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SUPREME COURT OF THE STATE OF WASHINGTON

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In re the Personal Restraint Petition of:

JOHN WESLEY JACKSON,

Petitioner-Appellant,

---

ANSWER TO MOTION FOR DISCRETIONARY REVIEW

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## I. IDENTITY OF THE PARTIES

The Petitioner is John Wesley Jackson, Jr., an inmate in the Coyote Ridge Corrections Center. Respondent is the Washington State Department of Corrections (Department). Pursuant to RCW 9.94A.729(1)(b), the Department *must* adjust an offender's rate of early release listed on a jail certification. The notes section of RCW 9.94A.729 refers to RCW 9.94A.517 regarding recalculation of the offender's earned release date. Although not codified in RCW 9.94A.517, within the notes section it states, "the department *shall* recalculate the earned release date" for offenders. This requirement is regardless of the offender's date of offense.

## II. DECISION

Respondent requests that this Court deny Petitioner's Motion for Discretionary Review (Motion) seeking review of the July 29, 2015 Order Dismissing Personal Restraint Petition entered by the Washington State Court of Appeals, Division I. Appendix 1.

## III. ISSUES PRESENTED FOR REVIEW

This Court should not grant review because none of the requirements of RAP 13.4(b) have been met. If the Court did grant review, the issues would be:

1. Does use of the words “shall” in RCW 9.94A.729 and “must” in RCW 9.94A.517 require the Department to recalculate the earned release date for Jackson?

2. Is the confinement to which Jackson is currently subject that ordered in the judgment and sentence?

#### **IV. STATEMENT OF THE CASE**

Jackson is presently in the custody of the Washington DOC under a valid judgment and sentence entered in King County Superior Court Cause No. 11-C-07884-8-SEA. Appendix 2. Under that cause number, Jackson was convicted of Attempted Assault in the First Degree and Felony Harassment and was sentenced to an exceptional sentence totaling 180 months of incarceration on December 12, 2012. *Id.* Jackson was sentenced to consecutive terms: 120 months on the Attempted First Degree Assault Conviction and 60 months on the felony harassment conviction, totaling 180 months confinement. Appendix 2, at 4. Jackson began serving time in the Department’s custody on December 14, 2012. Appendix 3 OMNI Sentence Information (Time Start Date). If Jackson did not earn any early release time, his release date would be July 15, 2026 (adding 180 months, minus 515 days presentence time, to his start date). Jackson did earn early release credits. Appendix 3 (ET Earned). Jackson’s current earned early release date is January 5, 2024. Appendix

3, (ERD “01/05/2024”). Jackson is not challenging his underlying conviction in this action.

## V. ARGUMENT

### A. Jackson Fails To Meet Any Of The Four Requirements For Discretionary Review

RAP 13.5A governs motions for discretionary review concerning decisions dismissing personal restraint petitions, and it incorporates the considerations set out in RAP 13.4(b). RAP 13.4(b) provides that discretionary review will be granted by the Supreme Court only:

1. If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or
2. If the decision of the Court of Appeals is in conflict with another decision of the Court of Appeals; or
3. If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or
4. If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

The Washington Court of Appeals correctly concluded that Jackson’s earned release date<sup>1</sup> of January 5, 2024 is not beyond that to which he is currently subject. Appendix 1, at 2

Jackson fails to show that the Court of Appeals’ decision conflicts with another decision of the Washington Supreme Court or Court of Appeals. In fact, the Court of Appeals’ decision is entirely consistent with

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<sup>1</sup> In his Motion, Jackson states that his release date was extended from August 8, 2023 to January 5, 2025. *See* Motion, at 3. The recalculated release date is in error. The correct year is 2024.

this Court's decision in *State v. Franklin*, 172 Wn.2d 831, 263 P.3d 585 (2011), as discussed in Section C, *infra*. Jackson also fails to show a significant question of law under the Constitution of Washington State or the United States is involved. In *In re Pullman*, 167 Wn.2d 205, 218 P.3d 913 (2009), the Washington Supreme Court held that inmates have no liberty interest protected by due process in earning credits at a particular percent rate. *Pullman*, 167 Wn.2d at 214, ¶ 12, 218, ¶ 18 (overruling *In re Adams*, 132 Wn. App. 640, 134 P.3d 1176 (2006)). It further held that the DOC's recalculation of an offender's potential early release date on the basis of a risk classification that is always subject to change cannot create a liberty interest protection by due process where the legislature has made clear none exists. *Id.*, 167 Wn.2d at 216-17. Moreover, the legislature specifically declared in 2013 2d Special Session, chapter 14, § 4, that recalculation "does not create any liberty interest." Finally Jackson fails to show that his petition involves an issue of substantial public interest that should be determined by the Supreme Court. The outcome of this case will affect only Jackson's release date based on facts relevant only to Jackson such as his date of offense and amount of presentence time. This Court should deny the motion for discretionary review.

**B. Statute Requires The Department To Recalculate Jackson's Earned Release Date**

Pursuant to RCW 9.94A.729(1)(b), “[t]he department *must* adjust an offender’s rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department’s facilities.” In the notes of RCW 9.94A.729, it refers to RCW 9.94A.517 regarding recalculation of an offender’s earned release date. Although not codified in either statute, the first note in RCW 9.94A.517 states, “the department *shall* recalculate the earned release date for any offender currently serving a term in a facility or institution . . . regardless of the offender’s date of offense.” The general rule is that the word “shall” is presumptively imperative and operates to create a duty rather than conferring discretion. *See State v. Bartholomew*, 104 Wn.2d 844, 848, 710 P.2d 196 (1985) (quoting *Crown Cascade Inc. v. O’Neal*, 100 Wn.2d 256, 668 P.2d 585 (1983)).

Use of the words *must* and *shall* in the statutes imposes a duty on the Department to recalculate Jackson’s sentence. The only limitation noted in RCW 9.94A.517 is that the recalculation “cannot extend a term of incarceration beyond that to which an offender is currently subject.” This limitation applies to offenders whose offense was committed prior to July

1, 2013. Jackson committed his offense prior to this date so this limitation applies. Appendix 2.

**C. The Phrase “To Which An Offender Is Currently Subject” Refers To Jackson’s Sentence Of 180 Months**

In his Motion, Jackson contends that the Washington Court of Appeals failed to recognize that when the Department adjusted the rate of early release on his jail certification, it extended his term of incarceration beyond that to which he is currently subject. Motion, at 3. To the contrary, the Washington Court of Appeals properly determined that Jackson’s early release date is less than his 180 month total sentence.

Jackson refers to Laws of 2013, 2d Special Session, chapter 14, § 4, which discusses recalculation of an offender’s earned release date from the Department. See Motion, at 2. This section was not codified but is contained in the notes section of RCW 9.94A.517. The note states, “For offenders whose offense was committed prior to July 1, 2013, the recalculation shall not extend a term of incarceration beyond that to *which an offender is currently subject.*” But this section must be read in combination with the other statutes. See *Wright v. Engum*, 124 Wn.2d 343, 352, 878 P.2d 1198 (1994) (Courts should read the statute as a whole, considering all provisions in relation to each other and giving effect to each provision.). RCW 9.94A.729(1)(b) states that the department “*must*

adjust an offender's rate of early release listed on a jail certification to be consistent with the rate applicable to offenders in the department's facilities."

Jackson's interpretation of the statute would render RCW 9.94A.729(1)(b) superfluous. Jackson's argument is essentially that the phrase "to which an offender is currently subject" refers to his earned release date. But this date is always subject to change. This is implicit in the requirement that the Department adjust the rate and "recalculate" an offender's earned release date. Recalculation using a different rate of earned release evidences there will be a change in the earned release date.

In *State v. Franklin*, 172 Wn.2d 831, 263 P.3d 585 (2011), this Court dealt with the Department's requirement to bring an offender's community custody term into compliance with new amendments to the statute. This Court discussed an amendment which "charged DOC – not the sentencing court - with bringing pre-amendment sentences into compliance with the amendments." *Franklin*, 172 Wn.2d at 841. This court quoted the amendment:

The department of corrections shall recalculate the term of community custody and reset the date that community custody will end for each offender currently in confinement or serving a term of community custody for a crime specified in RCW 9.94A.701. That recalculation *shall not extend a term of community custody beyond that to which an offender is currently subject.*

*Franklin*, 172 Wn.2d. at 841 (emphasis added).

This Court then went on to state, “in accordance with this section, the DOC must reset the end date . . . ensuring that Franklin’s total sentence does not exceed *that imposed in the judgment and sentence.*” *Id.* This Court concluded the opinion stating that the legislative directive requiring DOC to reset the end date for community custody does not empower DOC to intrude on the province of the courts by imposing new community custody terms because it “explicitly prohibits the DOC from ‘extending the term . . . beyond that to which an offender is currently subject’”. *Franklin*, 172 Wn.2d. at 843. Although this Court discussed the phrase in the context of community custody in *Franklin*, the phrase “shall not extend a term . . . beyond that to which an offender is currently subject” is identical to that found in the notes in RCW 9.94A.517.

The term to which Jackson is subject is 120 months on the assault conviction and 60 months on the felony harassment conviction for a total of 180 months. Appendix 2. If the Department adjusted his rate of earned release and recalculated his release date beyond 180 months, this would unlawfully extend his confinement. But Jackson’s current earned release date of January 5, 2024 is well before that date. The Washington Court of Appeals was correct when it denied Jackson’s petition, finding the

readjustment by the Department did not extend his confinement past 180 months. Appendix 1.

## VI. CONCLUSION

Jackson's Motion for Discretionary Review does not meet the criteria of RAP 13.4(b). *See* RAP 16.14(c). Therefore, Respondent respectfully requests that this Court deny Jackson's Motion.

RESPECTFULLY SUBMITTED this 14th day of April, 2016.

ROBERT W. FERGUSON  
Attorney General

s/ Mandy L. Rose  
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Assistant Attorney General  
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**CERTIFICATE OF SERVICE**

I certify that I caused to be served a copy of the ANSWER TO MOTION FOR DISCRETIONARY REVIEW on all parties or their counsel of record as follows:

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

TO:

JOHN WESLEY JACKSON DOC #979212  
COYOTE RIDGE CORRECTIONS CENTER  
PO BOX 769  
CONNELL WA 99326-0769

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

EXECUTED this 14th day of April, 2016 at Olympia, Washington.

s/ Katrina Toal  
KATRINA TOAL  
Legal Assistant 3  
Corrections Division  
PO Box 40116  
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KatrinaT@atg.wa.gov

# APPENDIX 1



No. 73980-8-1/2

"recalculation shall not extend a term of incarceration beyond that to which an offender is currently subject." Laws of 2013 2nd Sp. Sess., ch 14, § 4.

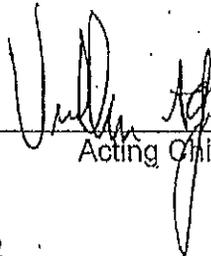
RCW 9.94A.729(1)(b) requires DOC to "adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in [DOC] facilities." According to RCW 9.94A.729(1)(c), for an offender convicted of a serious violent offense after July 1, 2003, "the aggregate earned release time may not exceed ten percent of the sentence." Attempted assault in the first degree is a "serious violent offense." RCW 9.94A.030(45)(a)(v), (ix).

Jackson does not contend or establish that he was entitled to earned early release credit on his jail time at a rate of more than 10%. And he fails to identify any authority or cogent explanation for his claim that DOC's recalculation of his earned early release date extended his incarceration beyond the term of 180 months to which he is currently subject. His bare assertions and conclusory allegations do not warrant relief in a personal restraint petition. In re Pers. Restraint of Rice, 118 Wn.2d 876, 886, 828 P.2d (1086) (1992). Because Jackson fails to identify grounds for relief, his petition must be dismissed.

Now, therefore, It is hereby

ORDERED that the personal restraint petition is dismissed under RAP 16.11(b).

Done this 29<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
Acting Chief Judge

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**APPENDIX 2**

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KING COUNTY  
SUPERIOR COURT GENERAL  
SEATTLE, WA

DEC 12 2012

COMMITMENT ISSUED

PRESENTENCING STATEMENT & INFORMATION ATTACHED

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 11-C-07884-8 SEA

Vs.

JUDGMENT AND SENTENCE  
FELONY (EJS)

JOHN WESLEY JACKSON, JR

Defendant,

979212  
12/14/12

I. HEARING

I.1 The defendant, the defendant's lawyer, Daniel Felker, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: Victim Anthony Narancio

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 09/12/2012 by plea of:

Count No.: I Crime: Attempted Assault in the First Degree  
RCW 9A.28.020 and 9A.36.011(1)(c) Crime Code: 11014  
Date of Crime: 10/4/2011 Incident No. SPD 11-3210575

Count No.: II Crime: Felony Harassment  
RCW 9A.46.020(1), (2)(b) Crime Code: 00498  
Date of Crime: 10/4/2011 Incident No. SPD 11-3210575

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A

**SPECIAL VERDICT or FINDING(S):**

- (a)  While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.533(3).
- (b)  While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.533(4).
- (c)  With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.835.
- (d)  A V,U,C,S,A offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.
- (e)  Vehicular homicide  Violent traffic offense  DUI  Reckless  Disregard.
- (f)  Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 46.61.5055, RCW 9.94A.533(7).
- (g)  Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.128, .130.
- (h)  Domestic violence as defined in RCW 10.99.020 was pled and proved for count(s) \_\_\_\_\_
- (i)  Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.589(1)(a).
- (j)  Aggravating circumstances as to count(s) \_\_\_\_\_

2.2 OTHER CURRENT CONVICTION(S): Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

2.3 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.525):

- Criminal history is attached in Appendix B.
- One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range to 238.5 Term	Maximum
Count I	12	XII	240 to 318	75% of Standard	180 <del>to 238.5</del> Months	10 Yrs and/or \$20,000
Count II	12	III	51 to 60		51 to 60 Months	5 Yrs and/or \$10,000

Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE:**

- Findings of Fact and Conclusions of Law as to sentence above the standard range:  
Finding of Fact: The jury found or the defendant stipulated to aggravating circumstances as to Count(s) \_\_\_\_\_  
Conclusion of Law: These aggravating circumstances constitute substantial and compelling reasons that justify a sentence above the standard range for Count(s) \_\_\_\_\_.  The court would impose the same sentence on the basis of any one of the aggravating circumstances.

An exceptional sentence above the standard range is imposed pursuant to RCW 9.94A.535(2) (including free crimes or the stipulation of the defendant). Findings of Fact and Conclusions of Law are attached in Appendix D.

An exceptional sentence below the standard range is imposed. Findings of Fact and Conclusions of Law are attached in Appendix D.

The State  did  did not recommend a similar sentence (RCW 9.94A.480(4)).

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

The Court DISMISSES Count(s) \_\_\_\_\_

IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

4.1 RESTITUTION, VICTIM ASSESSMENT, AND DNA FEE:

- Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.
- Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.753(5), sets forth those circumstances in attached Appendix E.
- Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.
- Date to be set.
- Defendant waives right to be present at future restitution hearing(s).
- Restitution is not ordered.

Defendant shall pay Victim Penalty Assessment in the amount of \$500 (RCW 7.68.035 - mandatory).  
Defendant shall pay DNA collection fee in the amount of \$100 (RCW 43.43.7541 - mandatory).

4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a)  \$ \_\_\_\_\_, Court costs (RCW 9.94A.030, RCW 10.01.160);  Court costs are waived;
- (b)  \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs (RCW 9.94A.030);  Recoupment is waived;
- (c)  \$ \_\_\_\_\_, Fines;  \$1,000, Fine for VUCSA  \$2,000, Fine for subsequent VUCSA (RCW 69.50.430);  VUCSA fine waived;
- (d)  \$ \_\_\_\_\_, King County Interlocal Drug Fund (RCW 9.94A.030);  Drug Fund payment is waived;
- (e)  \$ \_\_\_\_\_, \$100 State Crime Laboratory Fee (RCW 43.43.690);  Laboratory fee waived;
- (f)  \$ \_\_\_\_\_, Incarceration costs (RCW 9.94A.760(2));  Incarceration costs waived;
- (g)  \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

4.3 PAYMENT SCHEDULE: The TOTAL FINANCIAL OBLIGATION set in this order is \$ 600. Restitution may be added in the future. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms:  Not less than \$ \_\_\_\_\_ per month;  On a schedule established by the defendant's Community Corrections Officer or Department of Judicial Administration (DJA) Collections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction to assure payment of financial obligations: for crimes committed before 7/1/2000, for up to ten years from the date of sentence or release from total confinement, whichever is later; for crimes committed on or after 7/1/2000, until the obligation is completely satisfied. Pursuant to RCW 9.94A.7602, if the defendant is more than 30 days past due in payments, a notice of payroll deduction may be issued without further notice to the offender. Pursuant to RCW 9.94A.760(7)(b), the defendant shall report as directed by DJA and provide financial information as requested.  Court Clerk's trust fees are waived.  Interest is waived except with respect to restitution.

4.4 CONFINEMENT OVER ONE YEAR: Defendant is sentenced to a term of total confinement in the custody of the Department of Corrections as follows, commencing:  immediately;  (Date): \_\_\_\_\_ by \_\_\_\_\_.

120 months/~~days~~ on count I; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_

60 months/~~days~~ on count II; \_\_\_\_\_ months/days on count \_\_\_\_\_; \_\_\_\_\_ months/day on count \_\_\_\_\_

The above terms for counts I + II are  consecutive  concurrent.

The above terms shall run  consecutive  concurrent to cause No.(s) \_\_\_\_\_.

The above terms shall run  consecutive  concurrent to any previously imposed sentence not referred to in this order.

In addition to the above term(s) the court imposes the following mandatory terms of confinement for any special WEAPON finding(s) in section 2.1: \_\_\_\_\_

which term(s) shall run consecutive with each other and with all base term(s) above and terms in any other cause. (Use this section only for crimes committed after 6-10-98.)

The enhancement term(s) for any special WEAPON findings in section 2.1 is/are included within the term(s) imposed above. (Use this section when appropriate, but for crimes before 6-11-98 only, per In Re Charles.)

The TOTAL of all terms imposed in this cause is 180 months.

Credit is given for time served in King County Jail or EHD solely for confinement under this cause number pursuant to RCW 9.94A.505(6):  \_\_\_\_\_ day(s) or  \_\_\_\_\_ days determined by the King County Jail.  
 For nonviolent, nonsex offense, credit is given for days determined by the King County Jail to have been served in the King County Supervised Community Option (Enhanced CCAP) solely under this cause number.  
 For nonviolent, nonsex offense, the court authorizes earned early release credit consistent with the local correctional facility standards for days spent in the King County Supervised Community Option (Enhanced CCAP).

4.5 NO CONTACT: For the maximum term of 10 years, defendant shall have no contact with Anthony Narancia, Clinton "Dinah" Warren, Jacob Granger, Ed Jones

4.6 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, as ordered in APPENDIX G.

HIV TESTING: The defendant shall submit to HIV testing as ordered in APPENDIX G, RCW 70.24.340.

4.7 (a)  COMMUNITY CUSTODY for qualifying crimes committed before 7-1-2000, is ordered for  one year (for a drug offense, assault 2, assault of a child 2, or any crime against a person where there is a finding that defendant or an accomplice was armed with a deadly weapon);  18 months (for any vehicular homicide or for a vehicular assault by being under the influence or by operation of a vehicle in a reckless manner);  two years (for a serious violent offense).

(b)  COMMUNITY CUSTODY for any SEX OFFENSE committed after 6-5-96 but before 7-1-2000, is ordered for a period of 36 months.

(c)  **COMMUNITY CUSTODY** - for qualifying crimes committed after 6-30-2000 is ordered for the following established range or term:

Sex Offense, RCW 9.94A.030 - 36 months—when not sentenced under RCW 9.94A.507

**Serious Violent Offense**, RCW 9.94A.030 - 36 months

If crime committed prior to 8-1-09, a range of 24 to 36 months.

Violent Offense, RCW 9.94A.030 - 18 months

Crime Against Person, RCW 9.94A.411 or Felony Violation of RCW 69.50/52 - 12 months

If crime committed prior to 8-1-09, a range of 9 to 12 months.

\_\_\_\_\_ months (applicable mandatory term reduced so that the total amount of incarceration and community custody does not exceed the maximum term of sentence).

Sanctions and punishments for non-compliance will be imposed by the Department of Corrections or the court.

APPENDIX H for Community Custody conditions is attached and incorporated herein.

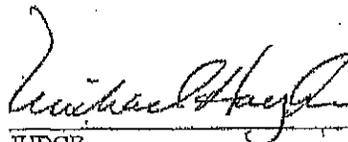
APPENDIX J for sex offender registration is attached and incorporated herein.

4.8  **WORK ETHIC CAMP**: The court finds that the defendant is eligible for work ethic camp, is likely to qualify under RCW 9.94A.690 and recommends that the defendant serve the sentence at a work ethic camp. Upon successful completion of this program, the defendant shall be released to community custody for any remaining time of total confinement, subject to the conditions set out in Appendix H.

4.9  **ARMED CRIME COMPLIANCE**, RCW 9.94A.475, 480. The State's plea/sentencing agreement is  attached  as follows:

The defendant shall report to an assigned Community Corrections Officer upon release from confinement for monitoring of the remaining terms of this sentence.

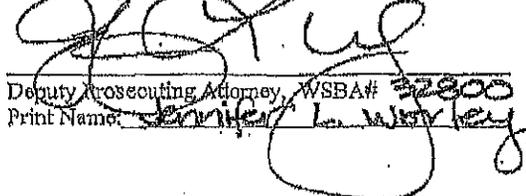
Date: December 12, 2012



JUDGE

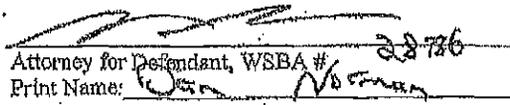
Print Name: MICHAEL C. HAYDEN

Presented by:



Deputy Prosecuting Attorney, WSBA# 32800  
Print Name: Dennis L. Winkley

Approved as to form:



Attorney for Defendant, WSBA# 28726  
Print Name: Don No...

FINGERPRINTS

BEST AVAILABLE IMAGE POSSIBLE



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE:  
DEFENDANT'S ADDRESS:

JOHN WESLEY JACKSON

DATED: 12/12/12  
Wanda Sue Hryl  
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY: BARBARA MINER,  
SUPERIOR COURT CLERK  
BY: [Signature]  
DEPUTY CLERK

CERTIFICATE

OFFENDER IDENTIFICATION

I,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGEMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

S.I.D. NO. WA14164975

DOB: [REDACTED]

SEX: M

RACE: B

CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

No. 11-C-07884-8 SEA

vs.

JUDGMENT AND SENTENCE,  
(FELONY) - APPENDIX B,  
CRIMINAL HISTORY

JOHN WESLEY JACKSON, JR

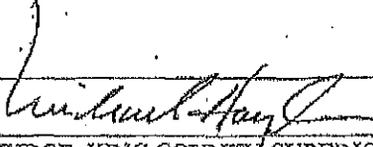
Defendant,

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Sentencing Date	Adult or Juv. Crime.	Cause Number	Location
VUCSA Possession of Cocaine		Adult		Texas
Felony Harassment	08/06/1993	Adult	931030891	King Co.
Assault 3 DV	08/06/1993	Adult	931030891	King Co.
VUCSA Solicitation Cocaine	09/13/1996	Adult	951061938	King Co.
VUCSA Possession Cocaine	03/18/1997	Adult	951005505	Snohomish Co.
Unlawful Possession of a Firearm 1	02/17/1995	Adult	941082471	King Co.
VUCSA Possession Cocaine	09/13/1996	Adult	951079101	King Co.
VUCSA Possession Cocaine	09/13/1996	Adult	961030381	King Co.
VUCSA Possession Cocaine	04/03/1998	Adult	981001549	King Co.
VUCSA Possession Cocaine	12/28/1999	Adult	991077373	King Co.
VUCSA Section D	04/21/2005	Adult	031100630	King Co.
Bail Jumping	04/21/2005	Adult	031100630	King Co.

[ ] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):

Date: 12/12/12

  
JUDGE, KING COUNTY SUPERIOR COURT

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHN WESLEY JACKSON, JR

Defendant,

No. 11-C-07884-8 SEA

APPENDIX G  
ORDER FOR BIOLOGICAL TESTING  
AND COUNSELING

(1) DNA IDENTIFICATION (RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention, King County Sheriff's Office, and/or the State Department of Corrections in providing a biological sample for DNA identification analysis. The defendant, if out of custody, shall promptly call the King County Jail at 296-1226 between 8:00 a.m. and 1:00 p.m., to make arrangements for the test to be conducted within 15 days.

(2)  HIV TESTING AND COUNSELING (RCW 70.24.340):

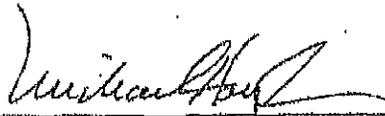
(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense.)

The Court orders the defendant contact the Seattle-King County Health Department and participate in human immunodeficiency virus (HIV) testing and counseling in accordance with Chapter 70.24 RCW. The defendant, if out of custody, shall promptly call Seattle-King County Health Department at 205-7837 to make arrangements for the test to be conducted within 30 days.

If (2) is checked, two independent biological samples shall be taken.

Date:

12/12/12



JUDGE, King County Superior Court

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHN WESLEY JACKSON, JR.

Defendant,

No. 11-C-07884-8 SEA

JUDGMENT AND SENTENCE  
APPENDIX H  
COMMUNITY CUSTODY

The Defendant shall comply with the following conditions of community custody, effective as of the date of sentencing unless otherwise ordered by the court.

- 1) Report to and be available for contact with the assigned community corrections officer as directed;
- 2) Work at Department of Corrections-approved education, employment, and/or community restitution;
- 3) Not possess or consume controlled substances except pursuant to lawfully issued prescriptions;
- 4) Pay supervision fees as determined by the Department of Corrections;
- 5) Receive prior approval for living arrangements and residence location; and
- 6) Not own, use, or possess a firearm or ammunition. (RCW 9.94A.706)
- 7) Notify community corrections officer of any change in address or employment;
- 8) Upon request of the Department of Corrections, notify the Department of court-ordered treatment;
- 9) Remain within geographic boundaries, as set forth in writing by the Department of Corrections Officer or as set forth with SODA order.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: \_\_\_\_\_

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

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

The defendant shall comply with the following crime-related prohibitions: \_\_\_\_\_

Other conditions may be imposed by the court or Department during community custody.

Community Custody shall begin upon completion of the term(s) of confinement imposed herein, or at the time of sentencing if no term of confinement is ordered. The defendant shall remain under the supervision of the Department of Corrections and follow explicitly the instructions and conditions established by that agency. The Department may require the defendant to perform affirmative acts deemed appropriate to monitor compliance with the conditions and may issue warrants and/or detain defendants who violate a condition.

Date: 12/12/12

  
JUDGE

## **APPENDIX 3**

Washington State  
Department of Corrections

Offender Management Network Information

DOC No.: 979212 Go

Selected DOC No.: 979212 JACKSON, John Wesley Jr.

Home Assignments Offender Facility Search Administration

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

Return to Case Plan | Logged in as Katrina Toal

Sentence Information Menu

Inmate: JACKSON, John Wesley Jr. (979212)

Legal Page Sheet

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

Gender: Male	DOB: [REDACTED]	Age: 50	Category: Regular Inmate	Body Status: Active Inmate
RLC: HV	Wrap-Around: No	Comm. Concern: Yes	Custody Level: Minimum 3 - Long Term Minimum	Location: CRCC - H / HA271L
ERD: 01/05/2024				CC/CO: Langley, Gregory H

View J & S - Prison

Links

- OnBase
- CaField
- Policies
- Report Wizard

Period Of Jurisdiction  
12/14/2012 - Current

Sentence Drilldown:  
Cause, Count, & Confinement Element

WEP Eligible Offender : No  
Felony Firearm Registration : No

Display  
 Include Closed Causes  Enable Scrolling

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

Cause	Count	Confinement Element	Consecutive Confinement	Status	Confinement Length	Time Start Date	ERD	+ Length in Days	- Cause Credits	- Cause FRT Credit	ERT %	- Potential ET	ET Earned	+ ET Not Earned	Available ET	Potential GCT	GCT Certified	+ GCT Lost	+ Available GCT	+ Out Time	MaxEx	Stat Max
<b>Offender Overall</b>																						
Active 0Y, 180M, 0D 12/14/2012 01/05/2024																						
AO-111078848-King-MON [Resentence/Modification]																						
Active 0Y, 120M, 0D 12/14/2012 09/06/2020 3,652 438 77 10.00%																						
○ 1- Attempt - Assault 1																						
Active 0Y, 120M, 0D 12/14/2012 09/06/2020 3,652 438 77 10.00%																						
Base																						
- 0Y, 120M, 0D 12/14/2012 09/06/2020 3,652 438 77 10.00%																						
AP-111078848-King-MON																						
Future 0Y, 60M, 0D 09/06/2020 01/05/2024 1,825 0 0 33.33%																						
○ 2- Harassment (Threats To Kill)																						
Future 0Y, 60M, 0D 09/06/2020 01/05/2024 1,825 0 0 33.33%																						
Base																						
- 0Y, 60M, 0D 09/06/2020 01/05/2024 1,825 0 0 33.33%																						
AO-1-Base																						

Sanctions

Maintain: View Update Modify J & S Cancel Modify Delete View J & S Versions

Create: Add Cause Add Count Copy Count Add Out Time

Action: Calculate Analyze Print

APPENDIX 3

## **APPENDIX 4**

**SUPREME COURT OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JOHN WESLEY JACKSON, Jr.,

Petitioner.

DECLARATION OF  
LORI WONDERS

I, LORI WONDERS, make the following declaration:

1. I have knowledge of the facts herein, am over eighteen years of age, and am competent to testify to such facts. I am not a party to this lawsuit.

2. I am an Administrative Assistant 4 (Legal Liaison Officer, (LLO)) with the Department of Corrections (DOC) at the Coyote Ridge Corrections Center (CRCC) located in Connell, Washington. I have held this position since 2008.

3. 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. 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. As an LLO, I am a custodian of records kept by DOC in the ordinary course of business.

4. Upon request of the Attorney General's Office, I provided a true and correct copy of the Judgment and Sentence, *State v. Jackson*, King County Superior Court Cause No. 11-C-07884-8 SEA, from the central file of inmate John Jackson, Jr., DOC #979212.

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 14<sup>th</sup> day of April, 2016, at Connell, Washington.

  
LORI WONDERS

## **APPENDIX 5**

**SUPREME COURT OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of:

JOHN WESLEY JACKSON, Jr.,

Petitioner.

DECLARATION OF  
KATRINA TOAL

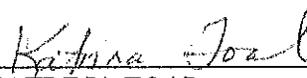
I, KATRINA TOAL, make the following declaration:

1. I am a legal secretary with the Corrections Division of the Attorney General's Office in Olympia, Washington. I have been employed in this position since 1990.

2. I am familiar with the Offender Management Network Information (OMNI) used by the Department of Corrections (DOC). I am authorized by the DOC to retrieve information from the OMNI. Among other things, information regarding an offender's location, custody, birth date, sentence, and infractions are entered and tracked on OMNI. I printed from OMNI the Sentence Information for John Jackson, Jr., DOC #979212.

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 14<sup>th</sup> day of April, 2016, at Olympia, Washington.

  
KATRINA TOAL

## OFFICE RECEPTIONIST, CLERK

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**To:** Toal, Katrina (ATG)  
**Subject:** RE: Please file in 92125-3 - Answer to Motion for Discretionary Review

Received 4-14-2016

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

**From:** Toal, Katrina (ATG) [mailto:KatrinaT@ATG.WA.GOV]  
**Sent:** Thursday, April 14, 2016 2:05 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Please file in 92125-3 - Answer to Motion for Discretionary Review

- In re PRP of John Jackson
- 92125-3
- Mandy Rose
- (360) 586-1445
- WSBA #38506
- [MandyR@atg.wa.gov](mailto:MandyR@atg.wa.gov)
- OID #91025

Thank you.

**Katrina Toal**  
**Legal Assistant for Mandy Rose**  
**Corrections Division**  
**PO Box 40116**  
**Olympia, WA 98504-0116**  
**(360) 586-5154**  
**MS: 40116**