

**\*Gronquist's "Second Supplemental Declaration.."  
filed 6-3-16 has been added to the end of this document**

No. 94971-9

No.

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

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In re the Personal Restraint Petition of:

DEREK E. GRONQUIST,

Petitioner.

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PERSONAL RESTRAINT PETITION

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Derek E. Gronquist  
#943857 B-B-305  
Wash. St. Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99326

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2016 MAR 18 AM 11:42

**A. STATUS OF PETITIONER.**

I, Derek E. Gronquist, apply for relief from unlawful restraint. I was sentenced to three consecutive 114 month terms of confinement for three counts of attempted kidnapping in the first degree. I am currently incarcerated in the Washington State Penitentiary, in Walla Walla, Washington, pursuant to that sentence.

1. I was sentenced in the King County Superior Court, No. 93-1-00121-1.

2. I was convicted, following a bench trial, of three counts of attempted kidnapping in the first degree pursuant to RCW 9A.40 020(1)(B).

3. Judgment was entered on February 17, 1995. The judge who imposed the sentence was George T. Mattson.

4. My lawyer in the superior court was Jennifer Shaw and Dave Roberson, then of the Office of the Public Defender, 810 Third Avenue, 8th Floor, Central Building, Seattle, WA 98104.

5. I did appeal the decision of the trial court. I appealed to Division One of the Court of Appeals of the State of Washington in case No. 36203-8-I. The conviction and sentence was affirmed in an unpublished opinion dated August 19, 1996. Review was denied by the Supreme Court of the State

of Washington in case No. 64811-5 on April 2, 1997. The cite is State v. Gronquist, 1196 WL 470607, Wash.App. Div. 1, Aug. 19, 1996, review denied, 131 Wn.2d 1016 (1997).

6. I have filed the following personal restraint petitions:

a. The first petition challenged the sanction imposed from a prison disciplinary hearing. The petition was dismissed without prejudice after the Department of Corrections reduced the sanction. COA No. 40604-3-I.

b. The second petition challenged the procedure employed in a prison disciplinary hearing. The petition was granted by Division One of the Court of Appeals in case No. 40770-8-I, and reversed by the Washington State Supreme Court in Personal Restraint of Gronquist 138 Wn.2d 388 (1998).

c. The third petition challenged my criminal conviction and sentence. COA No. 42620-6-I. The petition was dismissed on procedural grounds on June 22, 1998. Review was denied by the Washington State Supreme Court in case No. 66929-5 on July 20, 1998.

d. The fourth petition challenged the Department of Corrections application of a 15% cap

on earned release time. COA No. 43270-2-I. The petition was transferred to the Washington State Supreme Court, case Nos. 67182-6/67390-8, who granted the petition. Personal Restraint of Smith & Gronquist, 139 Wn.2d 199 (1999).

e. The fifth petition challenged my exceptional sentence under Apprendi v. New Jersey, 530 U.S. 466 (2000). The petition was dismissed on procedural grounds on December 13, 2000. Review was denied by the Washington State Supreme Court in a Commissioner's Ruling dated February 20, 2001. Wash.S.Ct. No. 70614-0. A Motion to Modify the Commissioner's Ruling was denied on April 10, 2001.

f. The sixth petition challenged my exceptional sentence under Blakely v. Washington, 542 U.S. 296 (2004). Wash.S.Ct. No. 75828-0. The petition was dismissed on procedural grounds on October 31, 2005 in a Commissioner's Ruling. A Motion to Modify the Commissioner's Ruling was denied.

g. The seventh petition challenged my sentence under State v. Zavala Reynoso, 127 Wn.App. 119 (2005) and RCW 9.94A.505(5). Wash.S.Ct. No. 82250-6. The petition was conditionally dismissed without prejudice in a Commissioner's Ruling. A Motion to Modify the Commissioner's Ruling was denied on

February 10, 2010. A Certificate of Finality issued February 17, 2010.

h. The eighth petition challenged the procedure employed in a prison disciplinary hearing and deprivations of Earned Release Time. Wash.S.Ct. No. 87666-5. The petition was dismissed in a Commissioner's Ruling on March 11, 2013. Motions to Modify the Commissioner's Ruling were granted as to the award of costs and denied as to the merits. Personal Restraint of Gronquist, 179 Wn.2d 120 (2013).

i. I have also filed a Writ of Mandamus that was improperly converted into a personal restraint petition without notice or an opportunity to be heard. Derek E. Gronquist v. Washington State Department of Corrections, King County Superior Court Cause No. 13-2-06199-6 KNT. That action sought to compel the Department of Corrections to process an Offender Release Plan in accordance with the mandatory provisions of Policy 350.200. The action was converted into a personal restraint petition on April 1, 2013. Division One of the Court of Appeals of the State of Washington dismissed the petition on May 21, 2013, for refusal to pay a duplicative filing fee. COA No. 70333-1-I. A Certificate of Finality issued July 12, 2013.

A Motion for Discretionary Review from the order converting the mandamus action into a personal restraint petition was also improperly converted into a personal restraint petition and dismissed by the Court of Appeals of the State of Washington in case No. 70333-1-I.

j. The ninth petition challenged my criminal conviction based upon the prosecutor's withholding of material evidence in violation of Brady v. Maryland, 373 U.S. 83 (1963) and presentation of false testimony in violation of Napue v. Illinois, 360 U.S. 264 (1959). COA No. 74479-8-I. That action is pending.

k. I have not filed any previous petition on similar grounds to those presented herein. Good cause exists for not raising the issues presented herein in a previous petition: I have only filed the petition identified in paragraph j since discovering that the Department of Corrections has miscalculated my confinement maximum expiration date. That issue does not challenge my criminal judgment and involves a restraint imposed by a state agency in the absence of any lawful authority. Since discovering the miscalculation I have worked to resolve the issue administratively with the Department of Corrections. I had no

ability to predict that the Department of Corrections would wilfully defy well established precedent, the terms of my Judgment and Sentence, and attempt to confine me in the absence of any legal authority.

**B. GROUND FOR RELIEF.**

I have the following grounds for relief:

1. On February 17, 1995, I was sentenced to three consecutive 114-month terms of confinement in a facility operated by the Department of Corrections.

2. The Judgment and an order entered on April 6, 1995 credited me with 453 days spent in pre-judgment detention since December 7, 1993.

3. On October 14, 1999 the Washington State Supreme Court ordered the Department of Corrections to reduce my terms of confinement by 33% for earned early release time in the case of Personal Restraint of Smith & Gronquist, 139 Wn.2d 199 (1999).

4. My first term of confinement began on December 7, 1993, had an early release date of April 17, 2000 pursuant to the Smith decision, and expired on June 6, 2003.

5. On April 17, 2000 I was released from my first term of confinement and began serving my

second term of confinement, which had an early release date of December 2, 2006 pursuant to the Smith decision, and expired on November 16, 2009.

6. On December 2, 2006 I was released from my second term of confinement and began serving my third and final term of confinement, which had an early release date of April 21, 2013 pursuant to the Smith decision, and expires on June 1, 2016.

7. In 2008 an employee of the Department of Corrections violated the Smith decision and recalculated my terms of confinement pursuant to the 15% cap for earned early release credits, without notice or a hearing. That action not only re-set the Early Release Dates for each of my consecutive causes, but also re-set the confinement maximum expiration date on my third and final term of confinement to May 31, 2022.

8. Rather than face contempt proceedings, the Department of Corrections re-set my Early Release Dates pursuant to a 33% reduction for earned early release credits. The Department of Corrections, however, failed to re-set my confinement maximum expiration date.

9. I did not discover that the Department of Corrections had miscalculated my confinement maximum expiration date until approximately

September of 2013, after I was confined past my Early Release Date and Department of Corrections officials began threatening to hold me in confinement until my confinement maximum expiration date, which they calculated at May 31, 2022.

10 Since discovering the Department of Corrections miscalculation of my confinement maximum expiration date I have repeatedly attempted to have the error corrected administratively, without the need for judicial action. Despite my efforts, the Department of Corrections has refused to fix its error in willful defiance of judicial decisions.

11. The Department of Corrections has set my confinement maximum expiration date on my third and final term of confinement at May 31, 2022, and is threatening to hold me in confinement until that date.

12. This petition relies upon, and incorporates herein by reference: (1) the Judgment and Sentence entered in State of Washington v. Derek E. Gronquist, King County Superior Court No. 93-1-00121-1; (2) the decision entered in Personal Restraint of Smith & Gronquist, 139 Wn.2d 199 (1999); and (3) the evidence attached to the Declaration of Derek Gronquist, which is subjoined

to Petitioner's Opening Brief at Attachment A.

**CLAIM FOR RELIEF**

13. The Department of Corrections has miscalculated my confinement maximum expiration date and is threatening to hold me in confinement in the absence of any legal authority.

**C. RELIEF REQUESTED.**

I request the Court to:

1. Order the Department of Corrections to set my confinement maximum expiration date at June 1, 2016;

2. Prohibit the Department of Corrections from holding me in confinement past June 1, 2016; and

3. Award all costs associated with this action.

**D. OATH OF PETITIONER.**

After being first duly sworn, on oath, I depose and say: I am the petitioner. I have read the petition, know its contents, and believe the petition is true.

  
Derek E. Gronquist  
#943857 B-B-305  
Wash. St. Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99326

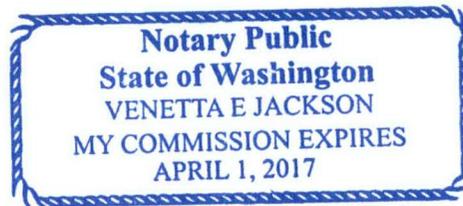
SUBSCRIBED AND SWORN to before me this 5th day  
of ~~February~~ <sup>March</sup>, 2016.

Venetta E. Jackson  
NOTARY PUBLIC in and for  
the State of Washington,  
residing at: Walla Walla  
My commission expires:     

Page ten of personal restraint petition.

Derek E. Gronquist

Derek E. Gronquist  
#943857 B-B-305



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In re the Personal Restraint Petition of:

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PETITIONER'S OPENING BRIEF

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Derek E. Gronquist  
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**A. CLAIM FOR RELIEF.**

The Department of Corrections has miscalculated petitioner's confinement maximum expiration date and is threatening to hold him in confinement in the absence of any legal authority.

**B. QUESTION PRESENTED.**

Has the Department of Corrections miscalculated petitioner's confinement maximum expiration date as May 31, 2022, which is 15½ years after the final 9½ year term of confinement began on December 2, 2006?

**C. STATEMENT OF THE CASE.**

On February 17, 1995 the King County Superior Court entered a felony judgment against petitioner Derek E. Gronquist for three counts of attempted kidnapping in the first degree. Exhibit 1 at 1.<sup>1</sup> The Judgment imposed three consecutive 14-month (9½-year) terms of confinement, and credited Mr. Gronquist for 453 days spent in pre-judgment detention. Id., at 3; Exhibit 2.

On October 14, 1999 the Washington State Supreme Court ordered the Department of Corrections (DOC or Department) to reduce Mr. Gronquist's terms

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<sup>1</sup> Exhibits are attached to the Declaration of Derek Gronquist, which is subjoined hereto as Attachment A.

of confinement by 33% for earned early release time. Personal Restraint of Smith & Gronquist, 139 Wn.2d 199 (1999).<sup>2</sup> Pursuant to that order, the Department correctly calculated Mr. Gronquist's terms of confinement as:

COUNT I

Start Date.....02/28/1995  
Credit for Time Served.....453 days  
Earned Release Date.....08/05/2000  
Maximum Expiration Date.....06/02/2003

COUNT II

Start Date.....08/05/2000  
Earned Release Date.....05/20/2007  
Maximum Expiration Date.....02/03/2010

COUNT III

Start Date.....05/20/2007  
Early Release Date.....9/18/2013  
Maximum Expiration Date.....11/17/2016

Exhibit 7 (emphasis added).

In 2010 and 2012 Mr. Gronquist received restorations of good time credits, which adjusted the Start Date on Count II to April 17, 2000, and Count III to December 2, 2006. Attachment A, Declaration of Gronquist, at 7; Exhibits 8 & 9.

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<sup>2</sup>Prior to the Smith decision the Department had only reduced Mr. Gronquist's terms of confinement by 15% for earned early release time. Those reductions produced a confinement maximum expiration date for the third and final 9½ year term of confinement at June 6, 2022, Exhibits 3-6, which is within 6 days of DOC's current calculation. Exhibit 8.

Those restorations should have resulted in Mr. Gronquist's confinement maximum expiration date for Count III being set at June 2, 2016 - 9½ years after that sentence started. Cf. Exhibit 9 at 4 & 5 (current calculation listing the Start Date for Count III as December 2, 2006).

In 2008, an official of the Monroe Correctional Complex (MCC) violated the Supreme Court's order in Smith and re-calculated Mr. Gronquist's terms of confinement utilizing the 15% cap on earned early release time. Attachment A, Declaration of Gronquist, at 4-5. That action re-set Mr. Gronquist's early release dates and confinement maximum expiration dates.<sup>3</sup> Exhibit 10 at 3-4 (showing erroneous confinement maximum expiration dates). When Mr. Gronquist's attorney apprised the DOC of MCC's conduct and the prospect of being held in contempt for violating the Smith decision, MCC re-set Mr. Gronquist's early release dates pursuant to a 33% reduction for earned early release time. Id. MCC failed to re-set the

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<sup>3</sup> Mr. Gronquist did not notice, nor was he apprised of, the alteration of his confinement maximum expiration dates at this time; which was approximately five years before his early release date of April 21, 2013. Attachment A, Declaration of Gronquist, at 5.

confinement maximum expiration dates, as the Department's records indicate a 2022 confinement maximum expiration date since that time. Id.; Exhibit 8.

The DOC has now set Mr. Gronquist's confinement maximum expiration date for his third and final term of confinement at May 31, 2022, and is threatening to hold him in confinement until that date. Exhibit 8; Attachment A, Declaration of Gronquist, at 7. Every effort to resolve this miscalculation administratively has failed. Exhibits 11-20.

**D. ARGUMENT WHY RELIEF SHOULD BE GRANTED.**

A personal restraint petition challenging the actions of the DOC need only satisfy the requirements of RAP 16.4. Personal Restraint of Grantham, 168 Wn.2d 204, 214 (2010). RAP 16.4(a) states that relief "will" be granted if the petitioner is under restraint, RAP 16.4(b), other remedies are not available, RAP 16.4(d), and the restraint is "unlawful" where (as relevant here):

The conditions or manner of the restraint of petitioner 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); Personal Restraint of Albritton 143 Wn.App. 584 (Div. I 2008)(miscalculations of

terms of confinement are cognizable via PRP).

I. THE DEPARTMENT OF CORRECTIONS HAS  
MISCALCULATED MR. GRONQUIST'S  
CONFINEMENT MAXIMUM EXPIRATION  
DATE AND IS THREATENING TO HOLD  
HIM IN CONFINEMENT IN THE ABSENCE  
OF ANY LEGAL AUTHORITY

Confinement maximum expiration dates<sup>4</sup>  
represent the last day an individual may be held in  
confinement pursuant to the terms of a felony  
judgment. Personal Restraint of Paschke, 61 Wn.App.  
591, 595 (1991). For consecutive sentences, the  
confinement maximum expiration date is calculated  
by taking the day the individual began serving each  
consecutive sentence and adding the term of  
confinement ordered by the court. Paschke, 61  
Wn.App. at 594.

In Paschke, the petitioner was sentenced to  
consecutive terms of confinement. After being  
paroled to serve subsequent sentences, Paschke's  
parole was revoked on his third sentence. His  
minimum term was set at the confinement maximum  
expiration date of his previous sentences. The  
court was asked to determine what that date was.  
Paschke, 61 Wn.App. at 592-93. Following St. Peter  
v. Rhay, 56 Wn.2d 297 (1960), the Court held that

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<sup>4</sup>The DOC uses the abbreviation "Max Ex" to  
refer to confinement maximum expiration dates. Cf.  
Exhibits 3-6, 8, 10 & 13.

"when consecutive sentences are imposed, the second term begins on the date the defendant would otherwise have been released from confinement under the first term." Id. In other words:

Mr. Paschke began serving his 10-year sentence for the 1972 abduction on March 13, 1972. His maximum release date on that conviction was March 12, 1982. The sentence for his carnal knowledge conviction was sentenced to run consecutive to the abduction sentence. On June 20, 1974, he was paroled to, and began serving, his 20-year maximum sentence for the 1972 carnal knowledge conviction. His maximum release date for that sentence is June 19, 1994. . . Thus, the latest date that Mr. Paschke can be held is June 19, 1994.

Paschke, 61 Wn.App. at 594-95.

Mr. Gronquist's first 9½ year sentence began on December 7, 1993.<sup>5</sup> The confinement maximum expiration date on that sentence is June 7, 2003. On April 17, 2000, Mr. Gronquist was released from his first term of confinement and began serving his second 9½ year sentence. Exhibit 9. The confinement maximum expiration date for that sentence is November 17, 2009. On December 2, 2006, Mr. Gronquist was released from his second sentence and

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<sup>5</sup> The DOC's records indicate a 2/28/1995 start date. Exhibits 7 & 9 at 2. When the 453 days Mr. Gronquist was credited for time spent in pre-judgment detention is subtracted from that date, it yields a December 7, 1993 start date. Exhibit 1 at 3 § 4.2; Exhibit 2.

began serving his third 9½ year term of confinement. Id. The confinement maximum expiration date for that third and final sentence is June 2, 2016. Thus, the last day that Mr. Gronquist may be held in confinement is June 2, 2016.<sup>6</sup>

The Department has incorrectly set Mr. Gronquist's confinement maximum expiration date at May 31, 2022 -- 15½ years after the third and final 9½ year term began -- and is threatening to hold him in confinement until that date. Exhibits 8 & 10-20. The cause of this error is the DOC's breach of the order of the Supreme Court in Personal Restraint of Smith & Gronquist, 139 Wn.2d 199 (1999), to reduce Mr. Gronquist's terms of confinement by 33% for Earned Release Time. Attachment A, Declaration of Gronquist, at 4-5.

The DOC has categorically refused to correct this obvious error, asserting four post hoc justifications for its conduct: (1) the holding in State v. Acrey, 97 Wn.App. 784 (1999), Exhibit 14; (2) consecutive sentences begin on the confinement maximum expiration date of the previous term,

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<sup>6</sup> The DOC utilized this exact methodology to calculate Mr. Gronquist's confinement maximum expiration dates prior to the breach of the Smith decision. See Exhibit 7.

Exhibit 18; (3) the first and second sentences "stopped" during the time subsequent sentences were served, Exhibit 16; and (4) equating three consecutive 114 month terms of confinement with a single 342 month term of confinement, Exhibit 18. None of these excuses justify the DOC's conduct.

In Personal Restraint of Smith & Gronquist, 139 Wn.2d 199 (1999) the Department was ordered to reduce Mr. Gronquist's terms of confinement by 33% for Earned Release Time. Following that order the DOC reduced Mr. Gronquist's terms of confinement by 33%, and set his confinement maximum expiration date for the third and final term of confinement at October 8, 2016.<sup>7</sup> Exhibit 21. In 2008, the DOC breached the Smith decision and recalculated Mr. Gronquist's sentences pursuant to the 15% cap without notice or a hearing.<sup>8</sup> Attachment A, Declaration of Gronquist, at 4-5. When that breach was discovered and the DOC was threatened with a

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<sup>7</sup> Mr. Gronquist's confinement maximum expiration date is now June 2, 2016 because of restorations of good time in 2010 and 2012, which produced the start date of December 2, 2006, for the third and final cause. Exhibits 8 & 9.

<sup>8</sup> This conduct alone violates due process. See Haygood v. Younger, 769 F.2d 1350 (9th Cir. 1985) (en banc), cert. denied, 478 1020 (1986); Alexander v. Perrill, 916 F 2d 1392 (9th Cir. 1990); Sample v. Diecks, 885 F.2d 1099 (3rd Cir. 1989).

contempt action, the Department re-set Mr. Gronquist's early release dates to reflect a 33% reduction. Id.; and Exhibit 9. The Department, however, failed to re-set the confinement maximum expiration dates pursuant to those calculations. Exhibit 10.

The Department's conduct complies with Smith on paper while violating it in practice. A May 31, 2022 confinement maximum expiration date can only be calculated by reducing Mr. Gronquist's terms of confinement by 15% for earned early release time. See Exhibits 3-6 As a party to the Smith decision, the DOC was required to follow it "implicitly, according to its spirit, and in good faith." Blakiston v. Osgood Panel & Veneer Co., 173 Wash. 435, 438 (1933). It should not be allowed to subvert the order of the Supreme Court in this way.

When the miscalculation was discovered, a DOC Records Technician admitted that she "can't prove the time . is correct." Exhibit 13 at 6. Rather than fix the error, the Department's Statewide Correctional Records Program Manager asserted that the calculation "is correct," and Mr. Gronquist was informed that the May 31, 2022 confinement maximum expiration date was due to the decision in State v. Acrey, 97 Wn.App. 784 (1999). Exhibit 13 at 1;

Exhibit 14. The same official subsequently admitted that "Acrey does not apply," but still refused to correct the error.<sup>9</sup> Exhibit 16.

When the Acrey excuse didn't deter Mr. Gronquist's complaints, DOC officials next asserted that "the time spent on subsequent counts "stops" on previous counts/causes while you are serving." Exhibit 16. Washington law, however, is clear that a "sentence continues to run notwithstanding parole" or release to subsequent consecutive sentences. Paschke, 61 Wn.App. at 595 (citing State v. Jennings, 45 Wn.App. 858, 860 (1986)); St. Peter v. Rhay, 56 Wn.2d 297 (1960).

When confronted with the holdings in Paschke and St. Peter, the DOC's Assistant Secretary for Administrative Operations asserted that they "are not relevant" because they were "decided on pre-<sup>10</sup> 1984 statutes. . . ." Exhibit 8. However, the

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<sup>9</sup> Acrey only concerns the tolling of supervision on concurrent sentences. See 97 Wn.App. 784.

<sup>10</sup> In Smith, the DOC's Secretary took a similar position, asserting that the opinion in Personal Restraint of Mahrle, 88 Wn.App. 410 (1997), was not relevant because it only applied to Mahrle. The Supreme Court admonished the DOC for its conduct, emphasizing: "We have repeatedly stated it offends the rule of law when agencies of the state wilfully ignore the decisions of our courts. Once again, we find it necessary to reiterate this fundamental point." Smith, 139 Wn.2d at 203 n.3. Despite that reprimand, DOC officials continue to wilfully defy the rulings of Washington courts.

statutes interpreted in Pascke and St. Peter are essentially identical to the SRA's consecutive sentencing provisions. Compare RCW 9.92.080(1) with RCW 9.94A.589(2)(a). Because both provisions are substantially verbatim, concern the same subject, and were in effect at the same time, judicial interpretations of the prior statutes adhere to the new statutes absent clear legislative intent to the contrary. St. Peter, 56 Wn.2d at 298; State v. Bobic, 140 Wn.2d 250, 264 (2000); State v. McReynolds, 117 Wn.App. 309, 336-37 (2003). See Albritton, 143 Wn.App. at 595-96 (following the Phelan court's interpretation of indeterminate tolling statutes in case concerning SRA tolling provisions).

There is no indication that the legislature disagreed with the holdings in Pascke, Jennings or St. Peter. Indeed, there is every indication that the legislature agreed with the prior interpretations of the consecutive sentence statutes, as the SRA's provisions are essentially unchanged and only allow periods of confinement to stop when an "offender has absented himself or herself from confinement without the prior approval of the entity in whose custody [he] has been

placed." RCW 9.94A.171(1).

The Department's third excuse was that Mr. Gronquist's second and third terms of confinement started on the confinement maximum expiration dates of the previous sentences. Exhibit 18. Once again, this position wilfully defies the holdings in Pascke and St. Peter - that terms of confinement begin on the date the prisoner starts serving those sentences. Paschke, 61 Wn.App. at 594; St. Peter, 56 Wn.2d at 299. This assertion also conflicts with the Department's own records, which lists the "start date" of each of Mr. Gronquist's consecutive causes at the early release date of the previous cause. Exhibits 7, 9 & 10.

The Department's final attempt to justify the May 31, 2022 confinement maximum expiration date is to convert Mr. Gronquist's three consecutive 114 month sentences into one 342 month sentence. Exhibit 18. But the Department may not interpret, amend, or usurp the terms of Mr. Gronquist's judgment in this way. Dress v. Department of Corrections, 168 Wn.App. 319, 325-330 (Div. 1 2012). The confinement maximum expiration dates upon Mr. Gronquist's consecutive 114 month terms of confinement are earlier than a single 342 month sentence because of the dates he started serving

the second and third terms of confinement (April 17, 2000, and December 2, 2006, respectively). DOC cannot alter this reality by converting Mr. Gronquist's three consecutive 114 terms of confinement into a single 342 month term of confinement. Id

Regardless of the excuse, this Court needs to look no further than the date Mr. Gronquist began serving his third and final 9½ year term of confinement to find that the DOC's calculation of March 31, 2022 is wrong. Paschke, supra. Mr. Gronquist began serving his third and final term of confinement on December 2, 2006. Exhibit 9 at 5-6. 9½ years from that date is June 2, 2016. Thus, Mr. Gronquist's confinement maximum expiration date is June 2, 2016, and the Department lacks any authority to hold him in confinement past that date. Paschke, 61 Wn.App. at 595.

For these reasons, Mr. Gronquist requests this Court to order the Department to set the confinement maximum expiration date for his first term of confinement at June 7, 2003; his second term of confinement at November 17, 2009; his third term of confinement at June 2, 2016, and to release him from confinement on or before June 2, 2016.

II. THIS PETITION IS NOT PROCEDURALLY BARRED

a. This petition is not time barred. RCW

10.73.090 provides:

No petition or motion for collateral attack on a judgment and sentence in a criminal case may be filed more than one year after the judgment becomes final if the judgment and sentence is valid on its face and was rendered by a court of competent jurisdiction.

(Emphasis added).

By its express language, RCW 10.73.090 only applies to collateral attacks "on a judgment and sentence in a criminal case." This petition challenges the actions of the Department in miscalculating Mr. Gronquist's confinement maximum expiration date and threat to hold him in confinement in the absence of lawful authority. It is not a collateral attack on a judgment, and RCW 10.73.090 does not apply,

b. This petition is not impermissibly successive. RCW 10.73.140 provides in pertinent part:

If a person has previously filed a petition for personal restraint, the court of appeals will not consider the petition unless the person certified that he or she has not filed a previous petition on similar grounds, and shows good cause why the petitioner did not raise the new ground in the previous petition.

Mr. Gronquist has certified that he has not filed a previous petition on similar grounds.

Personal Restraint Petition at 5 § A(6)(k);  
Personal Restraint of Johnson, 131 Wn.2d 558, 564  
(1997)("similar grounds" means the distinct legal  
"grounds for relief, rather than the type of relief  
sought.").

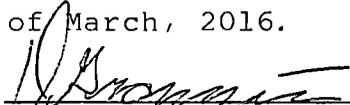
Good cause exists for not presenting the new grounds in a previous petition. The only petition Mr. Gronquist has filed since discovering the miscalculation of his confinement maximum expiration date is the one challenging his criminal conviction based upon the state's suppression of material evidence and use of perjured testimony at trial. Personal Restraint Petition at 5 § A(6)(j). That petition challenges a criminal proceeding, where this petition challenges an administrative agency's miscalculation of a confinement maximum expiration date and threat to confine Mr. Gronquist in the absence of any legal authority. The facts, issues, entities, and basis of restraint are different.

More importantly, Mr. Gronquist has attempted to resolve the miscalculation administratively - without the need for judicial intervention - since its discovery. Exhibits 11-20. Unfortunately, those efforts were unsuccessful. *Id.* Mr. Gronquist had no ability to predict that the DOC would wilfully defy

well established precedent and the terms of his Judgment and Sentence, ignore its own records, and attempt to confine him in the absence of any legal authority. In any event, the Department's threat to hold Mr. Gronquist past his confinement maximum expiration date of June 2, 2016 is now imminent and therefore ripe for judicial review.

If this Court finds that these reasons do not constitute good cause under RCW 10.73.140, it must transfer the petition to the Washington State Supreme Court, where RCW 10.73.140 does not apply. Personal Restraint of Perkins, 143 Wn.2d 261, 266-67 (2000). The Supreme Court may entertain this petition because RAP 16.4(d) only applies when "the petitioner was represented by counsel throughout [the previous] postconviction proceedings." Personal Restraint of Stoudmire, 141 Wn.2d 342, 352 (2000). Mr. Gronquist filed, and is prosecuting, his prior petition pro se. See Personal Restraint of Gronquist, Washington Court of Appeals Cause No. 74479-8-I.

Dated this 6th day of March, 2016.

  
Derek E. Gronquist  
#943857 B-B-305  
Wash. St. Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99326



COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

In re the Personal  
Restraint Petition of:

DEREK E. GRONQUIST,  
  
Petitioner,

No.

DECLARATION OF  
DEREK GRONQUIST

Derek E. Gronquist declares under penalty of perjury under the laws of the state of Washington that the following statements are true and correct to the best of his knowledge, information, and belief:

1. I am the petitioner in the above captioned action. I am a United States citizen, over the age of 18, am competent to testify herein, and make this declaration upon personal knowledge.

2. Attached hereto are true and correct copies of the following records:

Exhibit 1: The Judgment and Sentence entered in State of Washington v. Derek Eugene Gronquist, King County Superior Court Cause No. 93-1-00121-1;

Exhibit 2: The April 6, 1995, Order on Criminal Motion entered in State of Washington v. Derek Eugene Gronquist, King County Superior Court Cause No. 93-1-00121-1, with its attached verification letter;

Exhibit 3: A Department of Corrections (DOC or Department) Classification Referral concerning me, created on February 6, 1996. I obtained this document from the DOC pursuant to a Public Records Act (PRA) request;

Exhibit 4: A DOC Classification Referral regarding me, created on August 30, 1996. I received this record from the Department pursuant to a PRA request;

Exhibit 5: A DOC Classification Referral concerning me, created on February 20, 1997. I received this document from the Department through a PRA request.

Exhibit 6: A DOC Classification Referral concerning me, created on February 25, 1998. I received this document from the Department through a PRA request;

Exhibit 7: DOC Release Date Calculations concerning my three consecutive terms of confinement, created on July 30, 2008. I received these documents from the Department through a PRA

request;

Exhibit 8: A DOC Custody Facility Plan concerning me, created on November 2, 2012;

Exhibit 9: A current DOC calculation of the sentence reductions and early release dates for each of my three consecutive terms of confinement. I received this document from the Department through a review of my Central File;

Exhibit 10: A DOC Legal Face Sheet printed on March 6, 2013. I received this document from the Department in separate litigation;

Exhibit 11: A letter I sent to Susan Bowman, a Correctional Records Specialist for the Coyote Ridge Corrections Center, on September 19, 2013;

Exhibit 12: An Offender Complaint, and DOC responses, assigned Log I.D. Number 13547938. I created the initial response and appeal, and receive the response from DOC officials;

Exhibit 13: An email string between Calla Perkins, Wendy Stigall, Lisa Gonzales, and Danielle Hedblum. I received this document from the Department during a review of my Central File;

Exhibit 14: A letter dated November 5, 2013 from Coyote Ridge Corrections Center Records Technician to me. I obtained this document from the DOC during a review of my Central File;

Exhibit 15: A letter I mailed to DOC Secretary Bernard Warner on March 31, 2014;

Exhibit 16: A letter dated April 21, 2014 from DOC Statewide Correctional Records Manager to me. I received this document from the Department through the mail;

Exhibit 17: A letter that I mailed to DOC Secretary Bernard Warner on April 13, 2015;

Exhibit 18: A letter dated May 15, 2015 from DOC Assistant Secretary for the Administrative Operations Division to me. I received this document from DOC officials through the mail;

Exhibit 19: A letter I mailed to the Washington State Penitentiary's Records Department on February 14, 2016;

Exhibit 20: An Offender Complaint that I filed with the Department on February 13, 2016, which has been assigned Log I.D. Number 16604619;

Exhibit 21: A DOC Classification Referral concerning me, created on February 10, 2000. I received that record from the Department pursuant to a PRA request.

3. In 2008, while I was confined at the Twin Rivers Unit of the Monroe Correctional Complex (MCC), MCC officials breached the Washington State Supreme Court's order in Personal Restraint of

Smith & Gronquist, 139 Wn.2d 199 (1999), to reduce my terms of confinement by 33% for earned early release time. I was not given notice of the action, nor any opportunity to be heard. I discovered the violation during an interview with Classification Counselor Drew Wood in preparation for an upcoming classification review. I asked if, after that classification, I would begin having classification reviews every six months (because DOC policy requires classification reviews every six months when an inmate is within five years of their early release date). Counselor Wood responded "no, your earned release date is more than ten years away."). I then discovered that MCC had breached the Smith decision and re-calculated my terms of confinement utilizing the 15% cap on earned early release time. The re-calculation also apparently re-set the confinement maximum expiration dates for each of my consecutive terms of confinement. I did not notice, nor was I informed of, the alteration of my confinement maximum expiration dates. This was about five years before my early release date, and I had no reason to believe that the DOC would hold me in confinement past that date - much less then until my confinement maximum expiration date. I notified my attorney in the Smith case, current

Washington State Supreme Court Justice Sheryl Gordon McCloud. Mrs. McCloud contacted the DOC and notified them of MCC's breach of the Smith decision. Rather than face a contempt action, MCC re-set my early release date pursuant to a 33% reduction. It appears that MCC/DOC failed to re-set my confinement maximum expiration dates, as the Department's records list a 2022 confinement maximum expiration date since that time.

4. I first learned of the miscalculation of my confinement maximum expiration dates in mid-2013, after I was held in confinement past my early release date of April 21, 2013, when DOC officials began stating openly that I would be held in confinement until my confinement maximum expiration date. I then reviewed my DOC Central File in an attempt to ascertain how, and why, my confinement maximum expiration date had been set of May 31, 2022. That review did not answer my question. I then discussed the matter with Classification Counselor Mauro Partida Jr., who stated that it was an issue that only the records department could address. I then wrote to Coyote Ridge Corrections Center Records Specialist Susan Bowman, notifying her of the issue and requesting her to fix it. See Exhibit 11. The error was not fixed as I requested.

Since that time, I have written letters, filed grievances, and notified every Classification Counselor and Custody Unit Supervisor whose case load I have been assigned to of this error and requested it to be fixed. Every single official has refused to correct this obvious error. Instead, they all state that I will be held in confinement until May 31, 2022.

5 In 2010 and 2012 I received restorations of good time credits. Pursuant to those restorations, the Department set the start date of my second term of confinement at April 17, 2000, and December 2, 2006 for my third term of confinement, as set forth in Exhibit 9.

Dated this 6th day of March, 2016.

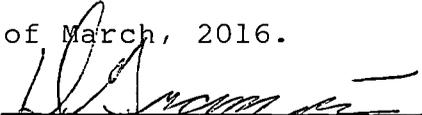
  
Derek E. Gronquist  
#943857 B-B-305  
Wash. St. Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99326

EXHIBIT 1

2

HW/DNA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

DEREK EUGENE GRONQUIST

Defendant.

No. 93-1-00121-1

JUDGMENT AND SENTENCE FILED  
KING COUNTY WASHINGTON  
CLERK'S ACTION

FEB 17 1995

SUPERIOR COURT CLERK

CERTIFIED COPY TO SUPERIOR COURT

LETTER TO SUPERIOR COURT CLERK

FEB 18 1995

I. HEARING

1.1 The defendant, the defendant's lawyer, JENNIFER JAW and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: C.C.O. V. ATKY

ROCKWELL, VICTIMS, BISHOP, GARLAND & JACKSON FAMILIES ALSO PRESENT.

1.2 The state has moved for dismissal of count(s) \_\_\_\_\_

II. FINDINGS

Based on the testimony heard, statements by defendant and/or victims, argument of counsel, the presentence report(s) and case record to date, and there being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on (date) 5-6-94 by jury verdict of:

Count No.: I Crime: ATTEMPTED KIDNAPPING 1ST DEGREE  
RCW 9A.40.020(1)(B) Crime Code 00616  
Date of Crime 12-6-93 Incident No. \_\_\_\_\_

Count No.: II Crime: ATTEMPTED KIDNAPPING 1ST DEGREE  
RCW 9A.40.020(1)(B) Crime Code 00616  
Date of Crime 12-7-93 Incident No. \_\_\_\_\_

Count No.: III Crime: ATTEMPTED KIDNAPPING 1ST DEGREE  
RCW 9A.40.020(1)(B) Crime Code 00616  
Date of Crime \_\_\_\_\_ Incident No. \_\_\_\_\_

Additional current offenses are attached in Appendix A.

SPECIAL VERDICT/FINDING(S):

- (a)  A special verdict/finding for being armed with a deadly weapon was rendered on Count(s) \_\_\_\_\_
- (b)  A special verdict/finding was rendered that the defendant committed the crime(s) with a sexual motivation in Count(s): I, II, III
- (c)  A special verdict/finding was rendered for Violation of the Uniform Controlled Substances Act offense taking place  in a school zone  in a school  on a school bus  in a school bus route stop zone  in a public park  in public transit vehicle  in a public transit stop shelter in Count(s): \_\_\_\_\_
- (d)  Vehicular Homicide  Violent Offense (D.W.I. and/or reckless) or  Nonviolent (disregard safety of others)
- (e)  Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score (RCW 9.94A.400(1)(a)) are: \_\_\_\_\_

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): \_\_\_\_\_  
(Current offenses not listed here are not encompassed)

2.3 CRIMINAL HISTORY: Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
(a) KIDNAPPING 1ST DEG. IND LIB	9-15-88	ADULT	881014066	KING
(b)				
(c)				
(d)				

- Additional criminal history is attached in Appendix B.  
 Prior convictions (offenses committed before July 1, 1986) served concurrently and counted as one offense in determining the offender score are (RCW 9.94A.360(c)(c)):  
 One point added for offense(s) committed while under community placement for count(s)

2.4 SENTENCING DATA:

OFFENDER SCORE	SERIOUSNESS LEVEL	RANGE	MAXIMUM TERM
Count I : 3	X	66-75 MONTHS	10 YRS AND/OR \$20,000
Count II : 0	X	38.25 TO 51 MONTHS	10 YRS AND/OR \$20,000
Count III : 0	X	38.25 TO 51 MONTHS	10 YRS AND/OR \$20,000

Additional current offense sentencing data is attached in Appendix C.

2.4 EXCEPTIONAL SENTENCE:

- Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) I, II, III  
 Findings of fact and conclusion(s) are attached in Appendix D.

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 AND VICTIM ASSESSMENT:

- 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.142(2), sets forth those circumstances in attached Appendix E.  
 Restitution to be determined at future hearing on (Date) April 13, 1995 at 8:34 a.m.  Date to be set.  
 Defendant waives presence at future restitution hearing(s).

Defendant shall pay \$100 Victim Assessment, pursuant to RCW 7.68.035.

\* Trust has waived  
 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;  Court costs are waived;  
 (b)  \$ Recoupment for attorney's fees to King County Public Defense Programs, 2015 Smith Tower, Seattle, WA 98104;  Recoupment is waived (RCW 10.01.160);  
 (c)  \$ Fine;  \$1,000, Fine for VUCSA;  \$2,000, Fine for subsequent VUCSA;  VUCSA fine waived (RCW 69.50.430);  
 (d)  \$ King County Interlocal Drug Fund;  Drug Fund payment is waived;  
 (e)  \$ State Crime Laboratory Fee;  Laboratory fee waived (RCW 43.43.690);  
 (f)  \$ Incarceration costs;  Incarceration costs waived (9.94A.145(2));  
 (g)  \$ Other cost for:

4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is \$ . 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.  The defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from date of sentence or release from confinement to assure payment of financial obligations.

4.2 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 \_\_\_\_\_ m.

114 months/days on Count No. I  
114 months/days on Count No. II  
114 months/days on Count No. III

The terms in Count(s) No. I II III are ~~concurrent~~ consecutive.  
The sentence herein shall run concurrently/consecutively with the sentence in cause number(s) \_\_\_\_\_  
but consecutive to any other cause not referred to in this Judgment.

Credit is given for 396 days served  days as determined by the King County Jail solely for conviction under this cause number pursuant to RCW 9.94A.120(13). 407 days

4.3  NO CONTACT: For the maximum term of 50 years, defendant shall have no contact with SELF, FISH, TRUED FAMILY, AUTUMN GARDNER, T. GARDNER, FAMILY, ARIEL, TRUESD + TRUESD.  
Violation of this no contact order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; FAMILY any assault or reckless endangerment that is a violation of this order is a felony.

4.4  BLOOD TESTING: (sex offense, violent offense, prostitution offense, drug offense associated with the use of hypodermic needles) Appendix G is a blood testing and counseling order that is part of and incorporated by reference into this Judgment and Sentence.

4.5  COMMUNITY PLACEMENT: Community Placement is ordered for sex offense, serious violent offense, second degree assault, deadly weapon finding, Chapter 69.50 or 69.52 RCW offense, and standard mandatory conditions are ordered. Community placement is ordered for the maximum period of time provided by law.  Appendix H (for additional conditions) is attached and incorporated by reference in this Judgment and Sentence.

4.6  WORK ETHIC CAMP: The court finds that the defendant is eligible for work ethic camp and is likely to qualify under Sec. 4(3), Chap. 338, Laws of 1993 and the Court recommends that the defendant serve the sentence at a work ethic camp. If the defendant successfully completes the program, the Department of Corrections shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. Upon completion of the work ethic camp program, the defendant shall be released on community custody for any remaining time of total confinement.

4.7  SEX OFFENDER REGISTRATION (sex offender crime conviction): Appendix J is attached and incorporated by reference into this Judgment and Sentence.

4.8  OTHER: \_\_\_\_\_

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

Date: FEBRUARY 17, 1995  
~~August 17, 1994~~

Presented by:

T.D. REISCHLING  
Deputy Prosecuting Attorney,  
Office WSBA ID #91002

[Signature]  
Judge, King County Superior Court  
Approved as to form:

[Signature]  
Attorney for Defendant, WSBA # 17066  
Suzanne Shaw

FINGERPRINTS



RIGHT HAND  
FINGERPRINTS OF:

DEREK EUGENE GRONQVIST

DATED 10/17 February 1995  
[Signature]  
JUDGE, KING COUNTY SUPERIOR COURT

DEFENDANT'S SIGNATURE: [Signature]  
DEFENDANT'S ADDRESS: DOC.

ATTESTED BY:  
M. JANICE MICHELS, SUPERIOR COURT CLERK  
BY: [Signature]  
DEPUTY CLERK

CERTIFICATE

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: \_\_\_\_\_

\_\_\_\_\_  
CLERK

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

PAGE 4 - FINGERPRINTS

OFFENDER IDENTIFICATION

~~IDENTIFICATION NUMBER~~  
DATE OF BIRTH: OCTOBER 12, 1964  
SEX: M  
RACE: WHITE

FAX HIV/DNA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

DEREK EUGENE GRONQUIST

Defendant.

No. 93-1-00121-1

APPENDIX G  
ORDER FOR BLOOD TESTING  
AND COUNSELING

(1)  HIV TESTING AND COUNSELING:

(Required for defendant convicted of sexual offense, drug offense associated with the use of hypodermic needles, or prostitution related offense committed after March 23, 1988. RCW 70.24.340):

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 296-4848 to make arrangements for the test to be conducted within 30 days. *at a time to be set*

(2)  DNA IDENTIFICATION:

(Required for defendant convicted of sexual offense or violent offense. RCW 43.43.754):

The Court orders the defendant to cooperate with the King County Department of Adult Detention and/or the State Department of Corrections in providing a blood 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 4:00 p.m., to make arrangement for the test to be conducted within 15 days. *at a time to be set by the court per further order - SD*

If both (1) and (2) are checked, two independent blood samples shall be taken.

Date: ~~August 19, 1994~~  
February 17, 1995

*[Signature]*  
Judge, King County Superior Court

APPENDIX G

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON

Plaintiff,

v.

DEREK EUGENE GRONQUIST

Defendant.

No. 93-1-00121-1

APPENDIX H  
COMMUNITY PLACEMENT

The Court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT: Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after July 1, 1990 to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150(1) and (2) whichever is longer and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

(a) MANDATORY CONDITIONS: Defendant shall comply with the following conditions during the term of community placement:

- (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 service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay community placement fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location; and
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision or both. (RCW 9.94A.120(13))

WAIVER: The following above-listed mandatory conditions are waived by the court:

(b)  OFF-LIMITS ORDER (SODA): The Court finds that the defendant is a known drug trafficker as defined in RCW 10.66.010(3) who has been associated with drug trafficking in an area described in Attachment A. Attachment A is incorporated by reference into the Judgment and Sentence and the Court also finds that the area described in Attachment A is a Protected Against Drug Trafficking area (PADT). As a condition of community placement, the defendant shall neither enter nor remain in the PADT area described in Attachment A.

(c) OTHER CONDITIONS: Defendant shall comply with the following other conditions during the term of community placement: see attached conditions

Date:

February 17, 1995

APPENDIX H - COMMUNITY PLACEMENT

[Signature]  
Judge, King County Superior Court



EXHIBIT 2



SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

APR 06 1995

STATE OF WASHINGTON

Plaintiff,

vs.

No. 93-1-00121-1

Derek Eugene Gronquist

Defendant.

ORDER ON CRIMINAL MOTION

The above-entitled Court, having heard a motion for an order  
granting credit for time served in Snohomish  
County prior to being transported to the King  
County Jail on the above cause number in  
addition to the time served in the King  
County Jail as reflected in the original  
Judgment and Sentence.

IT IS HEREBY ORDERED that the defendant, Derek Gronquist,  
shall receive credit for time served in  
Snohomish County per the attached verification  
letter. This time is in addition to  
the time served in the King County Jail  
on this cause number as reflected ~~in~~ the  
original Judgment and Sentence.

DATED: April 6, 1995.

[Signature]  
JUDGE

[Signature]  
Deputy Prosecuting Attorney

[Signature]  
Attorney for Defendant  
Law #17308



Snohomish County

Corrections

Robert J. Drewel  
County Executive

M/S #509  
3000 Rockefeller Avenue  
Everett, WA 98201  
(206) 388-3474  
FAX (206) 339-2244

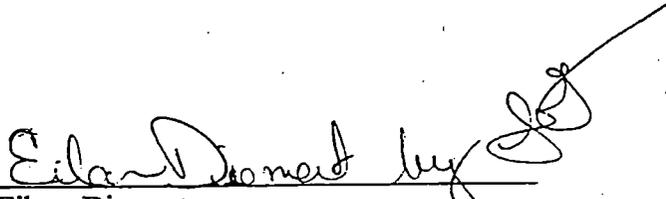
February 23, 1995

Mr. Ryan Keefe  
Public Defender Assn.  
810 Third Ave.  
8th Floor Central Bldg.  
Seattle, Wa. 98104

Dear Mr. Keefe:

I certify that the following are the true and accurate facts concerning the incarceration of Derek Gronquist in the Snohomish County Jail :

NAME:	Derek Eugene Gronquist
DATE OF BIRTH:	10/12/64
BOOKING NUMBER:	9314522-01
BOOKING DATE:	12/07/93
CHARGES:	Kidnapping 1 (CC#93-1-01740-0, Evt. #9321595) Kidnapping 1 (Writ #93-1-00121-1)
RELEASE DATE:	01/18/94
RELEASE REASON:	To King Co. via Coop

  
Eileen Diemert  
Records Supervisor

cc:rh

STATE OF WASHINGTON )  
County of King ) ss.

I, M. JANICE MICHELS, Clerk of the Superior Court of the State of Washington, for the County of King, do hereby certify that I have compared the foregoing copy with the original instrument as the same appears on file and of record in my office, and that the same is a true and perfect transcript of said original and of the whole hereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Superior Court at my office at Seattle this APR 27 1995

day of \_\_\_\_\_ 19

M. JANICE MICHELS, Superior Court Clerk

By \_\_\_\_\_  
Deputy Clerk

EXHIBIT 3

DEPARTMENT OF CORRECTIONS  
CLASSIFICATION REFERRAL



PACKET:  
 TRANSFER  
 COMMAND MANAGER  
 HCSC  
 CHIEF, CLASSIFICATION & TREATMENT  
 OVERRIDE  
 IMS  
 NO ACTION REQUIRED/FILE

REVIEW PERIOD: 2/28/95 TO 2/6/96 FACILITY/LIVING UNIT CBCC/B Unit

REFERRAL AGENT: <u>R. Nielsen, CCII</u>	DATE <u>2/6/96</u>	P/PRD: <u>3/5/18</u>	MFD: <u>3/97</u>	MAX ED: <u>6/6/22</u>
--	-----------------------	-------------------------	---------------------	--------------------------

<input type="checkbox"/> INITIAL (RC)	<input type="checkbox"/> Camp	<input type="checkbox"/> W/R	<input type="checkbox"/> Board
<input checked="" type="checkbox"/> Six Month/Annual Review	<input type="checkbox"/> Ad Seg	<input type="checkbox"/> CPR/PPR	<input checked="" type="checkbox"/> Transfer
<input type="checkbox"/> HCSC	<input type="checkbox"/> IMS	<input type="checkbox"/> Override	<input type="checkbox"/> No Action
<input type="checkbox"/> Other (specify) _____			

**PROGRAMMING:** Inmate Gronquist was readmitted to the system on 2/28/95. He arrived at CBCC on 6/14/95. During this review period he programmed as a cook until 12/8/95, when he went to WCC for medical needs. He stayed there until 1/31/96. He is presently programming in the kitchen. He is functioning at the 12.9 grade level. He is not involved in any self help groups here at CBCC. He spends his leisure time in the gym and doing legal work on his appeal.

**SERIOUS INFRACTION RECORD:**

3/4/95, (704), WCC: Inmate Gronquist was observed assaulting another inmate in the dining hall.  
Sanction: 20 DDS suspended for 60 days.

**MEDICAL:** Inmate Gronquist states that he does not have any medical or dental needs. He is not currently taking any medications.

**MENTAL HEALTH:** No mental health services have been requested or provided during this reporting period.

**COMMUNITY SUPPORT:** Inmate Gronquist states that he receives visits, letters, financial support and makes phone calls and this community support comes from family members and friends.

**COMMUNITY RELEASE PLAN:** Due to the length of his sentence inmate Gronquist has not formulated a release plan at this time.

**COUNSELOR COMMENTS:** Inmate Gronquist is serving an SRA sentence with an ERD of 3/5/2018. He owes 24 months of community placement upon release. He owes \$868.00 on an expired King County charge \$225.00 was paid as of 9/1/93 and \$100.00 on an active King County charge in legal, financial obligations. He has a custody score of 54 points. This indicates medium custody. He is requesting a transfer to WSR for their industries program. I recommend promote to medium custody, retain at CBCC/MSD and that he obtain a program as quickly as possible.

NUMBER	NAME: LAST	FIRST	MIDDLE
943857	GRONQUIST,	Derek	

DEPARTMENT OF CORRECTIONS

CLASSIFICATION ~~REPEATED~~ CONTINUED 6/96

CBCC/B Unit

REVIEW PERIOD: \_\_\_\_\_ TO \_\_\_\_\_ FACILITY/LIVING UNIT \_\_\_\_\_

**UNIT TEAM COMMENTS/RECOMMENDATIONS:**

**DATE OF MEETING:** 2/27/96

**STAFF PRESENT:** CUS Schneider, CCII Nielsen, Sgt. McGarvie

**INMATE COMMENTS:** Inmate stated the report was accurate. He desires to appeal the recommendation of this committee to the Superintendent.

**UNIT TEAM COMMENTS/RECOMMENDATIONS:** Unit Team notes that Gronquist has been programming satisfactorily and is not considered to be a management problem.

- 1. Promote to medium custody.
- 2. Deny transfer request.
- 3. Retain CBCC.

RN:kfd

Schneider, CUS 3/1/96  
 UNIT TEAM CHAIRMAN DATE

REVIEW COMMITTEE: The committee considered Mr. Gronquist's appeal. He has been at CBCC 8 months w/ 22 years remains to release. His conduct has been appropriate during his short stay. we <sup>hope</sup> it continues. promote to med. retain CBCC. H. Cook 3-14-96  
 REVIEW COMMITTEE CHAIRPERSON DATE

SUPERINTENDENT: Cowan

Howe R. Dowd for R. L. Whitte 3-14-96  
 SUPERINTENDENT DATE

6. NUMBER 943857	NAME: LAST <u>GRONQUIST,</u> FIRST <u>DAVE</u> MIDDLE
------------------	---

EXHIBIT 4

DEPARTMENT OF CORRECTIONS  
CLASSIFICATION REFERRAL



PACKET:  
 TRANSFER  
 COMMAND MANAGER  
 HCSC  
 CHIEF, CLASSIFICATION & TREATMENT  
 OVERRIDE  
 IMS

NO ACTION REQUIRED/FILE

REVIEW PERIOD: 2/6/96 TO 8/30/96 FACILITY/LIVING UNIT CBCC/MSC/G UNIT

REFERRAL AGENT: Peter R. Davis, CCII DATE 8/30/96 OPERD. 6/29/18 NRD: 2/97 MAX ED: 6/6/22

<input type="checkbox"/> INITIAL (RC)	<input type="checkbox"/> Camp	<input type="checkbox"/> W/R	<input type="checkbox"/> Board
<input type="checkbox"/> Six Month/Annual Review	<input type="checkbox"/> Ad Seg	<input type="checkbox"/> CPR/PPR	<input type="checkbox"/> Transfer
<input type="checkbox"/> HCSC	<input type="checkbox"/> IMS	<input type="checkbox"/> Override	
<input checked="" type="checkbox"/> Other (specify) <u>DEMOTION</u>			<input type="checkbox"/> No Action

**PROGRAMMING:** Inmate Gronquist was admitted to the system on 2/28/95. He arrived at CBCC on 6/14/95. During this review period he has programmed as a cook until 12/8/95 when he went to WCC for medical needs. He remained there until 1/31/96. He is presently programming on three waiting lists. His educational scores are equivalent to his present program. He is not involved in any other programs at CBCC. He stated that in his leisure time he goes to the gym and does legal work on his appeal.

**SERIOUS INFRACTION RECORD:**

4/11/96 CBCC, (714): Possession of trading goods valued at \$10 or more. Sanction: 10 DDS, 10 DLGCT suspended 90 days.

5/16/96 CBCC, (557): He refused a work assignment. Sanction: 15 DDS, 10 DLGCT.

5/27/96 CBCC, 558/710): Inmate Gronquist was observed by staff tattooing another inmate in their cell. He was in possession of a tattoo gun and other tattoo paraphernalia. Sanction: 10 DDS, credit for time served, 60 DLGCT.

6/22/96, CBCC, (702/710/553): Inmate Gronquist was observed in a dark cell using an open flame to melt a black checker chip. The residue from the chip may be used in tattooing. He was also in possession of personal scissors. Sanction: 20 DDS, 40 DLGCT.

7/19/96 CBCC, (755): Inmate Gronquist failed to show up for his dental appointment on 7/19/96. Sanction: 10 DDS suspended 90 days.

**COUNSELOR COMMENTS:** Inmate Gronquist is serving an SRA sentence with an ERD of 6/29/18. He owes 24 months of community placement upon release. He has legal, financial obligations payable to King County Superior Court. He has a current custody review score of zero, equating with close custody. It is recommended at this time that Inmate Gronquist demote to close custody and be retained at CBCC.

NUMBER 943857	NAME: LAST GRONQUIST,	FIRST Derrick	MIDDLE
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DOC 5-30 (REV. 4/93)

DEPARTMENT OF CORRECTIONS

CLASSIFICATION REFERRAL CONTINUED

REVIEW PERIOD: 2/6/96 TO 8/30/96 FACILITY/LIVING UNIT CBCC/MBC/G Unit

UNIT TEAM COMMENTS/RECOMMENDATIONS:

DATE OF MEETING: August 30, 1996

STAFF PRESENT: CUS Swenson, Chairperson  
CCII P. Davis  
Sgt. Frank

INMATE COMMENTS: Inmate Gronquist was present: HE stated he does not wish to go to WSP as it is to far away from his home.

COMMITTEE COMMENTS/RECOMMENDATIONS:

- 1. Demote to close custody.
- 2. Retain at CBCC.

PD:hje

Dana Swenson CUS 9-12-96  
UNIT TEAM CHAIRMAN DATE

REVIEW COMMITTEE:

*Concur*

Kathleen Kaatz CUS 9-18-96  
REVIEW COMMITTEE CHAIRPERSON DATE

SUPERINTENDENT:

*Concur*

Barbara Anderson 9/20/96  
SUPERINTENDENT DATE

6. NUMBER	NAME: LAST	FIRST	MIDDLE
943857	GRONQUIST,	Derrick	

EXHIBIT 5

DEPARTMENT OF CORRECTIONS  
CLASSIFICATION REFERRAL



PACKET:  
 TRANSFER  
 COMMAND MANAGER  
 HCSC  
 CHIEF, CLASSIFICATION & TREATMENT  
 OVERRIDE  
 IMS  
 NO ACTION REQUIRED/FILE

REVIEW PERIOD: 2/6/96 TO 2/20/97 FACILITY/LIVING UNIT CBCC/B Unit

REFERRAL AGENT	DATE	PERIOD	NRD	MAX ED.
<u>Joan Rogers CCII</u>	<u>2/20/97</u>	<u>5/29/18</u>	<u>2/98</u>	<u>6/6/22</u>

- |   |                                 |                                   |  |
|---|---------------------------------|-----------------------------------|--|
| <input type="checkbox"/> INITIAL (RC)                       | <input type="checkbox"/> Camp   | <input type="checkbox"/> W/R      | <input type="checkbox"/> Board               |
| <input checked="" type="checkbox"/> Six Month/Annual Review | <input type="checkbox"/> Ad Seg | <input type="checkbox"/> CPR/PPR  | <input checked="" type="checkbox"/> Transfer |
| <input type="checkbox"/> HCSC                               | <input type="checkbox"/> IMS    | <input type="checkbox"/> Override | <input type="checkbox"/> No Action           |
| <input type="checkbox"/> Other (specify)                    |                                 |                                   |  |

**PROGRAMMING:** Inmate Gronquist was re-admitted to the system on 2/28/95. He arrived at CBCC on 6/14/95. During this review period he programmed as a cook in the kitchen until 10/14/96. He then transferred to the Law Library as a clerk on 10/18/96. He is functioning at a 12.9 grade level. He is not involved in any self help groups here at CBCC. He spends his leisure time drawing and working out in the gym. He stated he has taken Victim Awareness and Anger Management on his last commitment at TRCC. He also stated he took the STOP program. He has a high school diploma through Walla Walla Community College. He has refused the assessment but is active in his case management plan.

**SERIOUS INFRACTION RECORD:**

4/11/96, (714), CBCC: Possession of trading goods valued at \$10.00 or more.  
**SANCTIONS:** 10 DDS, 10 DLGCT-suspended 90 days.

5/16/96, (557), CBCC: He refused a work assignment.  
**SANCTIONS:** 15 DDS, 10 DLGCT.

5/27/96, (558, 710), CBCC: Inmate Gronquist was observed by staff tattooing another inmate in their cell. He was in possession of tattoo gun and other tattoo paraphernalia.  
**SANCTIONS:** 10 DDS-CTS, 60 DLGCT.

6/22/96, (702, 710, 553), CBCC: Gronquist was observed in a darkened cell using an open flame to melt a black leather chip. The residue in the chip may be used in tattooing. He was also in possession of personal scissors.  
**SANCTIONS:** 20 DDS, 40 DLGCT

7/19/96, (755), CBCC: Inmate Gronquist failed to show up for his dental appointment on 7/19/96.  
**SANCTIONS:** 10 DDS-suspended 90 days.

**MEDICAL:** Inmate Gronquist has seen medical for a special diet due to digestion problems. He is on medication for pain and anti-inflammatories.

**MENTAL HEALTH:** No mental health services have been requested or provided during this reporting period.

**COMMUNITY SUPPORT:** Inmate Gronquist states that he receives letters, financial support, and phone calls from his parents, Barbara Parker who live in Monroe Washington and his father Wayne Gronquist who lives in Southern California.

**COMMUNITY RELEASE PLAN:** Due to the length of his sentence inmate Gronquist has not formulated a release plan.

**COUNSELOR COMMENTS:** Inmate Gronquist is serving an SRA sentence with an ERD of 6/29/2018. He owes 24 community placement upon release. He has LPO's payable to King County Superior Court. He has a custody review score of 59, equating to minimum custody. Due to the structure of his sentence he is eligible to be MI3. He is requesting to transfer TRCC for there Industries Courses. I am recommending that he be transferred to TRCC(MI3).

NUMBER	NAME: LAST	FIRST	MIDDLE
943857	GRONQUIST,	Derek	E.

DOC 3-90 (REV. 4/93)

Page \_\_\_\_ of \_\_\_\_

DOC-000080192

DEPARTMENT OF CORRECTIONS

CLASSIFICATION REFERRAL CONTINUED

REVIEW PERIOD: 2/6/96 TO 2/20/97 FACILITY/LIVING UNIT: CBCC/B Unit

CLASSIFICATION COMMITTEE COMMENTS/RECOMMENDATIONS:

DATE OF MEETING: 2/20/97

STAFF PRESENT: CUS Schneider, CCII Rogers, C/O Nagy

INMATE COMMENTS: Inmate stated the report was accurate. He states that his case is under appeal and he cannot take the CMC assessment at this time.

CLASSIFICATION COMMITTEE COMMENTS/RECOMMENDATIONS: This Committee notes that inmate Gronquist has been programming satisfactorily. He has been considered to be a management problem, however, his recent behavior has been positive.

1. Promote to minimum custody.
2. Transfer to AHCC (MI3).

JR/pca

C Schneider, CUS 2/28/97  
 CLASSIFICATION COMMITTEE CHAIRPERSON DATE  
 REVIEW COMMITTEE:

Concur  
K. Cook 3-3-97  
 REVIEW COMMITTEE CHAIRPERSON DATE  
 SUPERINTENDENT:

Concur  
Anderson, C. J. Supt 3/4/97  
 SUPERINTENDENT DATE

8. NUMBER  943857	NAME: LAST			FIRST	MIDDLE
	GRONQUIST, D.			Derek	E.

EXHIBIT 6

DEPARTMENT OF CORRECTIONS

CLASSIFICATION REFERRAL



- TRANSFER
- COMMAND MANAGER
- HCSC
- CHIEF, CLASSIFICATION AND TREATMENT
- OVERRIDE
- IMS
- NO ACTION REQUIRED/FILE

*SP*

*4-11-28/98*

REVIEW PERIOD: 02/20/97 TO: 02/25/98 FACILITY/LIVING UNIT: AHCC/ T-Unit

REFERRAL AGENT D. Bowerman, CC3	DATE 02/25/98	(P)ERD 07/04/18	NRD: 02/25/99	MAX ED: 06/06/22
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REVIEW OF CLASSIFICATION FOR:

- |   |                                  |                                   |   |
|---|----------------------------------|-----------------------------------|---|
| <input type="checkbox"/> INITIAL (RC)                       | <input type="checkbox"/> Camp    | <input type="checkbox"/> W/R      | <input type="checkbox"/> Board                |
| <input checked="" type="checkbox"/> Six Month/Annual Review | <input type="checkbox"/> Ad. Seg | <input type="checkbox"/> CPR/PPR  | <input type="checkbox"/> Transfer             |
| <input type="checkbox"/> HCSC                               | <input type="checkbox"/> IMS     | <input type="checkbox"/> Override |   |
| <input type="checkbox"/> Other (specify)                    |                                  |                                   | <input checked="" type="checkbox"/> No Action |

NARRATIVE:

**PROGRAMMING:** Inmate Gronquist arrived at AHCC on 4/9/97 from CBCC/MS. Since his arrival he has programmed by completing the inmate Orientation program. Prior to his arrival at AHCC, he programmed in the law library as a clerk. He is currently on the job assignment waiting list. Gronquist reports spending his leisure time in the legal law library, drawing and working out in the gym. He will be recommended to receive all 12 programming points for this review period.

**EMPLOYMENT/EDUCATION/TRAINING:** Inmate Gronquist reports completing the public school system through the 12th grade. He reports completing the high school diploma through Walla Walla Community College. OBTS confirms educational experience.

**CASE MANAGEMENT:** Inmate Gronquist is targeted and currently active in case management.

SERIOUS INFRACTION RECORD:

**DATE:** 2/27/97, **CBCC:** WAC #657; **Four or More General Infractions.**

**SANCTIONS:** 10 days loss of Good Conduct Time and 5 days cell confinement.

**MEDICAL/DENTAL:** Inmate claims no medical or dental concerns.

**MENTAL HEALTH:** No services were rendered or requested this reporting period.

**COMMUNITY SUPPORT:** Inmate Gronquist reports receiving support through letters and phone calls through his parents, Barbara Parker and Dwayne Gronquist. Due to AHCC's location, he does not have regular visits through the visiting program.

**COUNSELOR COMMENTS:** Inmate Gronquist is currently serving a 114 month sentence out of King County with community placement requirements. He has current legal financial obligations totaling \$100.00. He has a prior conviction also out of King County for which he still owes restitution on. The Unit Staff indicates he has not been a management/behavioral problem in the unit. As indicated in the serious infraction section, he has one infraction this review period. His overall review period can be considered a good review period. Inmate Gronquist has a current CRS of 67 points with a custody standing of MI3. His minimum facility eligibility placement date is 7/4/14. Gronquist has a current detainer lodged against him for Failure to Appear on a DWI charge. I recommend that Inmate Gronquist remain at AHCC Main Institution, T-Unit with a CRS of 67 points. A review of his Central File and Visiting Records indicates that he is currently in compliance with any/all prohibited/no contact concerns in the visiting room.

UNIT TEAM:

Date of Unit Team: 02/25/98

Members: J. Dyson, CUS; D. Bowerman, CC3; J.C. Miller, CC2 and Sgt. Kennedy.

**UNIT TEAM COMMENTS:** The Unit Team concurs with the recommendations indicated in counselor comments.

UNIT TEAM RECOMMENDATIONS:

- Custody:** Maintain MI3 custody with a CRS of 67 points.
- Placement & Reasons:** Retain at AHCC Main Institution, T-Unit.
- Program:** Continue position on the job assignment wait list.  
Refer to Victim Awareness.  
Refer to Stress/Anger Management.

**INMATE COMMENTS:** Inmate Gronquist concurs with the contents and recommendations of this report.

**UNIT TEAM CHAIRPERSON** James Dyson **DATE:** 3-16-98

DB:sls  
03/13/98

**REVIEW COMMITTEE** Del Hunter acting Edm **APPROVE**  **DISAPPROVE**

**DATE:** 3-24-98

**KAY WALTER, SUPERINTENDENT/DESIGNEE** Kay Walter **APPROVE**  **DISAPPROVE**

**DATE:** 3/26/98

NUMBER	NAME: LAST	FIRST	MIDDLE
943857	GRONQUIST	DEREK	E.

EXHIBIT 7

P//N 0 943857  
IISO005

RELEASE DATE CALCULATION

07/30/08 09.33.56

PAGE 001

DOC NO: 943857 NME: GRONQUIST, DEREK E. STA MAX: LIFE  
COMMITMENT: "AB" COMM.STATUS: EXPIRED

STATUS: ACTIVE

	"AB"		"AB"	"AB-AB"
TIME START DATE-----*	02/28/1995	TIME SERVED TO-DATE	2664	
+ MAX ( 9Y 6M 0D)	3469	MINIMUM EXPIR. DATE-----*	10/19/2002	
- CREDIT TIME SERVED	453	GCT CERT. & ADDR.	0	0
+ OUT-TIME + WICKERT	0	GCT CERT. ONLY	0	0
+ CCI OUT/PAR ABSC TIME	0	+ GCT DENIED & ADDR.	120	120
MAXIMUM EXPIRATION DATE--*	06/02/2003	+ GCT NOT CERTIFIED	0	0
		FUTURE/UNCERT.GCT	500	500
+ MIN ( 9Y 6M 0D)	3469	ET I & II	304.83	304.83
- CREDIT TIME SERVED(SRA)	453	+ ET NOT EARNED	5.17	5.17
- GOOD TIME (JAIL)	226	FUTURE ET	0.00	0.00
+ OUT-TIME + WICKERT	0 33%	EARNED RELEASE DATE-----*	08/05/2000	
MINIMUM EXPIRATION DATE--*	10/19/2002	ADJ. EARNED RELEASE-----*	08/05/2000	
		EARLY POSS. REL. DATE-----*	08/05/2000	
+ MAND ( 0Y 0M 0D)	0000000	ADJ. EARLY POSS. REL-----*	08/05/2000	
- CREDIT TIME SERVED	0	TIME REMAINING TO SERVE	0	6
+ OUT-TIME + WICKERT	0			
- EARNED RELEASE	0	SANCTION ADMIT DATE-----*		4. 301
MANDATORY EXPIR. DATE----*	00/00/0000	SANCTION RELEASE DATE-----*		

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P//N 0 943857

07/30/08 09.33.56

IISO005

RELEASE DATE CALCULATION

PAGE 002

DOC NO: 943857 NME: GRONQUIST, DEREK E. STA MAX.: LIFE STATUS: ACTIVE

COMMITMENT: "AC" COMM.STATUS: EXPIRED CONSECUTIVE TO "AB"

	"AC"		"AC"	"AB-AC"
TIME START DATE-----*	08/05/2000	TIME SERVED TO-DATE	2479	
+ MAX ( 9Y 6M 0D)	3469	MINIMUM EXPIR. DATE-----*	02/03/2010	
- CREDIT TIME SERVED	0	GCT CERT. & ADDR.	0	0
+ OUT-TIME + WICKERT	0	GCT CERT. ONLY	0	0
+ CCI OUT/PAR ABSC TIME	0	+ GCT DENIED & ADDR.	110	230
MAXIMUM EXPIRATION DATE---*	02/03/2010	+ GCT NOT CERTIFIED	0	0
		FUTURE/UNCERT.GCT	661	1161
+ MIN ( 9Y 6M 0D)	3469	ET I & II	329.05	633.88
- CREDIT TIME SERVED(SRA)	0	+ ET NOT EARNED	56.39	61.56
- GOOD TIME (JAIL)	0	FUTURE ET	0.00	0.00
+ OUT-TIME + WICKERT	0	33%		
MINIMUM EXPIRATION DATE---*	02/03/2010	EARNED RELEASE DATE-----*	03/30/2007	
		ADJ. EARNED RELEASE-----*	05/20/2007	
+ MAND ( 0Y 0M 0D)	0000000	EARLY POSS. REL. DATE-----*	03/30/2007	
- CREDIT TIME SERVED	0	ADJ. EARLY POSS. REL.-----*	05/20/2007	
+ OUT-TIME + WICKERT	0	TIME REMAINING TO SERVE	0	
- EARNED RELEASE	0			
MANDATORY EXPIR. DATE-----*	00/00/0000	SANCTION ADMIT DATE-----*		
		SANCTION RELEASE DATE-----*		

P//1 '0 943857

07/30/08 09.33.56

IISO005

RELEASE DATE CALCULATION

PAGE 003

DOC NO: 943857 NME: GRONQUIST, DEREK E. STA MAX: LIFE STATUS: ACTIVE

COMMITMENT: "AD" COMM.STATUS: ACTIVE CONSECUTIVE TO "AC" "AD" "AB-AD"

TIME START DATE-----*	05/20/2007	TIME SERVED TO-DATE	437
+ MAX ( 9Y 6M 0D)	3469	MINIMUM EXPIR. DATE-----*	11/17/2016
- CREDIT TIME SERVED	0	GCT CERT. & ADDR.	0 0
+ OUT-TIME + WICKERT	0	GCT CERT. ONLY	0 0
+ CCI OUT/PAR ABSC TIME	0	+ GCT DENIED & ADDR.	0 230
MAXIMUM EXPIRATION DATE--*	11/17/2016	+ GCT NOT CERTIFIED	0 0
		FUTURE/UNCERT.GCT	771 1932
+ MIN ( 9Y 6M 0D)	3469	ET I & II	52.86 686.74
- CREDIT TIME SERVED(SRA)	0	+ ET NOT EARNED	0.00 61.56
- GOOD TIME (JAIL)	0	FUTURE ET	332.58 332.58
+ OUT-TIME + WICKERT	0 33%	EARNED RELEASE DATE-----*	09/18/2013
MINIMUM EXPIRATION DATE--*	11/17/2016	ADJ. EARNED RELEASE-----*	09/18/2013
		EARLY POSS. REL. DATE-----*	09/18/2013
+ MAND ( 0Y 0M 0D)	0000000	ADJ. EARLY POSS. REL-----*	09/18/2013
- CREDIT TIME SERVED	0	TIME REMAINING TO SERVE	1876
+ OUT-TIME + WICKERT	0		
- EARNED RELEASE	0	SANCTION ADMIT DATE-----*	
MANDATORY EXPIR. DATE-----*	00/00/0000	SANCTION RELEASE DATE-----*	

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EXHIBIT 8

**State of Washington  
Department of Corrections**

**Custody Review  
Full Version**

Assigned Counselor: Hathaway, Michael S

Printed By: Scott, Lynn O  
Print Date: 11/02/2012

**Inmate: GRONQUIST, Derek Eugene (943857)**

Gender: Male	DOB: 10/12/1964	Age: 47	Category: Regular Inmate	Body Status: Active Inmate
RLC: LOW	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 3 - Long Term Minimum	Location: MCC-TRU - C / C4041
ERD: 05/31/2013	CC/CO: Hathaway, Michael S			

**Offender Information**

Time Start: 02/28/1995	Expiration Date <b>Mandatory:</b>  <b>Maximum:</b> 05/31/2022	Eligibility Date <b>Camp:</b> 05/31/2009 <b>Work Release:</b> 11/30/2012	Community <b>Custody Range:</b> 0 To 0 Months * <b>Custody Length:</b> 0 Months <b>Placement Length:</b> 0 Months	Mental Health <b>SMI:</b> No <b>ORCS:</b> N
Offender Release Plan: Notification	Ten Day Release: Eligible	Commitment Type: SRA	End Of Sentence Review Status: R	
Next Review Date: 11/30/2012				

**Purpose of Review**

Purpose Of Review	Date Initiated	
Regular Review	05/02/2012	
Other	05/02/2012	Restoration Of Good Conduct Time

**Detainers**

Type	Narrative

**Holds**

Hold	Staff Name	Hold Until

**Community Support**

County Of First Felony Conviction, WA: King

Residence Sponsor <b>Last, First Name:</b> Parker, Barbara <b>Phone No.:</b> (360) 556-5466	<b>Date Of Birth:</b> 06/01/1943 <b>Type:</b> Cell	<b>Age:</b> 68 <b>Relationship:</b> Mother	<b>Anticipated Release Address</b> 3080 E. Zion Blvd P.O. Box 744 Washington United States 86432
---	---	---	---

Individuals in Home				
Last, First Name:	Gender:	Date Of Birth:	Age:	Relationship:

**Program Needs**

Education				Grade Point Equivalency	
<b>GED/HSD:</b>	<b>Date Obtained:</b>	<b>Location:</b>	<b>Verified?</b>	<b>Math:</b>	<b>Reading:</b>
DIPLOMA	06/29/1989	WASHINGTON	Y	13+	13+

Dependency		Personality Assessment Inventory		
<b>Chemical Dependency:</b>	<b>Level Of Care:</b>	<b>Suicide:</b>	<b>Violence:</b>	<b>Victimization:</b>
Y	0			Y

Offender Needs (Needs Assessment Tool)

**Alcohol/Drug Use**  
 Sex Offender  
 Aggression  
 Friends  
 Community Employment  
 Alcohol/Drug Use  
 Residential

Offender's Willingness to Participate

**SOTP:** Yes      **Cognitive/Mental Health Programs:** Yes  
**Chemical Dependency Program:** Yes      **Family/Community Support:** Yes

**Narrative:**  
 Gronquist Participated In A Chemical Dependency Screening Which Indicated That He Is Chemically Dependent (CD). He Completed Chemical Dependency Treatment On 9/16/2011. Gronquist Submitted An Application For The SOTP And Is Expected To Start The Program Soon. Gronquist Remains Infraction Free Since 10/6/09. He's Not Eligible For LV/LSP Jobs, As A Result Of Infraction Behavior And Criminal History. Gronquist Has The Support Of His Family And Friends, He Receives Visitation And Corresponds With Them Through The Mail And Phone.

Education/Employment Needs

**Education/Employment Need**  
 Needs Full Time Prison Work Assignment  
 Has Work Skills Needed For Community Employment

**Narrative:**  
 Gronquist Is On Job Waiting Lists And Has A Verified H.S. Diploma From Walla Walla Community College. Gronquist Is Expected To Enroll In, Actively Participate In And Successfully Complete Any Programming/Work Assigned By His Counselor And/Or FRMT Prior To Release From DOC. Additional Programs May Be Approved Based On His Behavior Or Other Identified Needs.

Programs

**Custody Score**

Current Custody

Minimum 3 - Long Term Minimum

**Current Custody Score:** 10

Infraction Behavior

**Infraction Behavior Score:** 20

**DOC Infractions:**

Category	Violation Description	Date Occurred

Program Behavior				Program Behavior Score: 12
Month	Year	Points	Non-Award Reason	
December	2011	2		
January	2012	2		
February	2012	2		
March	2012	2		
April	2012	2		
May	2012	2		

Detainers			Detainer Score: 10
	Felony	ICE	
Current	No	No	
Potential	No	No	

Escape History				Escape History Score: 15
DOC	Escape Description	Month	Year	

Calculated Custody		Custody Score: 67
		Calculated Custody: Minimum

**Expectations**

**Condition**

- No Contact-Victim Family
- No Firearms/Deadly Weapon
- No Contact- Victim(S)
- Pay LFOs
- Maintain Employment
- Maintain Ed/Voc

**Expectation**

CDT INT OUT-PNT

CBT

COMPLETE OFFENDER CHANGE/TRANSITIONAL CLASSES WHEN OFFERED OR DIRECTED.

MAINTAIN FULL-TIME PROGRAMMING ASSIGNMENT, AS APPROVED BY COUNSELOR OR FRMT/MDT.

RECEIVE NO SERIOUS INFRACTIONS.

**Frequency Due Date Complete**

As Available 05/31/2013 Yes

As Available 05/31/2013 No

As Available 05/31/2013 No

As Required 05/31/2013 No

As Required 05/31/2013 No

As Required 05/31/2013 No

As Required 05/31/2013 No

On-Going 05/31/2013 No

**LFO (Legal Financial Obligations)**

Cause	Amount
	Total: \$0.00

**Targeted Custody**

Targeted Date	Targeted Custody	Targeted Placement	Inmate Preferred Location
---------------	------------------	--------------------	---------------------------

**Disciplines**

Discipline	Other Discipline	Staff
There is no data to display.		

**Comments/Recommendations**

Submit/Review Date	Name	Comments	Concur
05/02/2012	Hathaway, Michael S	(Offender) Gronquist is requesting Restoration of Good Conduct Time on two infractions, one from 6/22/1996 and the other from 12/13/2005, for a total loss of 100 days. Gronquist said that his main concern for the future is finding an appropriate release address. He said that he is going to need help from DOC in doing this. Gronquist completed the SOTP during a prior incarceration and is looking forward to getting into the program again to address his needs, but also to mentor the other offenders on realistically planning for being in the community, so they do not create new victims and/or return to prison like he did.  (Counselor) Gronquist seen for review, he has a custody review score of 67 points, with a security designation of MI3 SOP. Gronquist appears to be doing well at TRU and on the unit, and is not considered a management problem. Gronquist remains in compliance with last facility plan. Gronquist has no infractions this period. Gronquist is unemployed, but will be placed on appropriate job waiting list when CC receives approved Job Screening form back. Gronquist is eligible for 10 day early release, but is not eligible for 5990 due to criminal history and Risk Level. Gronquist's ONA and PREA have been reviewed and updated as necessary. Not targeting lower levels of custody because Gronquist has voluntarily requested to participate in the SOTP. Recommendations: MI3 SOP, retain at TRU, and Certify Earned Time.	
05/10/2012	Stickney, Allen B	(FRMT) The FRMT met with Offender Gronquist for his review and participating were CUS Stickney, CC2 Hathaway, and Officer Nansal. Offender Gronquist is on appropriate program waiting lists to include the SOTP and he is considered a high priority. His behavior on this Unit has been good and we note that he hasnt had a major infraction since 10-2009. He is requesting restoration of good Conduct time (100 days) for a 1996 WAC 553, 702, 710, and a 2005 WAC 704. After consideration, the FRMT has agreed to recommend restoration of 30 days for the 1996 infraction and 10 days for the 2005 infraction. Request will be forwarded through to the Superintendent. FRMT concurs with maintain at MCC/TRU on Minimum Custody, MI3 (SOP) for program participation.	Yes
05/17/2012	Hardina, Bryan R	Concur with FRMT Recommendation Retain MI3(SOP) Remain @ MCC/TRU for pending participation in SOTP. Recommend 30 day restoration of GCT for 1996 infraction and zero(0) days restoration for the 2005 infraction. GCT packet forwarded to Associate Kucza's office.	Yes
05/25/2012	Kucza, Mark A	Restored 40 days lost GCT for 1996 and zero for 2005 (staff assault) infractions. Retain MI3 and TRU for treatment.	Yes

**Assigned Custody**

**Calculated Custody:**  
Minimum

**Assigned Custody:**  
Minimum 3 - Long Term Minimum

**Classification Status:**  
In-Effect

**Override Reason:**  
Special Offender Program

**Completion Date:**  
05/25/2012

**Override Narrative:**  
Treatment

**Custody Assigned By:**  
Mark Kucza, Associate Superintendent

**DOC:** 943857

**Name:** GRONQUIST, Derek Eugene

---

DOC: 943857  
 NAME: GRONQUIST  
 CSE/COUNT KING 93-1-00121-1 CNT: 1

**Step 1: Enter Sentence from J&S**

a	Enter Years	<u>0</u>	
b	Enter Months	<u>114</u>	
c	Enter Days	<u>0</u>	
= Sentence in Days		<u>3469</u>	days

**STEP 1 For Enhancement:**

a	Enter Time Start Date	<u>1/0/1900</u>	
b	Enter Enhancement Length (in days)	<u>0</u>	ERT%
c	(-) Cause Credits	<u>0</u>	0.00
d	(-) Good Time on Credits (if ERT%>0)	<u>0</u>	
e	Net Days	<u>0</u>	
f	Earned Release Credit Total	<u>0</u>	
j	(-) Potential Earned Time	<u>0</u>	
k	(+) Earned Time Not Earned	<u>0</u>	
g	(-) Potential Good Time	<u>0</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Enhancement Expiration Date	<u>1/0/1900</u>	
i	Days Remaining to serve to Enhancement Expiration	<u>-41473</u>	

**STEP 2 For Mandatory:**

a	Enter Time Start Date	<u>1/0/1900</u>	
b	Enter Mandatory Length (in days)	<u>0</u>	ERT%
c	(-) Cause Credits	<u>0</u>	0.00
d	(-) Good Time on Credits (if ERT%>0)	<u>0</u>	
e	Net Days	<u>0</u>	
f	Earned Release Credit Total	<u>0</u>	
j	(-) Potential Earned Time	<u>0</u>	
k	(+) Earned Time Not Earned	<u>0</u>	
g	(-) Potential Good Time	<u>0</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Mandatory Expiration Date	<u>1/0/1900</u>	
i	Days Remaining to serve to Mandatory Expiration	<u>-41473</u>	

**STEP 3 For Base:**

a	Enter Time Start Date	<u>2/28/1995</u>	
b	Enter Base Length (in days)	<u>3469</u>	ERT%
c	(-) Cause Credits	<u>453</u>	33.3%
d	(-) Good Time on Credits (if ERT% > 0)	<u>226</u>	
e	Net Days	<u>2790</u>	
f	Earned Release Credit Total	<u>930</u>	
j	(-) Potential Earned Time	<u>310</u>	
k	(+) Earned Time Not Earned	<u>0</u>	
g	(-) Potential Good Time	<u>620</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Base Expiration Date	<u>4/2/2000</u>	
i	Days Remaining to serve to Base Expiration	<u>-4855</u>	

DATE 7/18/2013

SIGNATURE

*- orig ERD*

*cnt # 1*

DOC: 943857  
 NAME: GRONQUIST  
 CSE/COUNT KING 93-1-00121-1 CNT 1

Step 1: Enter Sentence from J&S

a	Enter Years	0	
b	Enter Months	114	
c	Enter Days	0	
= Sentence in Days		3469	days

STEP 1 For Enhancement:

a	Enter Time Start Date	1/0/1900	
b	Enter Enhancement Length (in days)	0	ERT%
c	(-) Cause Credits	0	0.00
d	(-) Good Time on Credits (if ERT%>0)	0	
e	Net Days	0	
f	Earned Release Credit Total	0	
j	(-) Potential Earned Time	0	
k	(+) Earned Time Not Earned		
g	(-) Potential Good Time	0	
h	(+) Lost Good Time		
g	(+) Out Time Total	0	
h	Enhancement Expiration Date	1/0/1900	
i	Days Remaining to serve to Enhancement Expiration	-41473	

STEP 2 For Mandatory:

a	Enter Time Start Date	1/0/1900	
b	Enter Mandatory Length (in days)	0	ERT%
c	(-) Cause Credits	0	0.00
d	(-) Good Time on Credits (if ERT%>0)		
e	Net Days	0	
f	Earned Release Credit Total	0	
j	(-) Potential Earned Time	0	
k	(+) Earned Time Not Earned	0	
g	(-) Potential Good Time	0	
h	(+) Lost Good Time	0	
g	(+) Out Time Total	0	
h	Mandatory Expiration Date	1/0/1900	
i	Days Remaining to serve to Mandatory Expiration	-41473	

STEP 3 For Base:

a	Enter Time Start Date	2/28/1995	
b	Enter Base Length (in days)	3469	ERT%
c	(-) Cause Credits	453	33.3%
d	(-) Good Time on Credits (if ERT% > 0)	226	
e	Net Days	2790	
f	Earned Release Credit Total	930	
j	(-) Potential Earned Time	310	
k	(+) Earned Time Not Earned	5	
g	(-) Potential Good Time	620	
h	(+) Lost Good Time	10	
g	(+) Out Time Total	0	
h	Base Expiration Date	4/17/2000	
i	Days Remaining to serve to Base Expiration	-4840	
DATE	7/18/2013		

SIGNATURE

*EXP WITH LOSS  
 GT + ET*

DOC: 943857  
 NAME: GRONQUIST  
 CSE/COUNT KING 93-1-00121-1 CNT 2

Step 1: Enter Sentence from J&S

a	Enter Years	0	
b	Enter Months	114	
c	Enter Days	0	
	= Sentence in Days	3469	days

STEP 1 For Enhancement:

a	Enter Time Start Date	1/0/1900	
b	Enter Enhancement Length (in days)	0	ERT%
c	(-) Cause Credits	0	0.00
d	(-) Good Time on Credits (if ERT%>0)	0	
e	Net Days	0	
f	Earned Release Credit Total	0	
j	(-) Potential Earned Time	0	
k	(+) Earned Time Not Earned		
g	(-) Potential Good Time	0	
h	(+) Lost Good Time		
g	(+) Out Time Total	0	
h	Enhancement Expiration Date	1/0/1900	
i	Days Remaining to serve to Enhancement Expiration	-41473	

STEP 2 For Mandatory:

a	Enter Time Start Date	1/0/1900	
b	Enter Mandatory Length (in days)	0	ERT%
c	(-) Cause Credits	0	0.00
d	(-) Good Time on Credits (if ERT%>0)		
e	Net Days	0	
f	Earned Release Credit Total	0	
j	(-) Potential Earned Time	0	
k	(+) Earned Time Not Earned	0	
g	(-) Potential Good Time	0	
h	(+) Lost Good Time	0	
g	(+) Out Time Total	0	
h	Mandatory Expiration Date	1/0/1900	
i	Days Remaining to serve to Mandatory Expiration	-41473	

STEP 3 For Base:

a	Enter Time Start Date	4/17/2000	
b	Enter Base Length (in days)	3469	ERT%
c	(-) Cause Credits	0	33.3%
d	(-) Good Time on Credits (if ERT% > 0)	0	
e	Net Days	3469	
f	Earned Release Credit Total	1156	
j	(-) Potential Earned Time	385	
k	(+) Earned Time Not Earned	38	X
g	(-) Potential Good Time	771	
h	(+) Lost Good Time	70	X
g	(+) Out Time Total	0	
h	Base Expiration Date	12/2/2006	
i	Days Remaining to serve to Base Expiration	-2420	
DATE	7/18/2013		

SIGNATURE

*cnt 2 with loss  
 got + ET ✓*

DOC: 943857  
 NAME: GRONQUIST  
 CSE/COUNT KING 93-1-00121-1 CNT 2

Step 1: Enter Sentence from J&S

a Enter Years	0	
b Enter Months	114	
c Enter Days	0	
	3469	days

STEP 1 For Enhancement:

a Enter Time Start Date	1/0/1900	
b Enter Enhancement Length (in days)	0	ERT%
c (-) Cause Credits	0	0.00
d (-) Good Time on Credits (if ERT%>0)	0	
e Net Days	0	
f Earned Release Credit Total	0	
j (-) Potential Earned Time	0	
k (+) Earned Time Not Earned	0	
g (-) Potential Good Time	0	
h (+) Lost Good Time	0	
g (+) Out Time Total	0	
h Enhancement Expiration Date	1/0/1900	
i Days Remaining to serve to Enhancement Expiration	-41473	

STEP 2 For Mandatory:

a Enter Time Start Date	1/0/1900	
b Enter Mandatory Length (in days)	0	ERT%
c (-) Cause Credits	0	0.00
d (-) Good Time on Credits (if ERT%>0)	0	
e Net Days	0	
f Earned Release Credit Total	0	
j (-) Potential Earned Time	0	
k (+) Earned Time Not Earned	0	
g (-) Potential Good Time	0	
h (+) Lost Good Time	0	
g (+) Out Time Total	0	
h Mandatory Expiration Date	1/0/1900	
i Days Remaining to serve to Mandatory Expiration	-41473	

STEP 3 For Base:

a Enter Time Start Date	4/17/2000	
b Enter Base Length (in days)	3469	ERT%
c (-) Cause Credits	0	33.3%
d (-) Good Time on Credits (if ERT% > 0)	0	
e Net Days	3469	
f Earned Release Credit Total	1156	
j (-) Potential Earned Time	385	
k (+) Earned Time Not Earned	0	
g (-) Potential Good Time	771	
h (+) Lost Good Time	0	
g (+) Out Time Total	0	
h Base Expiration Date	8/16/2006	
i Days Remaining to serve to Base Expiration	-2528	
DATE	7/18/2013	

*Drig ERD*  
*CNT 2*

SIGNATURE

DOC: 943857  
 NAME: GRONQUIST  
 CSE/COUNT KING 93-1-00121-1 CNT 3

Step 1: **Enter Sentence from J&S**

a	Enter Years	<u>0</u>	
b	Enter Months	<u>114</u>	
c	Enter Days	<u>0</u>	
	= Sentence in Days	<u>3469</u>	days

STEP 1 **For Enhancement:**

a	Enter Time Start Date	<u>1/0/1900</u>	
b	Enter Enhancement Length (in days)	<u>0</u>	ERT%
c	(-) Cause Credits	<u>0</u>	0.00
d	(-) Good Time on Credits (if ERT%>0)	<u>0</u>	
e	Net Days	<u>0</u>	
f	Earned Release Credit Total	<u>0</u>	
j	(-) Potential Earned Time	<u>0</u>	
k	(+) Earned Time Not Earned	<u>0</u>	
g	(-) Potential Good Time	<u>0</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Enhancement Expiration Date	<u>1/0/1900</u>	
i	Days Remaining to serve to Enhancement Expiration	<u>-41473</u>	

STEP 2 **For Mandatory:**

a	Enter Time Start Date	<u>1/0/1900</u>	
b	Enter Mandatory Length (in days)	<u>0</u>	ERT%
c	(-) Cause Credits	<u>0</u>	0.00
d	(-) Good Time on Credits (if ERT%>0)	<u>0</u>	
e	Net Days	<u>0</u>	
f	Earned Release Credit Total	<u>0</u>	
j	(-) Potential Earned Time	<u>0</u>	
k	(+) Earned Time Not Earned	<u>0</u>	
g	(-) Potential Good Time	<u>0</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Mandatory Expiration Date	<u>1/0/1900</u>	
i	Days Remaining to serve to Mandatory Expiration	<u>-41473</u>	

STEP 3 **For Base:**

a	Enter Time Start Date	<u>12/2/2006</u>	
b	Enter Base Length (in days)	<u>3469</u>	ERT%
c	(-) Cause Credits	<u>0</u>	33.3%
d	(-) Good Time on Credits (if ERT% > 0)	<u>0</u>	
e	Net Days	<u>3469</u>	
f	Earned Release Credit Total	<u>1156</u>	
j	(-) Potential Earned Time	<u>385</u>	
k	(+) Earned Time Not Earned	<u>0</u>	
g	(-) Potential Good Time	<u>771</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Base Expiration Date	<u>4/1/2013</u>	
i	Days Remaining to serve to Base Expiration	<u>-108</u>	

DATE 7/18/2013

*Original ERD*

SIGNATURE

*Cnt 3*

DOC: 943857  
 NAME: GRONQUIST  
 CSE/COUNT KING 93-1-00121-1 CNT 3

Step 1: Enter Sentence from J&S

a	Enter Years	<u>0</u>	
b	Enter Months	<u>114</u>	
c	Enter Days	<u>0</u>	
	= Sentence in Days	<u>3469</u>	days

STEP 1 For Enhancement:

a	Enter Time Start Date	<u>1/0/1900</u>	
b	Enter Enhancement Length (in days)	<u>0</u>	ERT%
c	(-) Cause Credits	<u>0</u>	0.00
d	(-) Good Time on Credits (if ERT%>0)	<u>0</u>	
e	Net Days	<u>0</u>	
f	Earned Release Credit Total	<u>0</u>	
j	(-) Potential Earned Time	<u>0</u>	
k	(+) Earned Time Not Earned	<u>0</u>	
g	(-) Potential Good Time	<u>0</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Enhancement Expiration Date	<u>1/0/1900</u>	
i	Days Remaining to serve to Enhancement Expiration	<u>-41473</u>	

STEP 2 For Mandatory:

a	Enter Time Start Date	<u>1/0/1900</u>	
b	Enter Mandatory Length (in days)	<u>0</u>	ERT%
c	(-) Cause Credits	<u>0</u>	0.00
d	(-) Good Time on Credits (if ERT%>0)	<u>0</u>	
e	Net Days	<u>0</u>	
f	Earned Release Credit Total	<u>0</u>	
j	(-) Potential Earned Time	<u>0</u>	
k	(+) Earned Time Not Earned	<u>0</u>	
g	(-) Potential Good Time	<u>0</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Mandatory Expiration Date	<u>1/0/1900</u>	
i	Days Remaining to serve to Mandatory Expiration	<u>-41473</u>	

STEP 3 For Base:

a	Enter Time Start Date	<u>12/2/2006</u>	
b	Enter Base Length (in days)	<u>3469</u>	ERT%
c	(-) Cause Credits	<u>0</u>	33.3%
d	(-) Good Time on Credits (if ERT% > 0)	<u>0</u>	
e	Net Days	<u>3469</u>	
f	Earned Release Credit Total	<u>1156</u>	
j	(-) Potential Earned Time	<u>385</u>	
k	(+) Earned Time Not Earned	<u>20</u>	
g	(-) Potential Good Time	<u>771</u>	
h	(+) Lost Good Time	<u>0</u>	
g	(+) Out Time Total	<u>0</u>	
h	Base Expiration Date	<u>4/21/2013</u>	
i	Days Remaining to serve to Base Expiration	<u>-88</u>	

DATE 7/18/2013

SIGNATURE

*Cnt 3*

*ERD with  
LOSS %  
ERT*

EXHIBIT 10

**Inmate: GRONQUIST, Derek Eugene (943857)**

Gender: Male	DOB: [REDACTED]	Age: 48	Category: Regular Inmate	Body Status: Active Inmate
RLC: LOW	Wrap-Around: No	Comm. Concern: Yes	Custody Level: Minimum 3 - Long Term Minimum	Location: MCC-TRU -- C / C6061
ERD: 04/21/2013	CC/CCO: Heineman, Aaron J			

**Offender Information (Combined)**

Prison Max Expiration Date:	05/31/2022	Last Static Risk Assessment Date:	06/02/2010	DOSA:
Planned Release Date:		Last Offender Need Assessment Date:	12/10/2012	ISRB? No
Earned Release Date:	04/21/2013	RLC Override Reason:		CCB? No
ESR Sex Offender Level:	Level 3			SOSSA? No
ESR Sex Offender Level Date:	12/05/2012	Offender Release Plan:		Notification WEP? No
County Sex Offender Level:		Victim Witness Eligible?		Yes
Registration Required?	Yes	County Of First Felony Conviction:		King
ORCS?	No	P U L H E S D X T 2 1 1 1 1 2 1 2 1		
DD?	No			
SMIO?	N			

**Sentence Structure (Field)**

**Cause: AA - 881014066 - King**

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:
Derek Gronquist	09/15/1988	Closed	Unknown
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:
MON	01/17/1992		

**Count: 1 - RCW 9A.40.02A - Kidnapping 1**

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
01/17/1992	0Y, 0M, 0D	0		Life
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N			

**Count: 2 - RCW 9A.44.10B - Indecent Liberties (without Forcible Compulsion)**

Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
01/17/1992	0Y, 0M, 0D	0		03/16/1998
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
No	N			

**Cause: AB - 931001211 - King**

APPENDIX **3**

Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:	
Derek Gronquist	02/17/1995	Active	Assault	
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:	
CP	04/21/2013	04/21/2015		
<b>Count: 1 - RCW 9A.40.02B - Kidnapping 1</b>				
Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
04/21/2013	0Y, 24M, 0D	730	04/21/2015	12/05/2016
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N	Attempt		
<b>Cause: AC - 931001211 - King</b>				
Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:	
Derek Gronquist	02/17/1995	Active	Assault	
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:	
CP	04/21/2013	04/21/2015		
<b>Count: 1 - RCW 9A.40.020 - Kidnapping 1</b>				
Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
04/21/2013	0Y, 24M, 0D	730	04/21/2015	09/04/2016
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N	Attempt		
<b>Cause: AD - 931001211 - King</b>				
Convicted Name:	Date Of Sentence:	Cause Status:	Offense Category:	
Derek Gronquist	02/17/1995	Active	Assault	
Distinct Supervision Type:	Start Date:	Scheduled End Date:	Consecutive Supervision:	
CP	04/21/2013	04/21/2015		
<b>Count: 1 - RCW 9A.40.020 - Kidnapping 1</b>				
Count Start Date:	Supervision Length:	Length In Days:	Count End Date:	Stat Max:
04/21/2013	0Y, 24M, 0D	730	04/21/2015	12/01/2016
Violent Offense?	DW / FA Enhancement?	Anticipatory:		
Yes	N	Attempt		

<b>Sentence Structure (Inmate)</b>			
<b>Cause: AA - 881014066 - King</b>			
State:	Convicted Name:	Date Of Sentence:	Consecutive Cause:
Washington	Derek Gronquist	09/15/1988	
Time Start Date:	Confinement Length:	Earned Release Date:	
09/15/1988	5Y, 8M, 0D	04/24/1992	
<b>Count: 1 - RCW 9A.40.02A - Kidnapping 1</b>			

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: ERT %: ERD: MaxEx: Stat Max: Violent Offense?  
 5Y, 8M, 0D 33.33% 04/24/1992 11/14/1993 Life Yes

Supervision Type: MON  
 Supervision Length: 0Y, 0M, 0D  
 Consecutive Count:  
 Hold To Stat Max Expiration:

**Count: 2 - RCW 9A.44.10B - Indecent Liberties (without Forcible Compulsion)**

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: ERT %: ERD: MaxEx: Stat Max: Violent Offense?  
 1Y, 2M, 0D 33.33% 02/23/1989 05/16/1989 03/16/1998 No

Supervision Type: MON  
 Supervision Length: 0Y, 0M, 0D  
 Consecutive Count:  
 Hold To Stat Max Expiration:

**Cause: AB - 931001211 - King**

State: Washington  
 Convicted Name: Derek Gronquist  
 Date Of Sentence: 02/17/1995  
 Consecutive Cause:  
 Time Start Date: 02/28/1995  
 Confinement Length: 0Y, 114M, 0D  
 Earned Release Date: 04/17/2000

**Count: 1 - RCW 9A.40.02B - Kidnapping 1**

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: ERT %: ERD: MaxEx: Stat Max: Violent Offense?  
 Attempt 0Y, 114M, 0D 33.33% 04/17/2000 06/05/2016 12/05/2016 Yes

Supervision Type: CP  
 Supervision Length: 0Y, 24M, 0D  
 Consecutive Count:  
 Hold To Stat Max Expiration:

**Cause: AC - 931001211 - King**

State: Washington  
 Convicted Name: Derek Gronquist  
 Date Of Sentence: 02/17/1995  
 Consecutive Cause: AB - 931001211 -  
 Time Start Date: 04/17/2000  
 Confinement Length: 0Y, 114M, 0D  
 Earned Release Date: 12/02/2006

**Count: 1 - RCW 9A.40.020 - Kidnapping 1**

Anticipatory: Modifier: Enhancement: Mandatory: Confinement Length: ERT %: ERD: MaxEx: Stat Max: Violent Offense?  
 Attempt 0Y, 114M, 0D 33.33% 12/02/2006 04/20/2019 09/04/2016 Yes

Supervision Type: CP  
 Supervision Length: 0Y, 24M, 0D  
 Consecutive Count:  
 Hold To Stat Max Expiration:

**Cause: AD - 931001211 - King**

State: Washington  
 Convicted Name: Derek Gronquist  
 Date Of Sentence: 02/17/1995  
 Consecutive Cause: AC - 931001211 -

Time Start Date:	Confinement Length:	Earned Release Date:							
12/02/2006	0Y, 114M, 0D	04/21/2013							
<b>Count: 1 - RCW 9A.40.020 - Kidnapping 1</b>									
Anticipatory:	Modifier:	Enhancement:	Mandatory:	Confinement Length:	ERT %:	ERD:	MaxEx:	Stat Max:	Violent Offense?
Attempt				0Y, 114M, 0D	33.33%	04/21/2013	05/31/2022	12/01/2016	Yes
Supervision Type:	Supervision Length:	Consecutive Count:	Hold To Stat Max Expiration:						
CP	0Y, 24M, 0D								

EXHIBIT 11

Derek E. Gronquist  
#943857 H-A-25  
Coyote Ridge Corrections Center  
P.O. Box 769  
Connell, WA 99326

September 19, 2013

Susan Bowman  
Correctional Records Specialist  
Coyote Ridge Corrections Center  
P.O. Box 769  
Connell, WA 99326

Re: Miscalculation of Maximum Expiration Date

Dear Ms. Bowman,

The Department of Corrections OMNI Legal Face Sheet lists my confinement Maximum Expiration Date as May 31, 2022. This entry is erroneous. My Maximum Expiration Date is June 2, 2016. I am requesting you to correct this error.

It appears the error was caused by records staff acting upon the belief that I am serving a single 28½ year sentence. I am not. I was sentenced to three consecutive 9½ year terms of confinement. According to a calculation made by your office on July 18, 2013, my first consecutive sentence began on February 28, 1995, and expired on April 17, 2000. My second consecutive sentence began on April 17, 2000, and expired on December 2, 2006. My third consecutive sentence began on December 2, 2006, and had an Earned Release Date of April 21, 2013. Because the sentence imposed on that third count is 9½ years, my Maximum Expiration Date (the last day DOC my hold me in confinement) is June 2, 2016 -- 9½ years after that sentence began on December 2, 2006. That is how Maximum Expiration Date's are required to be calculated for consecutive sentences pursuant to Washington law. See Personal Restraint of Paschke, 61 Wn.App. 591, 811 P.2d 694

(1991).

Please notify me as soon as this error is corrected.  
Your prompt attention to this matter is appreciated. Thank  
you.

Sincerely,

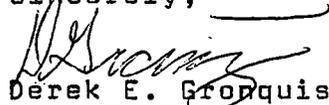
  
Derek E. Gropquist

EXHIBIT 12



LOG I.D. NUMBER  
13547938

OFFENDER COMPLAINT

CHECK ONE:  Initial Grievance  Emergency Grievance  Appeal to Next Level  Rewrite

RESIDENTIAL FACILITIES: Send completed form to the Grievance Coordinator. Explain what happened, when, where, and who was involved or which policy/procedure is being grieved. Be as brief as possible, but include the necessary facts. You may use only one complaint form. A formal grievance begins on the date the typed grievance forms are signed by the Coordinator. Contact staff to report an emergency situation or to initiate an emergency grievance. Please attempt to resolve all complaints through appropriate staff before initiating a grievance.

NOTE: Complaints must be filed within 20 working days of the incident. Appeals must be filed within 5 working days of receiving the response. Include log ID # on rewrite or response being appealed.

Last Name <b>Gronquist</b>	First <b>Derek</b>	Middle <b>E</b>	DOC Number <b>943857</b>	Facility/Office <b>CRCC</b>	Unit/Cell <b>H-A-25</b>
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COMMUNITY SUPERVISION: Send completed copies of this form directly to Grievance Program Manager, Offender Grievance Program, Department of Corrections, P.O. Box 41129, Olympia, WA 98504-1129.

MAILING ADDRESS: STREET OR P.O. BOX	CITY, STATE	ZIP CODE	TELEPHONE
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WANT TO GRIEVE: The miscalculation of my maximum Expiration Date. The Department of Corrections has calculated my maximum Expiration Date as May 31, 2022. This is incorrect. My maximum Expiration Date is June 2, 2016. I was sentenced to three consecutive 9 1/2 year sentences. My first sentence began on February 28, 1995, and expired on April 17, 2000; my second sentence began on April 17, 2000 and expired on December 2, 2006 and my third sentence began on December 2, 2006, and had an Earned Release Date of April 21, 2013. Because the sentence imposed on the third sentence is 9 1/2 years, my maximum Expiration Date is June 2, 2016 -- 9 1/2 years after the sentence began on December 2, 2006. I have requested CRCC records staff to correct this error, but they have not even responded to my letter.

SUGGESTED REMEDY: Correctly Calculate my maximum Expiration Date as June 2, 2016; Correct all records that contain a reference to the incorrect maximum Expiration Date.

Mandatory [Signature] Date 10/17/13

GRIEVANCE COORDINATOR'S RESPONSE Your complaint is being returned because: <input checked="" type="checkbox"/> It is not a grievable issue. <input type="checkbox"/> You requested to withdraw the complaint. <input type="checkbox"/> You failed to respond to callout (sheet) on _____ <input type="checkbox"/> Administratively Withdrawn _____ <input type="checkbox"/> The formal grievance/appeal paperwork is being prepared.	Facility/Office <b>R-01</b>	Date Received <b>10/21/13</b>
	<input type="checkbox"/> The complaint was resolved informally. <input type="checkbox"/> Additional information and/or rewriting needed. (See below.) Return within 5 working days or by: _____ <input type="checkbox"/> No rewrite received _____ <input type="checkbox"/> Sent to _____ (facility) on _____ (date).	

EXPLANATION: Your sentencing calculations are a matter for the Classification Dept. Contact your CPM with these issues.

Coordinator's Name (print) <b>McLowe</b>	Coordinator's Signature <u>[Signature]</u>	Date <b>10/21/13</b>
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LOG I.D. NUMBER  
13547938

OFFENDER COMPLAINT

CHECK ONE:  Initial Grievance  Emergency Grievance  Appeal to Next Level  Rewrite

**RESIDENTIAL FACILITIES:** Send completed form to the Grievance Coordinator. Explain what happened, when, where, and who was involved or which policy/procedure is being grieved. Be as brief as possible, but include the necessary facts. You may use only one complaint form. A formal grievance begins on the date the typed grievance forms are signed by the Coordinator. Contact staff to report an emergency situation or to initiate an emergency grievance. Please attempt to resolve all complaints through appropriate staff before initiating a grievance.

**NOTE:** Complaints must be filed within 20 working days of the incident. Appeals must be filed within 5 working days of receiving the response. Include log ID # on rewrite or response being appealed.

Last Name <b>Gronquist</b>	First <b>Derek</b>	Middle <b>E</b>	DOC Number <b>943857</b>	Facility/Office <b>CRCC</b>	Unit/Cell <b>H-A-25</b>
COMMUNITY SUPERVISION: Send completed copies of this form directly to Grievance Program Manager, Offender Grievance Program, Department of Corrections, P.O. Box 41129, Olympia, WA 98504-1129.					
MAILING ADDRESS: STREET OR P.O. BOX		CITY, STATE		ZIP CODE	TELEPHONE

**I WANT TO GRIEVE:** I am appealing the assertion that the subject matter of my grievance is "not a grievable issue." DOC's miscalculation of my maximum expiration date is clearly a grievable issue. My classification counselor, mauro Partida (a subordinate of CRCC's CPM) instructed me to ask the records department to fix the error, because the calculation looked incorrect to him also. I spoke with records manager Susan Pawman, who asked me to write a letter to the CRCC records Department on the subject, which I did. That letter was ignored. Now, this grievance is being obstructed.

**SUGGESTED REMEDY:** Correctly calculate my maximum expiration date as June 2, 2016. Correct all records that contain a reference to the incorrect calculation. Properly train & supervise CRCC's Grievance coordinator to resolve issues.

Mandatory Signature: *[Signature]* Date: 10/23/13

<b>GRIEVANCE COORDINATOR'S RESPONSE</b> rather than obstruct them Your complaint is being returned because: <input checked="" type="checkbox"/> It is not a grievable issue. <input type="checkbox"/> You requested to withdraw the complaint. <input type="checkbox"/> You failed to respond to callout (sheet) on _____ <input type="checkbox"/> Administratively Withdrawn _____ <input type="checkbox"/> The formal grievance/appeal paperwork is being prepared.	Facility/Office <b>R-01</b>	Date Received <b>10/23/13</b>
	<input type="checkbox"/> The complaint was resolved informally. <input type="checkbox"/> Additional information and/or rewriting needed. (See below.) Return within 5 working days or by: _____ <input type="checkbox"/> No rewrite received _____ <input checked="" type="checkbox"/> Sent to <b>HQ</b> (facility) on <b>10-23-13</b> (date).	

**EXPLANATION:**  
**TO GPM**

Coordinator's Name (print) <b>McCluskey</b>	Coordinator's Signature <i>[Signature]</i>	Date <b>10/23/13</b>
--	---	-------------------------

HA 25-2U

13547938

October 24, 2013

Derek Gronquist, DOC# 943857:

I am responding to your appeal dated October 23, 2013.

The local grievance coordinator determined that your complaint was not grievable. I concur with the determination.

According to the OGP page 11, classification issues, including release dates, are not grievable. There is an established appeal process through the Superintendent/designee at your facility. You can request a review of your records through the records department to determine the accuracy of your release date. It cannot be addressed through the grievance process.

Sincerely,



Clara Curl  
Grievance Program Manager

CC: CRCC Grievance Coordinator  
Grievance Log ID 13547938

EXHIBIT 13

**Perkins, Calla F. (DOC)**

---

**From:** Gonzales, Lisa R. (DOC)  
**Sent:** Tuesday, October 15, 2013 11:09 AM  
**To:** Perkins, Calla F. (DOC)  
**Subject:** FW: Stoppage Question - #943857 Gronquist, Derek

---

**From:** Stigall, Wendy S. (DOC)  
**Sent:** Friday, October 04, 2013 8:37 AM  
**To:** Perkins, Calla F. (DOC)  
**Cc:** Gonzales, Lisa R. (DOC)  
**Subject:** RE: Stoppage Question - #943857 Gronquist, Derek

Sorry I didn't get back right away. I am working on some special projects right now so I am not as quick on my emails (unless they are super easy questions). We are currently working on updating the stat max programming so that it calculates the same way that the prison max does when there are consecutive sentences. His prison max ex is correct.

Any time they spend on the consecutive sentence stops the original sentence. So basically he served on AB, the max ex is calculated by taking the sentence length 114 months and subtracting the jail time of 453 days. When he transfers to AC, his time stops on AB because it is consecutive, when he transfers to AD the time on AB is still stopped and the max ex on AC is also stopped at that point. Basically the time is tolling although we don't use tolling as a prison term, just field. We are saying they can't be serving on two consecutive sentences at one time. So if you expand the max ex calculations on the View J & S Prison page you will see that AB is extended by 4752 days (4/17/2000 to 04/21/2013). AC is only extended by the amount of time he was serving on AD, 2332 days (1/02/06 to 04/21/13).

Once we get the stat max programming updated this will be a little easier to show.

---

**From:** Perkins, Calla F. (DOC)  
**Sent:** Tuesday, October 01, 2013 2:33 PM  
**To:** Stigall, Wendy S. (DOC)  
**Cc:** Gonzales, Lisa R. (DOC)  
**Subject:** Stoppage Question - #943857 Gronquist, Derek

*Wendy,*

*Derek Gronquist #943857 - His Max Ex is greater than his Stat Max. He has 3 consecutive sentences, each with community supervision. Can we hold Mr. Gronquist to his Max Ex? I can't prove the time in OMNI is correct.*

Please advise. Mr. Gronquist has written a letter stating that his Max Ex is incorrect.

Thank You,

Have a good day,

Calla Perkins, Correctional Records Technician  
CRCC  
509-544-3673

**Perkins, Calla F. (DOC)**

---

**From:** Gonzales, Lisa R. (DOC)  
**Sent:** Tuesday, November 05, 2013 3:33 PM  
**To:** Perkins, Calla F. (DOC)  
**Subject:** RE: Gronquist #943857 Stoppage Time.

I only changed the 2<sup>nd</sup> paragraph and took out the 24 months of supervision and changed it to the 114 month consecutive sentence. I don't know if this is going to answer his question but we'll see. At least it has the Akrey decision in it and he can look that up in the Library. Other than that, I think it looks good, so go ahead and send it.

STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS  
Office of Correctional Operations  
Coyote Ridge Corrections Center  
PO Box 769 Connell, Washington 99326-0769  
(509) 543-5800 FAX (509) 544-3553

DATE: November 5, 2013

TO: Derek Gronquist  
DOC/943857  
HA252U

SUBJECT: Letter to Susan Bowman Dated 09/19/2013 - Maximum Expiration Date

Derek Gronquist:

CRS Susan Bowman is out of the office so I am replying to your letter in her place.

On March 2, 2012 OMNI did an update to all sentences to apply the decision of the court case of State v. Acrey. This case allows DOC to "toll" or "stop" the time on a shorter cause with supervision ordered to allow the offender to complete their supervision and not to extend past the stat max date.

As this applies to your consecutive sentences (AB, AC & AD) you were sentenced to 114 months on each of the three causes. When you complete one sentence, that sentence is stopped (stoppage) and you begin serving the next sentence.

These "tolled" terms do not constitute an extension of your sentence. Per the Acrey decision, the time you spend serving on different causes can be "tolled" so that you will be able to release from prison to serve your court ordered community supervision.

Calla Perkins  
Correctional Records Technician  
Coyote Ridge Corrections Center  
PO Box 769  
Connell, WA 99326

---

**From:** Perkins, Calla F. (DOC)  
**Sent:** Tuesday, November 05, 2013 1:21 PM  
**To:** Gonzales, Lisa R. (DOC)  
**Subject:** RE: Gronquist #943857 Stoppage Time.

He was saying his ERD is longer than his max

---

**From:** Gonzales, Lisa R. (DOC)  
**Sent:** Tuesday, November 05, 2013 1:18 PM  
**To:** Perkins, Calla F. (DOC)  
**Subject:** RE: Gronquist #943857 Stoppage Time.

I forgot. What was his question?

---

**From:** Perkins, Calla F. (DOC)  
**Sent:** Tuesday, November 05, 2013 11:45 AM  
**To:** Gonzales, Lisa R. (DOC)  
**Subject:** Gronquist #943857 Stoppage Time.

<< File: Gronquist #943857 Stoppage Time..docm.docm >>

Lisa,

Would you please look over this letter to see if it is adequate to send to Mr. Gronquist. I used some of the verbage from Wendy Stigall's letter that I felt he would understand.

*Have A Good Day,*

*Calla F. Perkins  
Correctional Records Technician  
CRCC  
544-3673*

**Perkins, Calla F. (DOC)**

---

**From:** Hedblum, Danielle L. (DOC)  
**Sent:** Thursday, October 03, 2013 11:38 AM  
**To:** Perkins, Calla F. (DOC)  
**Subject:** RE: Stoppage Question - #943857 Gronquist, Derek

We were off site yesterday, and she has been super busy working on various projects. Unless it is an urgent time frame, I would try re-emailing her on Monday if you have not heard back.

Danielle Hedblum, AA4  
Assistant to Wendy Stigall, Statewide Correctional Records Program Manager  
7345 Linderson Way  
Tumwater, WA 98501  
Phone (360) 725-8885/Fax (360) 664-9547  
[Danielle.hedblum@doc.wa.gov](mailto:Danielle.hedblum@doc.wa.gov)

---

**From:** Perkins, Calla F. (DOC)  
**Sent:** Thursday, October 03, 2013 11:27 AM  
**To:** Hedblum, Danielle L. (DOC)  
**Cc:** Gonzales, Lisa R. (DOC)  
**Subject:** FW: Stoppage Question - #943857 Gronquist, Derek

*Hi Danielle,*

*I sent Wendy the email below on 10-01 and I haven't heard back from her. Is she out of the office? She's usually so quick to respond.*

*Thanks,*

*Have a good day,*

*Calla Perkins, Correctional Records Technician  
Coyote Ridge Corrections Center  
Connell, WA  
PH: 509-544-3673  
[calla.perkins@doc.wa.gov](mailto:calla.perkins@doc.wa.gov)*

---

**From:** Perkins, Calla F. (DOC)  
**Sent:** Tuesday, October 01, 2013 2:33 PM  
**To:** Stigall, Wendy S. (DOC)

**Cc:** Gonzales, Lisa R. (DOC)

**Subject:** Stoppage Question - #943857 Gronquist, Derek

*Wendy,*

*Derek Gronquist #943857 - his Max Ex is greater than his Stat Max. He has 3 consecutive sentences, each with community supervision. Can we hold Mr. Gronquist to his Max Ex? I can't prove the time in OMNI is correct.*

*Please advise. Mr. Gronquist has written a letter stating that his Max Ex is incorrect.*

*Thank You,*

*Have a good day,*

*Calla Perkins, Correctional Records Technician*

*CRCC*

*509-544-3673*

EXHIBIT 14



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**

Office of Correctional Operations  
Coyote Ridge Corrections Center  
PO Box 769 Connell, Washington 99326-0769  
(509) 543-5800 FAX (509) 544-3553

DATE: November 5, 2013

TO: Derek Gronquist  
DOC/943857  
HA252U

SUBJECT: Letter to Susan Bowman Dated 09/19/2013 - Maximum Expiration Date

Derek Gronquist:

CRS Susan Bowman is out of the office so I am replying to your letter in her place.

On March 2, 2012 OMNI did an update to all sentences to apply the decision of the court case of State v. Acrey. This case allows DOC to "toll" or "stop" the time on a shorter cause with supervision ordered to allow the offender to complete their supervision and not to extend past the stat max date.

As this applies to your consecutive sentences (AB, AC & AD) you were sentenced to 114 months on each of the three causes. When you complete one sentence, that sentence is stopped (stoppage) and you begin serving the next sentence.

These "tolled" terms do not constitute an extension of your sentence. Per the Acrey decision, the time you spend serving on different causes can be "tolled" so that you will be able to release from prison to serve your court ordered community supervision.

Calla Perkins  
Correctional Records Technician  
Coyote Ridge Corrections Center  
PO Box 769  
Connell, WA 99326

EXHIBIT 15

Derek E. Gronquist  
#943857 H-A-36  
Coyote Ridge Corrections Center  
P.O. Box 769  
Connell, WA 99326

March 31, 2014

Bernard Warner, Secretary  
Department of Corrections  
P.O. Box 41100  
Olympia, WA 98504-1100

Re: Miscalculation of confinement expiration date

Dear Secretary Warner,

I am requesting you to personally intervene in the misconduct of Statewide Correctional Records Manager Wendy Stigall. On March 2, 2012, Ms. Stigall changed my confinement maximum expiration date (Max Ex Date) from June 2, 2016, to May 31, 2022. Because of Ms. Stigall's actions, Department of Corrections (DOC) officials are threatening to hold me in confinement for 16 years on a 114 month sentence. I am requesting you to re-set my Max Ex Date at June 2, 2016, and notify all DOC employees that I can not be held in confinement past that date.

The King County Superior Court sentenced me to three consecutive 114 month terms of confinement and a 24 month period of community placement. My first sentence began on December 7, 1993 (the day I was arrested), and expired on April 17, 2000. My second sentence began on April 17, 2000, and expired on December 2, 2006. My third and final sentence began on December 2, 2006, had an Earned Release Date of April 21, 2013, and expires on June 2, 2016. June 2, 2016, is the

last day DOC can hold me in confinement.

Without notice, Ms. Stigall changed my Max Ex Date to May 31, 2022. When I learned of this change, I wrote to the Coyote Ridge Corrections Center (CRCC) Records Department requesting them to investigate the matter and calculate my Max Ex Date correctly. CRCC contacted Ms. Stigall, who confirmed that she had effected the change, and told CRCC officials that my "prison max ex is correct." Ms. Stigall's comments culminated in a November 5, 2013, letter from CRCC Records Technician Calla Perkins to me, stating:

On March 2, 2012, OMNI did an update to all sentences to apply the decision of the court case of State v. Acrey. This case allows DOC to "toll" or "stop" the time on a shorter cause with supervision ordered to allow the offender to complete their supervision and not to extend past the stat max date. As this applies to your consecutive sentences (AB, AC & AD) you were sentenced to 114 months on each of three causes. When you complete one sentence, that sentence stopped (stoppage) and you begin serving the next sentence. These "tolled" terms do not constitute an extension of your sentence. Per the Acrey decision, the time you spend serving on different causes can be "tolled" so that you will be able to release from prison to serve your court ordered community supervision.

State v. Acrey, 97 Wn.App. 784, 988 P.2e 17 (1999), has absolutely no application to how a Max Ex Date on a consecutive sentence is calculated. Acrey involved concurrent sentences where the shorter term had a period of community placement and the longer one did not. It simply held that the community placement portion of the shorter sentence is tolled until the offender is released from confinement on the longer sentence. The case that dictates how Max Ex Dates are calculated for consecutive sentences like mine is Personal Restraint of Paschke, 61 Wn.App. 591, 811 P.2d 694 (Div. 1 1991). In that case, like mine, prison officials attempted to prolong confinement on the final consecutive sentence by grafting time from a previously served term onto it.

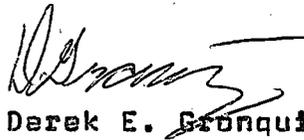
Following the Supreme Court's decision in St. Peter v. Rhey, 56 Wn.2d 297, 352 P.2d 806 (1960), the court held that prison officials could not re-open or re-use time remaining on previously served consecutive sentences to extend a Max Ex Date on the final consecutive sentence. The court explained how a Max Ex Date is to be calculated for consecutive sentences:

Mr. Paschke began serving his 10-year sentence for the 1972 abduction on March 13, 1972. His maximum release date on that conviction was March 12, 1982. The sentence for his carnal knowledge conviction was sentenced to run consecutive to the abduction sentence. On June 20, 1974, he was paroled to, and began serving, his 20-year maximum sentence for the 1972 carnal knowledge conviction. His maximum release date for that sentence is June 19, 1994.... Thus, the latest date Mr. Paschke can be held is June 19, 1994.

I began serving my final 114 month maximum sentence on December 2, 2006. My Max Ex Date for that sentence is June 2, 2016. I cannot be held in confinement past that date.

For these reasons, I am requesting you to personally intervene in Ms. Stigall's conduct and set my Max Ex Date at June 2, 2016. Because Ms. Stigall has altered "all sentences" for inmates confined since March 2, 2012, I strongly encourage you to ensure that others are not similarly effected by Ms. Stigall's unlawful actions. Holding citizens in confinement past the time authorized by a criminal judgment is a felony, and would expose the State to millions -- if not billions -- of dollars in liability. Your prompt attention to this matter is appreciated.

Sincerely,



Derek E. Gronquist

EXHIBIT 16



STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS**

P. O. Box 41132 • Olympia, Washington 98504-1132

April 21, 2014

Derek Gronquist, DOC# 943857  
Coyote Ridge Corrections Center H-A-6  
P. O. Box 769  
Connell, WA 99326

Dear Mr. Gronquist:

This is in response to your letter received in Secretary Warner's office on April 7, 2014. You wrote regarding the recalculation of your maximum expiration date.

I have reviewed your records. You are correct that *Acrey* does not apply to your case. However, the calculations that are currently being used for maximum expiration dates are correct. In a consecutive relationship which you have on all three counts on King County CSE#93-1-00121-1, you can only serve on one count at a time. Therefore the time spent on subsequent counts "stops" on previous counts/causes while you are serving. An easier way to help you understand might be to explain how a maximum expiration date is calculated to begin with. The maximum expiration date is the sentence length (in your case three 114 month sentences for a total of 342 months), minus the day for day jail credits. You then add this time to your time start of the date that you were admitted to prison on 2-28-95. When you do the math you will see that the total is 05/31/22.

DOC uses the stoppage time to allow return to confinement for the "remaining portion of the sentence" for each consecutive cause/count. If the time were allowed to expire while an offender is serving their consecutive sentences, there would be no time to return on and that is not the intention of the statute.

Per RCW 9.94A.633 "(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

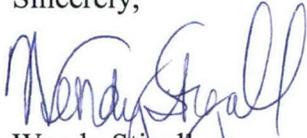
(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation."

The statute does not say less credit for any period actually spent in prison on consecutive causes. To allow that credit would be giving double credit.

So for each of your consecutive counts, while you are on community custody you would have the potential to be returned for any earned release time.

I hope this addresses your concerns. If you have further records related questions, please contact your local records office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wendy Stigall". The signature is fluid and cursive, with the first name "Wendy" being more prominent than the last name "Stigall".

Wendy Stigall  
Statewide Correctional Records Manager

SEC-13115

cc: Bernie Warner, Secretary  
Donna Haley, Assistant Secretary  
Offender central file

EXHIBIT 17

Derek E. Gronquist  
#943857 H-A-36  
Coyote Ridge Corrections Center  
P.O. Box 769  
Connell, WA 99326

April 13, 2015

Bernard Warner, Secretary  
Department of Corrections  
P.O. Box 41100  
Olympia, WA 98504-1100

Re: Defiance of judicial order & unlawful incarceration

Dear Secretary Warner,

On March 31, 2014 I requested you to personally intervene in the misconduct of Statewide Correctional Records Manager Wendy Stigall in altering my maximum confinement date in violation of the Court of Appeals decision in Personal Restraint of Paschke, 61 Wn.App. 591, 811 P.2d 694 (1991) and the Supreme Court's decision in St. Peter v. Rhay, 56 Wn.2d 297, 352 P.2d 806 (1960). You failed to take such corrective action. Instead, Ms. Stigall responded to my request by refusing to correct her error, and threatening to incarcerate me far beyond the maximum sentence imposed by my trial court. For clarity, I am requesting you to personally answer: (1) whether the Department of Corrections (DOC) is wilfully defying the judicial decisions entered in Paschke and St. Peter; and (2) whether you are acting with the intent to subject me to confinement past the maximum term of confinement imposed by my sentencing court.

As I said in my March 31, 2014 letter: I was sentenced to three consecutive 9½ year terms of confinement. I am presently

...  
serving the third and final term of confinement. That term began on December 2, 2006. Nine and one-half years from that date is June 2, 2016. That is the last day that the DOC is authorized to hold me in confinement pursuant to the terms of my Judgment and Sentence, and the decisions entered in Paschke and St. Peter. Despite those facts, Ms. Stigall has directed DOC officials to hold me in confinement until May 31, 2022 -- six-years longer than my maximum term of confinement.

I am requesting such clarification because I want to be absolutely clear that you are wilfully defying the rulings in Pascke, St. Peter, and the terms of the Judgment and Sentence imposed upon me by the King County Superior Court. Your predecessors may not have appraised you of the fact that I am one of two individuals who obtained relief from the Washington State Supreme Court when DOC officials refused to calculate our Earned Release Dates as required by the Court of Appeals opinion in Personal Restraint of Mahrle. See Personal Restraint of Smith & Gronquist, 139 Wn.2d 199, 986 P.2d 131 (1999). In granting relief, the Supreme Court specifically admonished DOC for wilfully disobeying the ruling of the court on how to properly calculate prisoners confinement time:

At the time DOC refused to apply Mahrle's holding to the present petitioners, no published Washington appellate court decision other than Mahrle had addressed the issue there presented. Mahrle, therefore, was authoritative precedent and binding on DOC as a party thereto. Given these circumstances, we find DOC's actions here troubling. We have repeatedly stated it offends the rule of law when agencies of the state wilfully ignore the decisions of our courts. Once again, we find it necessary to reiterate this fundamental point.

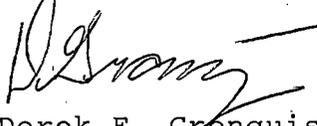
Smith & Gronquist, 139 Wn.2d at 203 n.3 (emphasis added).

I emphasize this point because, if I am forced to go to court over this issue, I will be requesting the Court to do far more than reprimand you -- I will request the Court to vacate and expunge my entire criminal judgment as a sanction for your

unlawful conduct. Simply put, if DOC willfully refuses to obey the orders of the courts in the administration of a criminal sentence, the State should forfeit its right to incarcerate.

For these reasons, I am once again asking you to intervene in the unlawful conduct of your subordinates, or clarify that you intend to defy the rulings of Washington courts and subject me to unlawful imprisonment well past the terms of any lawful order.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Gronquist", with a horizontal line extending from the end of the signature.

Derek E. Gronquist

EXHIBIT 18



STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS**

P. O. Box 41132 • Olympia, Washington 98504-1132

May, 15, 2015

Derek Gronquist, DOC# 943857  
Coyote Ridge Corrections Center  
P. O. Box 769  
Connell, WA 99326

Dear Mr. Gronquist:

This is in response to your letter received by the Secretary on April 17, 2015. In your letter you contest that you will be incarcerated beyond your statutory maximum.

I have reviewed your sentence as well as the Paschke and St. Peter court decisions that you referred to in your correspondence. Those decisions were both decided on pre-1984 statutes and are not relevant under the SRA statutes.

The Merriam-Webster definition of consecutive is "Following one after the other in a series". That is consistent with how we calculate consecutive sentence dates. When we are calculating Earned Release Dates (ERD's) the end date of the parent cause is the start date of the consecutive sentence. The same is true for maximum expiration dates. The end of the maximum expiration date on the parent cause becomes the start date of the consecutive cause.

Also attached are copies of calculations in sentences similar to your case. The first three pages are examples of three consecutive sentences of 114 months each (total 342 months). If you compute the sentence as you state and use the ERD as the time start on the consecutive maximum expiration date it backs the total maximum expiration date to 04/26/2017. The last page, is an example of an offender who is received with a sentence of 342 months that has no consecutive relationships. The maximum expiration date in this case is 08/29/2023. Therefore if we calculated as you state, two offenders with the exact same total sentence would be treated differently and those with consecutive sentences would not be serving the full maximum expiration date.

If you develop a viable, approved release address you will not be held until your maximum release date.

I hope this addresses your concerns. If you have further records related questions, please contact your local records office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Tinney". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Tinney, Assistant Secretary  
Administrative Operations Division

BT:ws:dh

SEC-13787

cc: Bernie Warner, Secretary  
Offender central file

Analyze Prison Calculations : [REDACTED]

Cause:
-----
Consecutive To Cause:
Count:

Calculation Type: Base	Length: Y, 114 M, D	Consecutive to:	
ERT% 33	ERD	Max Ex Date	Original ERD
Time Start	02/28/1995	02/28/1995	02/28/1995
(+) Length	3469	3469	3469
(-) Cause Credits	0	0	0
(-) Good Time Credits	0		0
(-) Potential Earned Time Release Credits	385.37		385.37
(+) Earned Time not Earned			
(-) Potential Good Conduct Time	771		771
(+) Good Conduct Time Lost	0		
(+) Out Time	0	0	0
Expiration Date	06/28/2001	08/28/2004	06/28/2001
Remaining Days To Be Served	0	0	0

Date Printed: 05/15/2015 [REDACTED]

Analyze Prison Calculations : [REDACTED]

Cause: ---
Consecutive To Cause:
Count:

Calculation Type: Base	Length: Y, 114 M, D	Consecutive to:	
ERT% 33	ERD	Max Ex Date	Original ERD
Time Start	06/28/2001	06/28/2001	06/28/2001
(+) Length	3469	3469	3469
(-) Cause Credits	0	0	0
(-) Good Time Credits	0		0
(-) Potential Earned Time Release Credits	385.37		385.37
(+) Earned Time not Earned			
(-) Potential Good Conduct Time	771		771
(+) Good Conduct Time Lost	0		
(+) Out Time	0	0	0
Expiration Date	10/27/2007	12/27/2010	10/27/2007
Remaining Days To Be Served	0	0	0

Date Printed: 05/15/2015 [REDACTED]

**Analyze Prison Calculations :** [REDACTED]

<b>Cause:</b> --- <b>Consecutive To Cause:</b>  <b>Count:</b>
---

Calculation Type: Base	Length: Y, 114 M, D	Consecutive to:	
ERT% 33	ERD	Max Ex Date	Original ERD
Time Start	10/27/2007	10/27/2007	10/27/2007
(+) Length	3469	3469	3469
(-) Cause Credits	0	0	0
(-) Good Time Credits	0		0
(-) Potential Earned Time Release Credits	385.37		385.37
(+) Earned Time not Earned			
(-) Potential Good Conduct Time	771		771
(+) Good Conduct Time Lost	0		
(+) Out Time	0	0	0
Expiration Date	02/24/2014	04/26/2017	02/24/2014
Remaining Days To Be Served	0	711	0

Date Printed: 05/15/2015



Analyze Prison Calculations : [REDACTED]

Cause:
Consecutive To Cause:
Count:

Calculation Type: Base	Length: Y, 342 M, D	Consecutive to:	
ERT% 33	ERD	Max Ex Date	Original ERD
Time Start	02/28/1995	02/28/1995	02/28/1995
(+) Length	10409	10409	10409
(-) Cause Credits	0	0	0
(-) Good Time Credits	0		0
(-) Potential Earned Time Release Credits	1,156.32		1,156.32
(+) Earned Time not Earned			
(-) Potential Good Conduct Time	2,313		2,313
(+) Good Conduct Time Lost	0		
(+) Out Time	0	0	0
Expiration Date	02/28/2014	08/29/2023	02/28/2014
Remaining Days To Be Served	0	3,027	0

Date Printed: 05/15/2015





Derek E. Gronquist  
#943857 B-B-305  
Washington State Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99326

February 14, 2016

Records Department  
Washington State Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99326

Re: Miscalculation of my Max Ex Date

Dear WSP Records Department,

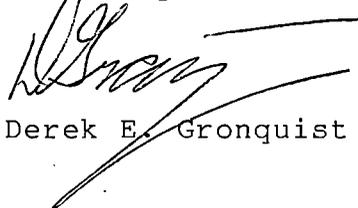
The current calculation of my confinement maximum expiration date (Max Ex Date) of May 31, 2022 is incorrect. I am requesting you to fix this error. I was sentenced to three consecutive 114 month (9½ year) terms of confinement. I am presently serving the third and final term. I began serving the third sentence on December 2, 2006. 9½ years from December 2, 2006 is June 2, 2016. Thus, my Max Ex Date is June 2, 2016. See Personal Restraint of Paschke, 61 Wn.App. 591 (1991) (explaining that this is how to calculate Max Ex Dates on consecutive sentences). The Department of Corrections (DOC) records, however, state that my Max Ex Date is May 31, 2022. That error is threatening to hold me in confinement for 16 years upon a 9½ year term of confinement - contrary to the terms of my Judgment and Sentence, the holding in Paschke, and in the absence of any legal authority.

I believe that I have identified the source of this error. When I entered the DOC in 1995 my terms of confinement were reduced by 15% for Earned Release Time. That reduction yielded a Max Ex Date in 2022, as indicated by classification reports

from the time. In 1999 the Washington State Supreme Court ordered the DOC to reduce my terms of confinement by 33% for Early Release Time in Personal Restraint of Smith & Gronquist, 139 Wn.2d 199 (1999). When DOC reduced my sentences by 33% pursuant to the Smith decision, it produced a Max Ex Date in 2016, according to classification reports. In approximately 2008 an official at the Monroe Correctional Complex (MCC) violated the Smith decision and recalculated my sentences to allow only a 15% reduction for Early Release Time. That action re-set my Early Release Date and Max Ex Date. When my attorney appraised DOC of MCC's actions and the prospect of being held in contempt for violating the Smith decision, MCC re-set my Earned Release Date to reflect a 33% reduction. It appears that MCC failed to re-set my Max Ex Date, as classification reports indicate a 2022 Max Ex Date since that time.

Regardless of the source of this error, you need to look no further than the start date of my third and final consecutive term of confinement to recognize that my Max Ex Date is miscalculated. I cannot be confined for 16 years upon a 9½ year term of confinement. For these reasons, I am requesting you to correct this error, set my Max Ex Date at June 2, 2016, and ensure that I am released from confinement on or before that date. Your prompt attention to this matter is appreciated.

Sincerely,



Derek E. Gronquist





LOG I.D. NUMBER  
16604619

**OFFENDER COMPLAINT**

CHECK ONE:  Initial  Emergency  Appeal  Rewrite

**RESIDENTIAL FACILITIES:** Send completed form to the Grievance Coordinator. Explain what happened, when, where, and who was involved or which policy/procedure is being grieved. Be as brief as possible, but include the necessary facts. Use only one complaint form. A formal grievance begins on the date the typed grievance forms are signed by the Coordinator. Contact a Department employee to report an emergency situation or to initiate an emergency complaint. Please attempt to resolve all complaints through the appropriate Department employee(s) before pursuing a grievance.

**NOTE:** Complaints must be filed within 20 working days of the incident. Appeals must be filed within 5 working days of receiving the response. Include log ID # on rewrite or response being appealed.

Last Name Gronquist, Derek E.	First	Middle	DOC Number 943857	Facility/Office WSP	Unit/Cell B-B-305
----------------------------------	-------	--------	----------------------	------------------------	----------------------

**COMMUNITY SUPERVISION:** Send completed copies of this form directly to: Grievance Program Manager, Offender Grievance Program, Department of Corrections, P.O. Box 41129, Olympia WA 98504-1129.

MAILING ADDRESS: STREET OR P.O. BOX	CITY, STATE	ZIP CODE	TELEPHONE
-------------------------------------	-------------	----------	-----------

**COMPLAINT:** The calculation of my confinement maximum expiration date (Max Ex Date) of May 31, 2022 is incorrect. I was sentenced to three consecutive 14 month (9½ year) terms of confinement. I am presently serving the third and final term of confinement. I began serving the third term of confinement on December 2, 2006. 9½ years from December 2, 2006 is June 2, 2016. That is what my Max Ex Date should be. See Personal Restraint of Paschke, 61 Wn.App. 591 (1991) (explaining how to calculate Max Ex Dates on consecutive terms of confinement). The DOC's records, however, list my Max Ex Date as May 31, 2022. That error is threatening to hold me in confinement for 16 years upon a 9½ year term of confinement, contrary to the terms of my Judgment and Sentence and the holding in Paschke, and in the absence of any legal authority. The DOC's own records indicate that my Max Ex Date was calculated correctly for almost a decade following Personal Restraint of Smith and Gronquist, 139 Wn.2d 199 (1999), but is now incorrectly calculated.

**SUGGESTED REMEDY:**

Calculate and set my Max Ex Date at June 2, 2016; ensure that I am released from confinement on or before June 2, 2016.

Mandatory [Signature], 2/13/16  
Signature Date

<b>GRIEVANCE COORDINATOR'S RESPONSE</b> Your complaint is being returned because: <input type="checkbox"/> It is not a grievable issue. <input type="checkbox"/> You requested to withdraw the complaint. <input type="checkbox"/> You failed to respond to callout (sheet) on _____ <input type="checkbox"/> Administratively Withdrawn _____ <input checked="" type="checkbox"/> The formal grievance/appeal paperwork is being prepared.	Facility/Office <u>WSP</u>	Date Received <u>2-16-16</u>
	<input type="checkbox"/> The complaint was resolved informally. <input type="checkbox"/> Additional information and/or rewriting needed. (See below.) Return within 5 working days or by: _____ <input type="checkbox"/> No rewrite received _____ <input type="checkbox"/> Sent to _____ (facility) on _____ (date).	

EXPLANATION: LEVEL 1

Coordinator's Name (print) <u>K. Walker</u>	Coordinator's Signature <u>[Signature]</u>	Date <u>02/18/16</u>
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**LEVEL I - INITIAL GRIEVANCE  
NIVEL 1 - QUEJA INICIAL**

Name:	Last	First	Middle	DOC Number	Facility/Office	Unit/Cell
NOMBRE:	APELLIDO	PRIMERO NOMBRE	2DO NOMBRE	NUMERO DOC	FACILIDAD	UNIDAD/CELDA
	Gronquist	Derek	E	943857	WSP	BB305

**PART A - INITIAL GRIEVANCE/PARTE A - QUEJA INICIAL**

Date Typed 2/18/2016 Date Due 3/4/2016

**I WANT TO GRIEVE / QUIERO QUEJARME DE:** The calculation of my confinement maximum expiration date (Max Ex Date) of May 31, 2022 is incorrect. I was sentenced to three consecutive 114 month (9 1/2) terms of confinement. I am presently serving the third and final term of confinement. I began serving the third term of confinement on December 2, 2006. 9 1/2 years from December 2, 2006 is June 2, 2016. That is what my Max Ex Date should be. See Personal Restraint of Paschke, 61 Wn. App. 591 (1991) (explaining how to calculate Max Ex Dates on consecutive terms of confinement). The DOC's records, however, list my Max Ex Date as May 31, 2022. That error is threatening to hold me in confinement for 16 years upon a 9 1/2 year term of confinement, contrary to the terms of my Judgement and Sentence and the holding in Paschke, and in the absence of any legal authority. The DOC's own records indicate that my Max Ex Date was calculated correctly from almost a decade following Personal Restrain of Smith and Gronquist, 139 Wn. 2d 199 (1999), but is now incorrectly calculated.

**SUGGESTED REMEDY / REMEDIO SUGERIDO:** Calculate and set my Max Ex Date at June 2, 2016; ensure that i am released from confinement on or before June 2, 2016.

K. Walker	2/19/16	Derek Gronquist	2/19/16
Grievance Coordinator Signature	Date	Grievant Signature	Date
FIRMA DE COORDINADOR DE QUEJAS	FECHA	FIRMA DE QUEJANTE	FECHA

**PART B - LEVEL I RESPONSE / PARTE B RESPUESTA PRIMER NIVEL**

CRT 2 A. Schock reports: Your MAX ERD is correct at 05/31/2022.

The start time on AB 02/28/1995, ERD is 08/10/2000 and MAX Ex would be 06/02/2003 if there was no consecutive counts. Time start on AC is 08/10/2000, ERD is 02/04/2007 and MAX Ex would be 11/30/2012 if there was no consecutive counts. Time start on AD is 02/04/2007, ERD is 06/14/2013 and MAX Ex would be 05/31/2022.

The confinement time that you are spending on AC is "stoppage time" on AB. The remaining confinement time that you are spending on AD is "stoppage time" on AC. This extends the maximum expiration date on AC to 04/05/2016, AB to 04/10/2019, and then AD remains 05/31/2022.

K. Walker	03/04/16
Grievance Coordinator Signature	Date
COORDINADOR DE QUEJAS	FECHA

You may appeal this response by submitting a written appeal to the Coordinator within five (5) working days from date this response was received.  
Ud. puede apelar esta respuesta al someter una apelación por escrito al coordinador dentro de cinco (5) días de trabajo de la fecha en que esta respuesta fue recibida.



**LEVEL I - INITIAL GRIEVANCE**  
**NIVEL 1 - QUEJA INICIAL**

Name: Last NOMBRE: APELLIDO	First PRIMERO NOMBRE	Middle 2DO NOMBRE	DOC Number NUMERO DOC	Facility/Office FACILIDAD	Unit/Cell UNIDAD/CELDA
Gronquist	Derek	E	943857	WSP	BB305

## PART A - INITIAL GRIEVANCE/PARTE A - QUEJA INICIAL

Date Typed 2/18/2016

Date Due 3/4/2016

**I WANT TO GRIEVE / QUIERO QUEJARME DE:** The calculation of my confinement maximum expiration date (Max Ex Date) of May 31, 2022 is incorrect. I was sentenced to three consecutive 114 month (9 1/2) terms of confinement. I am presently serving the third and final term of confinement. I began serving the third term of confinement on December 2, 2006. 9 1/2 years from December 2, 2006 is June 2, 2016. That is what my Max Ex Date should be. See Personal Restraint of Paschke, 61 Wn. App. 591 (1991) (explaining how to calculate Max Ex Dates on consecutive terms of confinement). The DOC's records, however, list my Max Ex Date as May 31, 2022. That error is threatening to hold me in confinement for 16 years upon a 9 1/2 year term of confinement, contrary to the terms of my Judgement and Sentence and the holding in Paschke, and in the absence of any legal authority. The DOC's own records indicate that my Max Ex Date was calculated correctly from almost a decade following Personal Restrain of Smith and Gronquist, 139 Wn. 2d 199 (1999), but is now incorrectly calculated.

**SUGGESTED REMEDY / REMEDIO SUGERIDO:** Calculate and set my Max Ex Date at June 2, 2016; ensure that i am released from confinement on or before June 2, 2016.

K. Walker	2/19/16	Derek Gronquist	2/19/16
Grievance Coordinator Signature	Date	Grievant Signature	Date
FIRMA DE COORDINADOR DE QUEJAS	FECHA	FIRMA DE QUEJANTE	FECHA

## PART B - LEVEL I RESPONSE / PARTE B RESPUESTA PRIMER NIVEL

Grievance Coordinator Signature  
COORDINADOR DE QUEJAS

Date  
FECHA

You may appeal this response by submitting a written appeal to the Coordinator within five (5) working days from date this response was received.  
*Ud. puede apelar esta respuesta al someter una apelación por escrito al coordinador dentro de cinco (5) días de trabajo de la fecha en que esta respuesta fue recibida.*



DEPARTMENT OF CORRECTIONS  
CLASSIFICATION REFERRAL



RECEIVED

MAR 6 2000

- PACKET:  
 TRANSFER  
 COMMAND MANAGER  
 HCSC  
 CHIEF, CLASSIFICATION AND TREATMENT  
 OCC-CLASSIFICATION OVERRIDE  
 IMS  
 NO ACTION REQUIRED/FILE

73  
2/21/00  
KS 2/28

REVIEW PERIOD: 02/04/99 TO: 02/01/00 FACILITY/LIVING UNIT: AHCC/Main/T-Unit

REFERRAL AGENT	DATE	(P)ERD	NRD:	MAX ED:
D. Bowerman, CC3 (3128)	02/10/00	08/09/13	02/01	10/08/16

REVIEW OF CLASSIFICATION FOR:

- |   |                                  |                                   |                                    |
|---|----------------------------------|-----------------------------------|------------------------------------|
| <input type="checkbox"/> INITIAL (RC)                               | <input type="checkbox"/> Camp    | <input type="checkbox"/> W/R      | <input type="checkbox"/> Board     |
| <input checked="" type="checkbox"/> Annual Review                   | <input type="checkbox"/> Ad. Seg | <input type="checkbox"/> CPR/PPR  | <input type="checkbox"/> Transfer  |
| <input type="checkbox"/> HCSC                                       | <input type="checkbox"/> IMS     | <input type="checkbox"/> Override | <input type="checkbox"/> No Action |
| <input checked="" type="checkbox"/> Other (specify) Maintain Retain |                                  |                                   |                                    |

NARRATIVE:

**PROGRAMMING:** Inmate Gronquist arrived at AHCC on 4/9/97. Since his arrival he has programmed by completing Inmate Orientation and maintaining a position on the job assignment waiting list. Inmate Gronquist has prior work experience in the institution as a Legal Law Library Clerk and in Food Service. He completed a Chemical Dependency Assessment on 3/28/95 at WCC/RC with a finding of Chemically Dependent. Inmate Gronquist reports spending his leisure time in the legal law library, along with drawing and painting art in the recreation department. Gronquist completed the vocational assessment class on 12/03/98. He will be recommended to receive all 12 programming points this review period.

**EMPLOYMENT/EDUCATION/TRAINING:** Inmate Gronquist reports completing the public school system through the 12<sup>th</sup> grade. He reports completing his high school diploma through Walla Walla Community College. The electronic file confirms educational experience.

**CASE MANAGEMENT:** Inmate Gronquist is targeted and active in case management. An LSI-R has been completed with a finding of Medium to High.

**SERIOUS INFRACTION RECORD:** No serious infractions this review period.

**MEDICAL/DENTAL:** Inmate Gronquist reports no dental or medical concerns this review period.

**MENTAL HEALTH:** No mental health services were rendered or requested this review period.

**COMMUNITY SUPPORT:** Inmate Gronquist reports receiving support through letters and phone calls from his parents, Barbara Parker and Duane Gronquist. Due to AHCC's location, he does not have regular visits through the visiting program. He has had on visit from his mother since his arrival. All communication is through correspondence. Inmate Gronquist has processed all the necessary paperwork for the EFV program this review period.

**COUNSELOR COMMENTS:** Inmate Gronquist is currently serving a 114-month sentence out of King County with community placement requirements. He has current legal financial obligations totaling \$100.00. Inmate Gronquist has a prior conviction out of King County for which he still owes court costs. The unit staff indicates he has not been a management/behavioral problem in the unit. This overall review period for Inmate Gronquist can be considered a good review period. Inmate is currently in compliance with his Judgment and Sentence/prohibited contact through the visiting program. He has a current CRS of 67 points with a current custody standing of M13. Inmate Gronquist has a current detainer lodged against him for failure to appear on a driving while intoxicated charge. I recommend that Inmate Gronquist remain at AHCC/Main Institution T-Unit with a CRS of 67 points. Inmate is currently in compliance with his Judgment and Sentence/prohibited contacts. 10-Day Release has been reviewed.

UNIT TEAM:

Date of Unit Team: 02/10/00

Members: J. Dyson, CUS; D. Bowerman, CC3; and Sgt. Kennedy.

UNIT TEAM COMMENTS: Unit Team concurs with the recommendations indicated in counselor comments.

NUMBER	NAME: LAST	FIRST	MIDDLE
943857	GRONQUIST	DEREK	E.

DEPARTMENT OF CORRECTIONS

CLASSIFICATION REFERRAL CONTINUED

REVIEW PERIOD 02/25/98 TO: 02/04/99 FACILITY/LIVING UNIT AHCC/Main/T-Unit

UNIT TEAM RECOMMENDATIONS:

- Custody: Maintain MI3 custody with a CRS of 67 points.
- Placement & Reasons: Maintain at AHCC/Main Inst./T-Unit.
- Program: Maintain a position on the job assignment waiting list.  
Remain infraction free.  
Refer to Chemical Dependency for assessment 08/09/11.

INMATE COMMENTS: Inmate Gronquist waived his appearance at this review process. The contents of the report were however reviewed earlier with this Inmate.

UNIT TEAM CHAIRPERSON *Jim Dyer* DATE: 2-18-00

DB:kjs  
2/10/00

*Concur*  
*[Signature]* APPROVE — DISAPPROVE —  
DATE: 2/24/00

MAGGIE A. MILLER-STOUT, SUPERINTENDENT/DESIGNEE *[Signature]*  
APPROVE — DISAPPROVE — DATE: 2/24/00

NUMBER	NAME: LAST	FIRST	MIDDLE
943857	GRONQUIST	DEREK	E.

E

FILED  
COURT OF APPEALS DIV I  
STATE OF WASHINGTON

2016 JUN -3 PM 2:16

COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

In re the Personal  
Restraint Petition of:

No. 74899-8-I

DEREK E. GRONQUIST,  
  
Petitioner.

SECOND SUPPLEMENTAL  
DECLARATION OF DEREK  
GRONQUIST IN SUPPORT  
OF PERSONAL RESTRAINT  
PETITION

Derek E. Gronquist declares under penalty of perjury under the laws of the state of Washington that the following statements are true and correct to the best of his knowledge, information, and belief.

1. Attached hereto as Exhibit 1 is a true and correct copy of the Department of Corrections Level III Response to grievance #16604619. As that record indicates, the Department of Corrections has apparently converted my three consecutive 114 month sentences into a single 342 month sentence for purposes of calculating the confinement maximum expiration date. It also appears that the Department of Corrections is wilfully ignoring the date that each consecutive cause actually started, in willful defiance of the St. Peter and Paschke decisions cited in my Petitioner's Opening Brief.

Dated this 25th day of May, 2016

  
Derek E. Gronquist  
#943857 B-B-305  
Wash. St. Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99326


**APPEAL TO LEVEL III  
APELACIÓN AL 3ER NIVEL**

Name: Nombre:	Last Apellido	First Nombre	Middle 2do Nombre	DOC Number Número DOC	Facility/Office Institución/Oficina	Unit/Cell Unidad/Celda
	Gronquist	Derek	E	943857	WSP	BB3051
PART A - APPEAL TO LEVEL III PARTE A - APELACIÓN 3 <sup>ER</sup> NIVEL			Date Typed / Fecha escrita a mano 4/12/16	Due Date / Fecha de vencimiento 5/10/16		
<p><b>I WANT TO GRIEVE / QUIERO QUEJARME DE:</b> The level two response is inadequate, incorrect, and was provided by a subordinate of the official responsible for the erroneous Max Ex Date who admitted that she does not understand how my sentence was calculated as it is and is powerless to override or even question the conduct of Statewide Records Manager Wendy Steigal. There is no such thing as "stoppage time." More importantly, the level two response asserts that the "stoppage time" was made to my first two sentences in 2012, which is years after those terms expired in full. Once again, Washington courts have held that DOC may not retroactively alter or use sentencing provisions after they have been served in full, even if DOC's prior calculation or conduct was erroneous. My term of confinement ends on June 2, 2016. DOC has no authority to hold me in confinement past that date. To even threaten such conduct constitutes the serious violent felony of attempted kidnapping in the first degree. Despite the seriousness of this matter, DOC's grievance program had done nothing but offer lies and officials who are powerless to even examine the issue.</p> <p><b>SUGGESTED REMEDY / REMEDIO SUGERIDO:</b> Correctly calculate and set my confinement maximum expiration date for count III (sentence AD) at June 2, 2016; ensure that I am released from confinement on or before June 2 2016; discipline official responsible.</p>						
/s/ K. Walker		4/13/16		/s/ Derek Gronquist		4/13/16
Grievance Coordinator Signature Firma del Coordinador de quejas		Date Fecha		Grievant Signature Firma del agraviado		Date Fecha

**PART B - LEVEL III RESPONSE/PARTE B - RESPUESTA 3<sup>ER</sup> NIVEL**

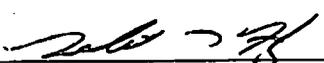
I reviewed your initial grievance as well as all appeals and responses.

Statewide Correctional Records Manager, Wendy Stigall, also reviewed this grievance and provided this response:

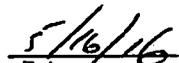
I reviewed your Level I and II grievance, the investigation, and the responses. I have read your Level III appeal.

You were sentenced to a total of 114 months on 3 separate counts to be served consecutively. This totals 342 months (10,407 days). Subtract the 453 days of jail credit and that leaves 9,954 days to serve for your maximum expiration date. No earned release time is applied to the max ex. Since these counts are all consecutive any time you are spending on consecutive matters is calculated as "stoppage time" which is equal to the way "tolling" time is applied to field sentences. This applies to both the confinement and supervision portions of your sentence. You are only eligible for credit if you are actually serving on the cause.

I am attaching copies of your sentence calculations. This should help you understand the calculations. You are only eligible to receive credit towards one count at a time when the counts are ordered by the Court to be served consecutively.

  
Assistant Secretary/Deputy Director/designee  
Subsecretario/designado

Robert Herzog

  
Date  
Fecha

**Analyze Prison Calculations : GRONQUIST, Derek Eugene (943857)**

Cause:  
 AB-931001211-King-CP  
 Consecutive To Cause:  
 Count:  
 1

Calculation Type: Base	Length: Y, 114 M, D	Consecutive to:		
ERT% 33	ERD	Max Ex Date	Original ERD	Original Max Ex Date
Time Start	02/28/1995	02/28/1995	02/28/1995	02/28/1995
(+) Length	3469	3469	3469	3469
(-) Cause Credits	453	453	453	453
(-) Good Time Credits	226		226	
(-) Potential Earned Time Release Credits	309.94		309.94	
(+) Earned Time not Earned	5.17			
(-) Potential Good Conduct Time	620		620	
(+) Good Conduct Time Lost	125			
(+) Out Time	0	0	0	0
Expiration Date	08/10/2000	04/05/2016	04/02/2000	06/02/2003
Remaining Days To Be Served	0	0	0	0

Date Printed: 04/28/2016

logged on user: Wendy Stigall

**Analyze Prison Calculations : GRONQUIST, Derek Eugene (943857)**

Cause:  
AC-931001211-King-CP  
Consecutive To Cause:  
AB-931001211-King-CP  
Count:

1

Calculation Type: Base		Length: Y, 114 M, D		Consecutive to:	
ERT% 33	ERD	Max Ex Date	Original ERD	Original Max Ex Date	
Time Start	08/10/2000	06/02/2003	08/10/2000	06/02/2003	
(+) Length	3469	3469	3469	3469	
(-) Cause Credits	0	0	0	0	
(-) Good Time Credits	0		0		
(-) Potential Earned Time Release Credits	385.37		385.37		
(+) Earned Time not Earned	57.08				
(-) Potential Good Conduct Time	771		771		
(+) Good Conduct Time Lost	0				
(+) Out Time	0	0	0	0	
Expiration Date	02/04/2007	04/10/2019	12/09/2006	11/30/2012	
Remaining Days To Be Served	0	1,076	0	0	

Date Printed: 04/28/2016

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**Analyze Prison Calculations : GRONQUIST, Derek Eugene (943857)**

**Cause:**  
AD-931001211-King-CP  
**Consecutive To Cause:**  
AC-931001211-King-CP  
**Count:**  
1

Calculation Type: Base		Length: Y, 114 M, D		Consecutive to:	
ERT% 33	ERD	Max Ex Date	Original ERD	Original Max Ex Date	
Time Start	02/04/2007	11/30/2012	02/04/2007	11/30/2012	
(+) Length	3469	3469	3469	3469	
(-) Cause Credits	0	0	0	0	
(-) Good Time Credits	0		0		
(-) Potential Earned Time Release Credits	385.37		385.37		
(+) Earned Time not Earned	9.33				
(-) Potential Good Conduct Time	771		771		
(+) Good Conduct Time Lost	0				
(+) Out Time	0	0	0	0	
Expiration Date	06/14/2013	05/31/2022	06/04/2013	05/31/2022	
Remaining Days To Be Served	0	2,223	0	2,223	

Date Printed: 04/28/2016

logged on user: Wendy Stigall

Derek E. Gronquist  
#943857 B-B-305  
Washington State Penitentiary  
1313 N. 13th Avenue  
Walla Walla, WA 99326

May 25, 2016

Richard D. Johnson  
Court Administrator/Clerk  
Court of Appeals of the State of Washington  
Division One  
One Union Square  
600 University Street  
Seattle, WA 98101-4170

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2016 JUN -3 PM 2:16

Re: Personal Restraint of Derek E. Gronquist,  
COA Cause No. 74899-8-I

Dear Mr. Johnson,

Please find enclosed my Second Supplemental Declaration of  
Derek Gronquist in Support of Personal Restraint Petition.  
Please file this document with the Court. Thank you.

Sincerely,



Derek E. Gronquist