAYS SERVED | EARNED EARLY RELEASE CREDITS |
|-----------------|-----------------|-------------------|------------------------------|
| <i>10/28/05</i> | <i>03/29/07</i> | <i>516</i>        | <i>0</i>                     |
|                 |                 |                   |                              |
|                 |                 |                   |                              |
|                 |                 |                   |                              |
|                 |                 |                   |                              |
|                 |                 |                   |                              |
|                 |                 |                   |                              |
|                 |                 |                   |                              |
|                 |                 |                   |                              |
|                 |                 |                   |                              |

*Dale M... [Signature]*  
 SIGNATURE OF JAIL RECORDS OFFICIAL  
*03/29/07*  
 DATE

RECORDS OFFICER, DEPARTMENT OF CORRECTIONS  
 DATE

Washington Corrections Center-Records  
 P. O. Box 900  
 Shelton, WA 98584

EXHIBIT 4

Date: March 11, 2008

TO: Sue Lay  
Records Department  
McNeil Island Corrections Center

From: Teddy Talley, #304090 D107  
McNeil Island Corrections Center

Re: Earned Good Time of 10% Off My Entire Sentence

Ms. Sue Lay:

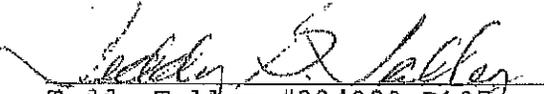
Equal protection requires good-time credit be granted for presentence incarceration (State v. Jones, 126 Wn. App. 136, 143, 107 P.3d 755 (2005) (citing, Mota, 114 Wn. 2d at 474)) "[w]hich requires that good-time credit be calculated on the basis of the total sentence, rather than the time served." In re Williams, 121 Wash. 2d 655, 659, 853 P.2d 444 (1993). "Department of Corrections failure to compute good-time credit on basis of total sentence or for presentence time in county jail did not further substantial interest of state and violated equal protection." Matter of Mota, 54 Wash. App. 252, 773 P.2d 129, affirmed and remanded 114 Wash. 2d 465, 788 P.2d 538 (1989).

In my case, the Department of Corrections failed to compute good-time credit on basis of my total sentence or for presentence time in county jail. Your records show 3424.25 ERD 03/12/15. The calculations in this case would be proper at: 3369.43 ERD 01/17/15. There is a difference in 55-days.

I should be allowed to earned Good Time of 10% off my entire sentence.

Please respond to my earned early release (ERD). Thank you for your time in the matter.

Respectfully submitted by,

  
Teddy Talley #304090 D107  
McNeil Island Corrections Center  
P.O. BOX 88-1000  
Steilacoom, WA 98388-1000

cc: file

EXHIBIT **5**



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**OFFICE OF CORRECTIONAL OPERATIONS**  
**MCNEIL ISLAND CORRECTIONS CENTER**  
P.O. Box 88900 • Steilacoom, Washington 98388-0900 • (253) 588-5281

April 28, 2008

**TO:** Teddy Talley #304090  
D107  
**FROM:** Sheri Potcet  
Associate Superintendent

**RE: RELEASE TIME**

I received your correspondence dated April 16, 2008, in which you state that you have not received the entire amount of your earned early release credits. You further state that you have been denied early release time based on the unavailability of programs.

I can assure you that neither DOC policy nor the application of this policy denies earned time based on available programming that is offered at a given institution.

It appears that you filed a grievance concerning your early release credits with the Grievance Coordinator on April 11, 2008. Therefore, it would not be appropriate for me to comment on this part of your concerns at this time. Please allow the administrative process to continue to its completion. If you have further concerns, please continue to work with the Grievance Coordinator to resolve the matter.

SP:sl:jf: SP08.107; D1071

cc: Daniel Fitzpatrick, Correctional Program Manager  
Mark Wesner, Grievance Coordinator  
Dennis Tabb, Correctional Unit Supervisor  
Dairyene Wooten, Classification Counselor 2  
Central File  
File

EXHIBIT 6

*"Working Together for SAFE Communities"*



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**INMATE'S KITE  
PAPELETA DE PETICION DEL RECLUSO**

|  |                            |              |
|--|----------------------------|--------------|
| INMATE NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)                    |                            |              |
| TAILEX, TEDDY  |                            |              |
| DOC NUMBER / NUMERO DOC  | UNIT, CELL / UNIDAD, CELDA | DATE / FECHA |
| 304090   | D-107-1                    | 3-15-08      |
| DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE |                            |              |
| MICE / Records Department / Sue Lay  |                            |              |

Interpreter needed for \_\_\_\_\_ (language).  
 Necesito intérprete para \_\_\_\_\_ (idioma).

REASON / QUESTION  
 RAZON / PREGUNTA

Please find attached request for correction of my SPD i.e. "Good Time Credit". Dated March 11, 2008. Thank you for your time & assistance in this matter.

11AK 192008

MCNEIL ISLAND CORR CTR  
 RECORDS OFFICE

SIGNATURE / FIRMA  
 Teddy & Abby  
 DAYS OFF / DIAS LIBRES  
 Sub-Sue

RESPONSE  
 RESPUESTA

Good time credit need to be Address through the county jail where you were incarcerated.

EXHIBIT

RESPONDER / PERSONA QUE RESPONDE  
 DATE / FECHA

D. Delmelle 4-30-08

Distribution: WHITE/YELLOW-Responder, YELLOW-Return to Offender with Response, PINK-Offender keeps  
 Distribución: BLANCA/AMARILLA-Persona que responde, AMARILLA-Devuelta al recluso con respuesta, ROSA-Se le queda al recluso  
 DOC 21-473 EIS (7/2003) OCC

**SUPREME COURT OF THE STATE OF WASHINGTON**

In re Personal Restraint Petition of:  
TEDDY GLENN TALLEY,  
Petitioner.

DECLARATION OF  
KIMBERLY SOBOL

I, KIMBERLY SOBOL, make the following declaration:

1. I am a legal secretary employed by the Corrections Division of the Attorney General's Office 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) computer system used by the Department of Corrections (DOC) and am authorized by the DOC to retrieve information from the OMNI. Among other things, OMNI tracks information regarding an offender's location and custody.

3. I printed out the OMNI Legal Face Sheet and the Sentence

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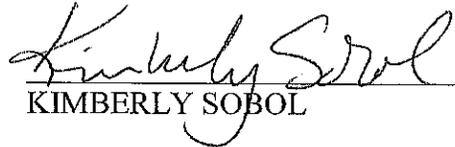
EXHIBIT



Information screen for Teddy Glenn Talley, DOC #304090, to be used as exhibits.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED this 22<sup>nd</sup> day of January, 2009, at Olympia, Washington.

  
KIMBERLY SOBOL

**SUPREME COURT OF THE STATE OF WASHINGTON**

In re Personal Restraint Petition of:

**TEDDY GLENN TALLEY,**

Petitioner.

**DECLARATION OF  
PAULA L. BYRNE**

I, PAULA L. BYRNE, make the following declaration:

1. I am the Legal Liaison Officer for the McNeil Island Corrections Center (MICC) in Steilacoom, 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 an LLO, 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 Teddy Talley, DOC No. 304090, to be used as exhibits. These include the Judgment and Sentence for Skamania County Superior Court Cause No.

EXHIBIT

9

05-1-00111-7, the jail certification for that cause, and letters dated April 28, 2008 and March 11, 2008.

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 23 day of January, 2009, at Steilacoom, Washington.

  
PAULA L. BYRNE