

No. 91920-8

FILED
COURT OF APPEALS
DIVISION II

No. _____

2014 NOV -4 AM 11:38

IN THE
WASHINGTON STATE COURT OF APPEALS
DIVISION II

STATE OF WASHINGTON
BY
DEPUTY

In Re Personal Restraint of:

CLARK STUHR,

Petitioner.

OPENING BRIEF OF PETITIONER

CLARK STUHR
Stafford Creek Corr. Center
Unit H-1-B
191 Constantine Way
Aberdeen, WA 98520

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I. Status of Petitioner

CLARK STUHR [hereinafter petitioner] is currently serving a sentence on a criminal judgment. Petitioner is currently imprisoned at the Stafford Creek Correction's Center in Aberdeen Washington.

II. Statement of the Case

(a) Relevant Facts

At several prison disciplinary hearings, petitioner was found guilty of numerous (WAC) rule violations, and lost 2,832-days of good time credits. See Exhibit "1" Record of Earned Release Time & Good Time for Cause No. 881001268. For cause No. 881001268 petitioner had the potential to earn a total of 2,832 days of good time credits, at a rate of 33% or 1/3. For the disciplinary infractions outlined in Exhibit "1" the Department of Corrections (DOC) sanctioned petitioner with the loss of good time credits totaling 2,832 days. However, at the time of the infractions covering cause No. 881001268 from 1989-1991 petitioner could have only earned approximately, a maximum of 180-days.

In addition, for Cause No. 911001143 petitioner had the potential to earn 115-days of good time credits at a rate of 33%. The (DOC) sanctioned petitioner with the loss of all 115-days of good conduct time

associated with cause No. 911001143, however, because petitioner has not even began serving his sentence on cause No. 911001143 he has not yet earned any good conduct time on this cause.

The argument here, is that (DOC) has, by revoking good time credits which petitioner had not actually earned, arbitrarily deprived petitioner of his due process and equal protection rights to his "State created" liberty interests in his good time credits to which he is constitutionally and statutorily entitled to. Based on these facts, and the following argument, petitioner now brings forth this petition seeking the restoration of his good time credits based on the fact that he could have only lost a total of 180-days of good time credits as of the date of the infractions, thus, DOC could have only revoked 180-days good time credits not 2,947-days worth.

III. Summary of Issue's Presented

1. Is a Prisoner Arbitrarily Deprived of Goodtime Credits When A Prison Disciplinary Hearing Officer Revokes All the Prisoner's Good Time Credits Prior to those Credits Actually being Earned?

2. Is a Prisoner Arbitrarily Deprived of Goodtime Credits When A Prison Disciplinary Hearing Officer

Revokes All the Prisoner's Good Time Credits on a Sentence Which Has Not Commenced?

IV. Standard of Review

A prisoner seeking relief from discipline imposed as the result of a prison disciplinary hearing must demonstrate that he is being unlawfully restrained. RAP 16.4; In Re Garcia, 106 Wn.App. 625, 628, 24 P.3d 1091 (2001), modified by 33 P.3d 750 (2001). When contesting the conditions or manner of confinement, the prisoner must demonstrate "[t]he conditions or manner of the restraint are in violation of the Constitution of the United States or the Constitution or laws of the State of Washington" RAP 16.4(c)(6).

When considering whether to grant relief from a sanction imposed as a result of a prison disciplinary hearing, a court "will reverse a prison disciplinary decision only upon a showing that it was so arbitrary and capricious as to deny the prisoner a fundamentally fair proceeding so as to work to the prisoner's prejudice." In Re Grantham, 168 Wn.2d 204, 215, 227 P.3d 285 (2010)(citing In Re Reismiller, 101 Wn.2d 291, 294, 678 P.2d 323 (1984)). Arbitrary and capricious action has been defined as willful and unreasoning action, without consideration and in disregard of facts and

circumstances.

A prison disciplinary proceeding is not arbitrary and capricious if the prisoner was afforded the applicable minimum due process protections and the decision was supported by at least some evidence. In Re Krier, 108 Wn.App. 31, 38, 29 P.3d 720 (2001); In Re Gronquist, 138 Wn.2d 388, 978 P.2d 1083 (1999). Determination of whether the "some evidence" standard is met "does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence. Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." Superintendent v. Hill, 472 U.S. 445, 455, 105 S.Ct. 2768, 86 L.Ed.2d 356 (1985).

V. Argument

A. PETITIONER WAS DEPRIVED OF HIS MINIMAL DUE PROCESS RIGHTS AS SECURED BY THE U.S. CONSTITUTION'S FOURTEENTH AMENDMENT AND WASHINGTON CONSTITUTIONAL ARTICLE I §3 WHEN HE WAS DEPRIVED OF 2,947-DAYS OF GOOD TIME CREDITS WHEN HE ONLY EARNED 180-DAYS OF GOOD TIME CREDITS AT THE TIME OF THE DISCIPLINARY ACTION.

When challenging a prison disciplinary hearing officer's decision, the prisoner must state the facts underlying the claim of unlawful restraint and the evidence available to support the factual allegations.

Gronquist, 138 Wn.2d at 395; RAP 16.7(a)(2)(i). The prisoner must do more than base his contentions on speculation, conjecture, or inadmissible hearsay. Gronquist, Id., at 395; In Re Rice, 118 Wn.2d 876, 886, 828 P.2d 1086, cert. denied, 506 U.S. 958 (1992).

Although a prisoner is not entitled to the full panoply of rights due a defendant in a criminal prosecution, several courts have held that "when evaluating the legality of a prison disciplinary decision which imposes as a sanction isolation or mandatory segregation time," or the loss of good conduct time, a limited number of procedural safeguards must be afforded. In Re Burton, 80 Wn.App. 57, 910 P.2d 1295 (1996); Dawson v. Hearing Committee, 92 Wn.2d 391, 597 P.2d 1353 (1979); In Re Johnston, 109 Wn.2d 493, 745 P.2d 864 (1987); Wolff v. McDonnell, 418 U.S. 539, 563-66, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974).

"A prisoner is not wholly striped of constitutional protections when he is imprisoned for crime. There is no iron curtain drawn between the constitution and the prisons of this country". Id. "The touch-tone of due process is protection of the individual against arbitrary action of the government." Id., at 952. Due process requires that the inmate:

- (1) receive notice of the alleged violation;
- (2) be provided an opportunity to present

documentary evidence and call witnesses when not unduly hazardous to institutional safety and correctional goals; and (3) receive a written statement of the evidence relied on and the reasons for the disciplinary action.

Burton, Id., at 585. Also see Wolff v. McDonnell, 418 U.S. 539, 566, 94 S.Ct. 2963 (1974); Edwards v. Balisok, 520 U.S. 641, 746-47, 117 S.Ct. 1584 (1997).

In this case, petitioner was not provided the minimum due process he was entitled to at his prison disciplinary hearing, where 2,947-days of good time credits were revoked, which had not been earned at the time of the disciplinary action.

(a) Petitioner Has a Protected Liberty Interests in Good-Time Credits.

In 1995 the U.S. Supreme Court decided Sandin v. Conner, 515 U.S. 472, 115 S.Ct. 2293 (1995), restricting the legal definition of "liberty" for prisoners. Prior to Sandin Court's had held that if statutes or regulations sufficiently restricted the discretion of prison officials, they created a "liberty interest" and prison officials had to provide fair procedures in order to take that interest away. See Kentucky Dep't of Corrections v. Thompson, 490 U.S. 454, 462 (1989). These were often referred to as "state created liberty interests," though federal statutes and regulations

could also create liberty interests. Sandin, disapproved of that kind of analysis, holding that it discouraged states from codifying their rules leading to greater federal intervention in day-to-day prison management. Id., at 515 U.S. 482. The Court had previously held that "given a valid conviction, the criminal defendant has been constitutionally deprived of his liberty to the extent that the State may confine him and subject him to the rules of its prison system so long as the conditions of confinement do not otherwise violate the Constitution.

For these reasons, Sandin held that prisoners should only be found to have a liberty interests in three circumstances: (1) when the right at issue is independently protected by the Constitution, (2) When the challenged action causes the prisoner to spend more time in prison, or (3) when the action imposes "atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life". Id., at 515 U.S. 484.

In Sandin, the U.S. Supreme Court reaffirmed its earlier holding that good-time, which was conferred by state statute and could only be revoked on a finding that the prisoner had committed serious misconduct,

was an interests of "real substance" protected by due process. Id., at 515 U.S. at 477-78; (citing Wolf v. McDonnell, 418 U.S. 539, 557-58 (1974)).

Court's since Sandin have continued to hold that deprivation of good time requires due process protections where the relevant statutes or regulations sufficiently limit prison officials' discretion in taking good time. See Teague v. Quarterman, 482 F.3d 769, 777-80 (5th Cir. 2007)(holding that deprivation of any amount of good time is a liberty deprivation, rejecting argument that good time loss can be de minimis); Sanford v. Manternach, 601 N.W.2d 360, 366-68 (Iowa 1999)(holding that Iowa's good time statute creates a liberty interest because it would inevitably affect the length of time the prisoner served; after Sandin, the statute need not be mandatory to create a liberty interest).

Washington State Court's have recognized that "where State creates right to good time credits, prisoner has "liberty interests" under U.S.C.A XIV in those credits which prevents there deprivation absent observation of minimal due process requirements. In Re Piercy, 101 Wn.2d 490, 681 P.2d 223 (1984). An inmate has a constitutionally protected, though limited, liberty

interest in good time credits, and thus, a Department of Corrections (DOC) action that wrongly denies an inmate credit for time served or good time earned would result in the unlawful restraint of the inmate. In Re Costello, 131 Wn.App. 828, 129 P.3d 827 (2006).

In this case, petitioner argues that the (DOC) acted arbitrarily & capriciously when it revoked "good time credits" which petitioner had not actually earned. The (DOC) revoked the entirety of petitioner's "good time" credits prior to him actually earning them on cause No. 881001268, and revoked all the good time credits on cause No. 911001143 when petitioner has not even started serving that sentence. This amounts to the deprivation of "good time" credits - without due process - to which petitioner is entitled to under both the U.S. and Washington Constitutions. Id. Moreover, this sanction is contrary to RCW 9.92.151, which provides in relevant part that:

. . . The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits . . .

The above statutory language makes clear that a prisoner shall not be credited with earned release credits [good-time] in advance of the offender actually

earning the good time. Thus, in this case, petitioner could not have lost good time credit that he had not earned at the time of the disciplinary action, which revoked all of petitioner's good time credits on both of the above causes. Moreover, the (DOC) could not revoke the 115-days of good time credits associated with cause No. 911001143 where petitioner has not even begun serving that sentence.

In Addition, as noted, there simply was only approximately 180-days of good time earned on cause No. 881001268, thus, that is all the (DOC) could have revoked at the time of the disciplinary action.

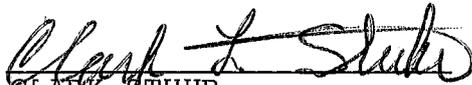
In a case on point, the Supreme Court of Appeals of Virginia held in State of Virginia Ex Rel. Randy Bailey v. State of West Virginia, Division of Corrections, 213 W.Va. 563, 584 S.E.2d 197; 2003 W.Va. LEXIS 72, that the State had arbitrarily deprived petitioner of his good time credit were they were revoked prior to him actually earning the credits. That is the situation here. The Washington State Department of Corrections sanctioned petitioner with the loss of all of his good time credits prior to him actually earning them, thus, the arbitrarily revoked good time credits must be restored. Id.

VI. Conclusion

For the reasons stated herein, the Court should Grant Relief from the unlawful restraints, and order that the DOC restore all of petitioner's good time credits, except those that had been earned at the time of the disciplinary action.

DATED this 31st day of October, 2014.

Respectfully submitted,



CLARK STUHR
PETITIONER

Record of Earned Release Time

Date: 2/11/2014

Offender Name:

Doc No.:

Assigned Staff Name:

STUHR, Clark L

947192

Zavodny, Dee A

Sentence Data

Cause No:	County:	Start of Cause:	Report End Date:
881001268	Pacific	3/10/1989	2/11/2014
Earned Release Date:	Total Confinement Length for Cause:		
3/10/2025	12,935		

Earned Time Percentage by Count

1 - 33.33%

Earned Time

Start Date	End Date	Earned Time Type	Reason	Offender Location	Days
4/1/1997	5/1/1997	Earned		WCC-IMU	5.00
11/1/1998	12/1/1998	Not Earned	Segregation	CBCC-Close Cust	5.00
3/1/1997	4/1/1997	Not Earned	Segregation	WSP-IMU	5.17
10/1/1998	11/1/1998	Not Earned	Segregation	CBCC-Close Cust	5.17
7/1/1999	8/1/1999	Not Earned	Not Programming or Working	CBCC-Close Cust	5.17
8/1/2001	9/1/2001	Not Earned	Segregation	WCC-IMU	5.17
1/1/2002	2/1/2002	Earned		WCC-IMU	5.17
5/1/2010	6/1/2010	Earned	Update Required	WCC-TC	5.17
3/1/2013	4/1/2013	Earned		SCCC	5.17
8/1/2013	9/1/2013	Not Earned	Segregation	SCCC	5.17
1/1/1993	3/1/1993	Not Earned	Segregation	Interstate Compact Inmates	9.83
2/1/2002	4/1/2002	Earned		WCC-IMU	9.83
5/1/2005	7/1/2005	Earned		WSP-Main	10.17
6/1/2007	8/1/2007	Not Earned	Segregation	MICC-IMU (closed)	10.17
6/1/2009	8/1/2009	Not Earned	Segregation	WSP-IMU	10.17

Exhibit "1"

3/1/1993	5/2/1993	Earned		Interstate Compact Inmates	10.33
12/12/1989	2/22/1990	Not Earned	No Longer Valid	WSP-IMU	12.00
9/20/1989	12/12/1989	Not Earned	No Longer Valid	WCC-IMU	13.83
12/1/1998	3/1/1999	Earned		CBCC-Close Cust	15.00
10/1/1992	1/1/1993	Not Earned	Segregation	Interstate Compact Inmates	15.33
5/1/2001	8/1/2001	Earned		SCCC-IMU	15.33
7/1/2004	10/1/2004	Earned		MCC-SOU	15.33
10/1/2006	1/1/2007	Earned		WSP-Main	15.33
3/1/2009	6/1/2009	Earned		WSP-IMU	15.33
5/2/1993	9/1/1995	Not Earned	Segregation	WSP-IMU	20.33
3/1/1999	7/1/1999	Earned		CBCC-Close Cust	20.33
9/1/2001	1/1/2002	Earned		MCC-WSR	20.33
4/1/2013	8/1/2013	Earned	Update Required	SCCC	20.33
10/10/2008	3/1/2009	Not Earned	Segregation	MCC-IMU	23.66
10/1/1996	3/1/1997	Not Earned	Segregation	WSP-IMU	25.16
10/1/1997	3/1/1998	Earned		CBCC-Close Cust	25.16
1/1/2007	6/1/2007	Not Earned	Segregation	WSP-IMU	25.16
5/1/1997	10/1/1997	Not Earned	Segregation	CBCC-IMU	25.50
7/1/2003	12/1/2003	Not Earned	Segregation	CBCC-IMU	25.50
9/1/2013	2/1/2014	Earned	Update Required	SCCC	25.50
3/29/1989	9/20/1989	Earned		WSP-IMU	29.16
11/1/2000	5/1/2001	Not Earned	Segregation	WCC-IMU	30.16
9/1/1995	3/1/1996	Not Earned	Segregation	WSP-IMU	30.33
10/1/2004	5/1/2005	Earned		WSP-Main	35.33
12/1/2003	7/1/2004	Earned		SCCC-IMU	35.49
3/1/1992	10/1/1992	Earned		WSP-IMU	35.66
3/1/1996	10/1/1996	Not Earned	Segregation	WSP-IMU	35.66
3/1/1998	10/1/1998	Earned		CBCC-Close Cust	35.66
8/1/2009	5/1/2010	Earned		WCC-IMU	45.49
3/18/1991	3/1/1992	Not Earned	Segregation	WSP-IMU	58.16
2/22/1990	3/18/1991	Not Earned	Segregation	WSP-IMU	64.82
6/1/2010	8/1/2011	Not Earned	Segregation	WCC-IMU	70.99
8/1/2007	10/10/2008	Not Earned	Segregation	WSP-Main	72.66

4/1/2002	7/1/2003	Not Earned	Segregation	CBCC-IMU	75.99
7/1/2005	10/1/2006	Not Earned	Segregation	WSP-Main	76.16
8/1/1999	11/1/2000	Earned		CBCC-IMU	76.32
8/1/2011	3/1/2013	Earned		CRCC	96.32

Good Conduct Time

Date	Description	Location	Days Lost for this Report Period
5/11/1989	ASSAULT/NON HOSP	WSP-Main	
5/11/1989	DANGEROUS INFRA.	WSP-Main	
			30
7/20/1989	ASSAULT/NON HOSP	WSP-IMU	
7/20/1989	ATTEMPT INFRAC.	WSP-IMU	
7/20/1989	DANGEROUS INFRA.	WSP-IMU	
7/20/1989	STAFF INTERFER.	WSP-IMU	
			180
10/5/1989	ASSAULT/NON HOSP	WCC-IMU	
			180
11/30/1989	ASSAULT/NON HOSP	WCC-IMU	
11/30/1989	INTERFER W/COUNT	WCC-IMU	
11/30/1989	THROWING OBJECTS	WCC-IMU	
			30
12/6/1989	ASSAULT/NON HOSP	WCC-IMU	
			10
4/6/1990	THROWING OBJECTS	WSP-IMU	
			30
4/6/1990	DESTROY PROPERTY	WSP-IMU	
			30
4/6/1990	THROWING OBJECTS	WSP-IMU	
			30
4/6/1990	DESTROY PROPERTY	WSP-IMU	
			30
4/4/1990	ASSAULT/NON HOSP	WSP-IMU	
4/4/1990	DANGEROUS INFRA.	WSP-IMU	
4/4/1990	DESTROY PROPERTY	WSP-IMU	

4/4/1990	POSSESS WEAPON	WSP-IMU	
4/4/1990	THREATENING	WSP-IMU	
4/4/1990	THROWING OBJECTS	WSP-IMU	
			360
4/10/1990	DESTROY PROPERTY	WSP-IMU	
4/10/1990	STAFF INTERFER.	WSP-IMU	
			30
4/11/1990	THREATENING	WSP-IMU	
			30
4/13/1990	DANGEROUS INFRA.	WSP-IMU	
4/13/1990	THROWING OBJECTS	WSP-IMU	
			30
4/13/1990	DANGEROUS INFRA.	WSP-IMU	
4/13/1990	THROWING OBJECTS	WSP-IMU	
			30
5/15/1990	ASSAULT/NON HOSP	WSP-IMU	
			180
5/18/1990	ASSAULT/NON HOSP	WSP-IMU	
			180
5/31/1990	ASSAULT/NON HOSP	WSP-IMU	
			90
5/31/1990	THROWING OBJECTS	WSP-IMU	
			30
7/13/1990	ASSAULT/NON HOSP	WSP-IMU	
7/13/1990	THREATENING	WSP-IMU	
			180
8/10/1990	DANGEROUS INFRA.	WSP-IMU	
8/10/1990	THREATENING	WSP-IMU	
8/10/1990	THROWING OBJECTS	WSP-IMU	
			30
8/22/1990	DANGEROUS INFRA.	WSP-IMU	
8/22/1990	TAMPER WITH LOCK	WSP-IMU	
			15

8/22/1990	DANGEROUS INFRA.	WSP-IMU	
8/22/1990	DESTROY PROPERTY	WSP-IMU	
8/22/1990	TAMPER WITH LOCK	WSP-IMU	
			30
10/4/1990	DANGEROUS INFRA.	WSP-IMU	
10/4/1990	TAMPER WITH LOCK	WSP-IMU	
			30
10/3/1990	ASSAULT/NON HOSP	WSP-IMU	
			180
10/10/1990	DANGEROUS INFRA.	WSP-IMU	
10/10/1990	POSS UNAUTH TOOL	WSP-IMU	
			30
10/10/1990	DANGEROUS INFRA.	WSP-IMU	
10/10/1990	THROWING OBJECTS	WSP-IMU	
			30
10/12/1990	DANGEROUS INFRA.	WSP-IMU	
10/12/1990	DESTROY PROPERTY	WSP-IMU	
10/12/1990	POSSESS WEAPON	WSP-IMU	
			180
2/19/1991	ASSAULT/NON HOSP	WSP-IMU	
2/19/1991	POSSESS WEAPON	WSP-IMU	
2/19/1991	THROWING OBJECTS	WSP-IMU	
			360
2/19/1991	ASSAULT/HOSPITAL (AG ASSAULT/INMATE)	WSP-IMU	
2/19/1991	ASSAULT/NON HOSP	WSP-IMU	
2/19/1991	DANGEROUS INFRA.	WSP-IMU	
2/19/1991	STAFF INTERFER.	WSP-IMU	
			77
2/23/1996	POSSESS WEAPON	WSP-IMU	
			115
7/29/2013	REFUSE UA TEST	SCCC	
			15

8/17/2013	REFUSE UA TEST	SCCC	
			30

Total Good Conduct Time (GCT)		
Potential GCT for this Cause	Total GCT Lost to Date	Available GCT
2,832	2,812	20

Total Earned Time (ET)			
Potential ET for this Cause	ET Not Earned	Earned Time Earned	Available ET
1415.83	765.55	628.24	22.04

Offender Signature Block:

Offender Signature

Date

Record of Earned Release Time

Date: 2/11/2014

Offender Name:

STUHR, Clark L

Doc No.:

947192

Assigned Staff Name:

Zavodny, Dee A

Sentence Data

Cause No:	County:	Start of Cause:	Report End Date:
911001143	Walla Walla	3/31/2024	2/11/2014
Earned Release Date:	Total Confinement Length for Cause:		
3/10/2025	517		

Earned Time Percentage by Count

1 - 33.33%

Earned Time

Start Date	End Date	Earned Time Type	Reason	Offender Location	Days
4/1/1997	5/1/1997	Earned		WCC-IMU	5.00
11/1/1998	12/1/1998	Not Earned	Segregation	CBCC-Close Cust	5.00
3/1/1997	4/1/1997	Not Earned	Segregation	WSP-IMU	5.17
10/1/1998	11/1/1998	Not Earned	Segregation	CBCC-Close Cust	5.17
7/1/1999	8/1/1999	Not Earned	Not Programming or Working	CBCC-Close Cust	5.17
8/1/2001	9/1/2001	Not Earned	Segregation	WCC-IMU	5.17
1/1/2002	2/1/2002	Earned		WCC-IMU	5.17
5/1/2010	6/1/2010	Earned	Update Required	WCC-TC	5.17
3/1/2013	4/1/2013	Earned		SCCC	5.17
8/1/2013	9/1/2013	Not Earned	Segregation	SCCC	5.17
1/1/1993	3/1/1993	Not Earned	Segregation	Interstate Compact Inmates	9.83
2/1/2002	4/1/2002	Earned		WCC-IMU	9.83
5/1/2005	7/1/2005	Earned		WSP-Main	10.17
6/1/2007	8/1/2007	Not Earned	Segregation	MICC-IMU (closed)	10.17
6/1/2009	8/1/2009	Not Earned	Segregation	WSP-IMU	10.17

3/1/1993	5/2/1993	Earned		Interstate Compact Inmates	10.33
12/12/1989	2/22/1990	Not Earned	No Longer Valid	WSP-IMU	12.00
9/20/1989	12/12/1989	Not Earned	No Longer Valid	WCC-IMU	13.83
12/1/1998	3/1/1999	Earned		CBCC-Close Cust	15.00
10/1/1992	1/1/1993	Not Earned	Segregation	Interstate Compact Inmates	15.33
5/1/2001	8/1/2001	Earned		SCCC-IMU	15.33
7/1/2004	10/1/2004	Earned		MCC-SOU	15.33
10/1/2006	1/1/2007	Earned		WSP-Main	15.33
3/1/2009	6/1/2009	Earned		WSP-IMU	15.33
5/2/1993	9/1/1995	Not Earned	Segregation	WSP-IMU	20.33
3/1/1999	7/1/1999	Earned		CBCC-Close Cust	20.33
9/1/2001	1/1/2002	Earned		MCC-WSR	20.33
4/1/2013	8/1/2013	Earned	Update Required	SCCC	20.33
10/10/2008	3/1/2009	Not Earned	Segregation	MCC-IMU	23.66
10/1/1996	3/1/1997	Not Earned	Segregation	WSP-IMU	25.16
10/1/1997	3/1/1998	Earned		CBCC-Close Cust	25.16
1/1/2007	6/1/2007	Not Earned	Segregation	WSP-IMU	25.16
5/1/1997	10/1/1997	Not Earned	Segregation	CBCC-IMU	25.50
7/1/2003	12/1/2003	Not Earned	Segregation	CBCC-IMU	25.50
9/1/2013	2/1/2014	Earned	Update Required	SCCC	25.50
3/29/1989	9/20/1989	Earned		WSP-IMU	29.16
11/1/2000	5/1/2001	Not Earned	Segregation	WCC-IMU	30.16
9/1/1995	3/1/1996	Not Earned	Segregation	WSP-IMU	30.33
10/1/2004	5/1/2005	Earned		WSP-Main	35.33
12/1/2003	7/1/2004	Earned		SCCC-IMU	35.49
3/1/1992	10/1/1992	Earned		WSP-IMU	35.66
3/1/1996	10/1/1996	Not Earned	Segregation	WSP-IMU	35.66
3/1/1998	10/1/1998	Earned		CBCC-Close Cust	35.66
8/1/2009	5/1/2010	Earned		WCC-IMU	45.49
3/18/1991	3/1/1992	Not Earned	Segregation	WSP-IMU	58.16
2/22/1990	3/18/1991	Not Earned	Segregation	WSP-IMU	64.82
6/1/2010	8/1/2011	Not Earned	Segregation	WCC-IMU	70.99
8/1/2007	10/10/2008	Not Earned	Segregation	WSP-Main	72.66

4/1/2002	7/1/2003	Not Earned	Segregation	CBCC-IMU	75.99
7/1/2005	10/1/2006	Not Earned	Segregation	WSP-Main	76.16
8/1/1999	11/1/2000	Earned		CBCC-IMU	76.32
8/1/2011	3/1/2013	Earned		CRCC	96.32

Good Conduct Time

Date	Description	Location	Days Lost for this Report Period
5/11/1989	ASSAULT/NON HOSP	WSP-Main	
5/11/1989	DANGEROUS INFRA.	WSP-Main	
			30
7/20/1989	ASSAULT/NON HOSP	WSP-IMU	
7/20/1989	ATTEMPT INFRAC.	WSP-IMU	
7/20/1989	DANGEROUS INFRA.	WSP-IMU	
7/20/1989	STAFF INTERFER.	WSP-IMU	
			180
10/5/1989	ASSAULT/NON HOSP	WCC-IMU	
			180
11/30/1989	ASSAULT/NON HOSP	WCC-IMU	
11/30/1989	INTERFER W/COUNT	WCC-IMU	
11/30/1989	THROWING OBJECTS	WCC-IMU	
			30
12/6/1989	ASSAULT/NON HOSP	WCC-IMU	
			10
4/6/1990	THROWING OBJECTS	WSP-IMU	
			30
4/6/1990	DESTROY PROPERTY	WSP-IMU	
			30
4/6/1990	THROWING OBJECTS	WSP-IMU	
			30
4/6/1990	DESTROY PROPERTY	WSP-IMU	
			30
4/4/1990	ASSAULT/NON HOSP	WSP-IMU	
4/4/1990	DANGEROUS INFRA.	WSP-IMU	
4/4/1990	DESTROY PROPERTY	WSP-IMU	

4/4/1990	POSSESS WEAPON	WSP-IMU	
4/4/1990	THREATENING	WSP-IMU	
4/4/1990	THROWING OBJECTS	WSP-IMU	
			360
4/10/1990	DESTROY PROPERTY	WSP-IMU	
4/10/1990	STAFF INTERFER.	WSP-IMU	
			30
4/11/1990	THREATENING	WSP-IMU	
			30
4/13/1990	DANGEROUS INFRA.	WSP-IMU	
4/13/1990	THROWING OBJECTS	WSP-IMU	
			30
4/13/1990	DANGEROUS INFRA.	WSP-IMU	
4/13/1990	THROWING OBJECTS	WSP-IMU	
			30
5/15/1990	ASSAULT/NON HOSP	WSP-IMU	
			180
5/18/1990	ASSAULT/NON HOSP	WSP-IMU	
			180
5/31/1990	ASSAULT/NON HOSP	WSP-IMU	
			90
5/31/1990	THROWING OBJECTS	WSP-IMU	
			30
7/13/1990	ASSAULT/NON HOSP	WSP-IMU	
7/13/1990	THREATENING	WSP-IMU	
			180
8/10/1990	DANGEROUS INFRA.	WSP-IMU	
8/10/1990	THREATENING	WSP-IMU	
8/10/1990	THROWING OBJECTS	WSP-IMU	
			30
8/22/1990	DANGEROUS INFRA.	WSP-IMU	
8/22/1990	TAMPER WITH LOCK	WSP-IMU	
			15

8/22/1990	DANGEROUS INFRA.	WSP-IMU	
8/22/1990	DESTROY PROPERTY	WSP-IMU	
8/22/1990	TAMPER WITH LOCK	WSP-IMU	
			30
10/4/1990	DANGEROUS INFRA.	WSP-IMU	
10/4/1990	TAMPER WITH LOCK	WSP-IMU	
			30
10/3/1990	ASSAULT/NON HOSP	WSP-IMU	
			180
10/10/1990	DANGEROUS INFRA.	WSP-IMU	
10/10/1990	POSS UNAUTH TOOL	WSP-IMU	
			30
10/10/1990	DANGEROUS INFRA.	WSP-IMU	
10/10/1990	THROWING OBJECTS	WSP-IMU	
			30
10/12/1990	DANGEROUS INFRA.	WSP-IMU	
10/12/1990	DESTROY PROPERTY	WSP-IMU	
10/12/1990	POSSESS WEAPON	WSP-IMU	
			180
2/19/1991	ASSAULT/NON HOSP	WSP-IMU	
2/19/1991	POSSESS WEAPON	WSP-IMU	
2/19/1991	THROWING OBJECTS	WSP-IMU	
			360
2/19/1991	ASSAULT/HOSPITAL (AG ASSAULT/INMATE)	WSP-IMU	
2/19/1991	ASSAULT/NON HOSP	WSP-IMU	
2/19/1991	DANGEROUS INFRA.	WSP-IMU	
2/19/1991	STAFF INTERFER.	WSP-IMU	
			77
2/23/1996	POSSESS WEAPON	WSP-IMU	
			115
7/29/2013	REFUSE UA TEST	SCCC	
			15

8/17/2013	REFUSE UA TEST	SCCC	
			30

Total Good Conduct Time (GCT)		
Potential GCT for this Cause	Total GCT Lost to Date	Available GCT
115		115

Total Earned Time (ET)			
Potential ET for this Cause	ET Not Earned	Earned Time Earned	Available ET
57.43	0.00	0.00	57.43

Offender Signature Block:

Offender Signature

Date

Dear Court Clerk,

11-2-14

Can you please file the enclosed PRP with the Court and the motion to proceed in *parma pauperis*?

Sincerely
Clark L. Stuh

RECEIVED
NOV 04 2014

CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON