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Washington State
Supreme Court

No. 94971-9

COA No. 74899-8-I

SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of:

DEREK E. GRONQUIST

Petitioner.

MOTION FOR DISCRETIONARY REVIEW

Derek E. Gronquist
#943857 A-513-1
Monroe Correctional Complex
Twin Rivers Unit
P.O. Box 888
Monroe, WA 98272

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A. IDENTITY OF PETITIONER.

Petitioner Derek Gronquist is confined in the Monroe Correctional Complex, a prison operated by the Washington State Department of Corrections. He filed a personal restraint petition seeking relief from the Department of Corrections refusal to release him from confinement at the expiration of his sentence on June 2, 2016.

B. DECISION BELOW.

Mr. Gronquist seeks review of the Order Dismissing Personal Restraint Petition entered by the Acting Chief Judge of Division One of the Court of Appeals in the case of Personal Restraint Petition of Derek E. Gronquist, Court of Appeals Cause No. 74899-8-I. The order was entered on August 18, 2017 and is attached at Appendix A.

C. ISSUES PRESENTED FOR REVIEW.

1. Whether Mr. Gronquist's petition presented an arguable basis for relief which precluded an Acting Chief Judge from dismissing the petition under RAP 16.11(b)? Answer: Yes.

2. Are confinement maximum expiration dates for consecutive sentences calculated from the date the prisoner began serving each consecutive term of confinement? Answer: Yes.

D. STATEMENT OF THE CASE.

Petitioner Derek Gronquist was sentenced to three consecutive 114-month terms of confinement in the Washington State Department of Corrections (DOC).¹ DOC received Mr. Gronquist on February 28, 1995, credited him with 453 days spent in pre-judgment detention, and set the maximum expiration date (Max Ex Date)² for the first term of confinement at June 2, 2003. Appendix B.³ On August 5, 2000 DOC released Gronquist from his first sentence to begin serving his second term of confinement. Id. DOC set the Max Ex Date for that sentence at February 3, 2010. Id. On May 5, 2007 DOC released Gronquist from the second sentence to begin serving his third term of confinement. Id. DOC set the Max Ex Date for that third and final

¹ These sentences were imposed by the King County Superior Court on February 17, 1995 pursuant to a felony judgment finding Gronquist guilty of three counts of attempted kidnapping in the first degree, committed on December 6 and 7 1993. Exhibit 1 at 1 & 3.

² A Max Ex Date represents 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).

³ This document is attached as an appendix for the Court's convenience. It comprises part of the record below at Exhibit 7. "Exhibit" refers to the exhibits attached to the Declaration of Derek Gronquist, subjoined to Petitioner's Opening Brief at Attachment A.

term of confinement at November 17, 2016.⁴ Id. A
2008 DOC release date calculation verifies how
these sentences were served:

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

Appendix B⁵ (emphasis added).

In 2012 Wendy Stigall, DOC's Statewide
Correctional Records Manager, implemented a

⁴Gronquist later received restorations of good time which adjusted the start date on Count II to April 17, 2000, and Count III to December 2, 2006. Petitioner's Opening Brief, Attachment A at 7; Exhibits 8 & 9. Those restorations should have resulted in the Max Ex Date for Count III being set at June 2, 2016 - 114-months (9½ years) after that sentence began. Cf. Exhibit 9 at 4 & 5 (current calculation listing start date for Count III as December 2, 2006). Mr. Gronquist is currently confined past both Max Ex Dates.

⁵These calculations are in accord with Washington law on how consecutive sentences are served and their Max Ex Dates calculated. St. Peter v. Rhay, 56 Wn.2d 297 (1960); and Personal Restraint of Paschke, 61 Wn.App. 591 (1991).

"programming change" to the OMNI computer database that changed Gronquist's Max Ex Date calculations to:

COUNT I

Start Date.....02/28/1995
Credit for Time Served.....435 days
Earned Release Date.....08/05/2000
Maximum Expiration Date.....04/05/2016 ⁶

COUNT II

Start Date.....08/10/2000
Earned Release date.....02/04/2007
Maximum Expiration Date.....04/10/2019 ⁷

COUNT III

Start Date.....02/04/2007
Early Release Date.....06/14/2013
Maximum Expiration Date.....05/31/2022 ⁸

Appendix C⁹ (emphasis added).

When Gronquist discovered and reported the alteration of his Max Ex Dates, Records Technicians at the Coyote Ridge Corrections Center admitted that they "can't prove the [altered] time in OMNI

⁶ This equals 267 months, 28 days, between the Start and Max Ex Dates.

⁷ This equals 224 months between Start and Max Ex Dates.

⁸ This equals 183 months, 27 days between Start and Max Ex Dates.

⁹ These alterations occurred years after the term of confinement on Counts I and II had been served and, according to DOC's own records, had "EXPIRED." See Appendix B (stating both terms had "EXPIRED" as of 2008) and compare with Appendix C.

is correct." Exhibit 13 at 6. When Gronquist asked "what law authorized" Stigall's conduct, the Records Management Supervisor of the Washington State Penitentiary responded that she "did not know," that "everything was done pursuant to the direction of Ms. Stigall," and she "was powerless to even question her actions." First Supplemental Declaration of Derek Gronquist at 2.

Each of Gronquist's complaints were routed to Ms. Stigall or her supervisor, who asserted: the first and second sentences "stopped" when Gronquist was released to subsequent sentences; State v. Acrey, 97 Wn.App. 784 (1999) authorized DOC to "toll or stop" consecutive terms of confinement;¹⁰ Max Ex Dates are calculated by combining the sentences and "add[ing] this time to [the] start date that you were admitted to prison"; and time added to each cause is "remaining confinement" from previous sentences. Exhibits 13, 14, 16, 18 & 20.

On March 18, 2016 Mr. Gronquist filed a personal restraint petition challenging Stigall's alteration of his Max Ex Dates. DOC responded by abandoning Ms. Stigall's "stoppage time" position,

¹⁰ DOC later admitted that "Acrey does not apply" to Gronquist's sentences. Exhibit 16.

but claimed the Max Ex Date of May 31, 2022 "is correct" because: it "equates" three consecutive 114-month sentences with a single 342 month term of confinement; or Max Ex Dates are calculated from the Max Ex Date of the previous sentence. Response of Department of Corrections (Response) at 2-7. DOC did not submit evidence indicating that such methodology is, in fact, how it calculated Gronquist's Max Ex Dates and the record belies its claims. See Appendix B & C.

On October 10, 2016 a Court of Appeals Commissioner ordered DOC to

file a supplemental response addressing Gronquist's claim that the calculation of the maximum expiration date for his consecutive sentences is inconsistent with decisions addressing maximum term expiration dates for successive felony convictions. See In re St. Peter v. Rhay, 56 Wn.2d 297, 352 P.2d 806 (1960); In re Pers. Restraint Petition of Pascke, 61 Wn.App. 591, 811 P.2d 694 (1991).

Letter Order of Commissioner Mary Neel.

DOC's supplemental response admitted that St. Peter and Pascke apply to Gronquist's sentences "because the relevant statutory language governing consecutive sentences is essentially the same" and that Max Ex Dates for consecutive terms of confinement are calculated from the earned release date of each previous sentence. Supplemental

Response of the Department of Corrections
(Supplemental Response) at 2-3. Despite those admissions, DOC claimed the Max Ex Date of May 31, 2022 is "correctly calculated" because Gronquist was sentenced to "community custody" under RCW 9.94A.701¹¹ that "tolls" "the Max Ex Clock." Id., at 1 & 4-9. Once again, DOC did not submit any evidence demonstrating that this was, in fact, the basis for its action.

On August 18, 2017 the Acting Chief Judge of Division One of the Court of Appeals dismissed the petition under RAP 16.11(b), holding: "DOC's calculation is based on the initial 1995 start date, and after subtracting credit for presentence time served, adds three consecutive 114-month terms (10,407 days) to that date"; the community custody portion of Gronquist's sentences are "tolled [while] he served the confinement portion of each consecutive count"; and Paschke does not apply because it "involved parole in conjunction with a pre-SRA indeterminate sentence." Attachment A at

¹¹ RCW 9.94A.707 and its "community custody" sentencing scheme were created in 2008 and only apply to persons sentenced after July 1, 2009. Laws of 2008, ch. 231 §§ 6, 12 & 28. Mr. Gronquist was sentenced in 1995 for crimes committed in 1993. Exhibit 1.

2.

Mr. Gronquist now requests this Court to accept review and order his immediate release from unlawful imprisonment.

E. ARGUMENT.

1. THE ACTING CHIEF JUDGE'S SUMMARY DISMISSAL OF A NON-FRIVOLOUS PERSONAL RESTRAINT PETITION VIOLATES RAP 16.11(b) AND CONFLICTS WITH DECISIONS OF THIS COURT

The Acting Chief Judge dismissed this petition under RAP 16.11(b). Appendix A. RAP 16.11(b) only permits a Chief Judge to dismiss a personal restraint petition if it is "frivolous." In Personal Restraint of Khan, 184 Wn.2d 679, 686-687 (2015), this Court held that a petition is frivolous under RAP 16.11(b) "where it fails to present an arguable basis for collateral relief either in law or in fact, given the constraints of the personal restraint vehicle." If it is not frivolous, a Chief Judge must refer the petition to a panel of judges for determination on the merits, or transfer the case to a superior court for further factual development. Id.

Mr. Gronquist's petition is not frivolous. It established that Ms. Stigall's 2012 alteration of his Max Ex Dates was unlawful under the binding authority of St. Peter v. Rhay, 56 Wn.2d 297 (1960)

and Personal Restraint of Paschke, 61 Wn.App. 591 (1991), and that DOC lacked authority to alter, enlarge, or convert terms of confinement imposed by a superior court judgment - especially when they had expired years before. Petitioner's Opening Brief at 5-7 & 10-13 and Petitioner's Reply Brief at 17 (citing Dress v. Department of Corrections, 168 Wn.App. 319 (2012) and State v. Jennings, 45 Wn.App. 858, 860 (1986)). Those authorities required the Acting Chief Judge to refer the case to a panel of judges for determination on the merits - who were likewise bound to grant the petition.

The Acting Chief Judge's dismissal of Mr. Gronquist's meritorious petition contravenes RAP 16.11(b) and conflicts with this Court's holding in Khan. Such conduct merits this Court's review, or the grant of this motion and a remand to the Court of Appeals for determination of the merits by a three-judge panel. RAP 13.4(b)(1); Khan, 184 Wn.2d at 687 (remedy for improper dismissal under RAP 16.11(b) is for the Supreme Court to decide the case on its merits); Personal Restraint of Ruiz Sanabria, 184 Wn.2d 632, 642 (2015)(granting motion for discretionary review and remanding case to

Court of Appeals for determination on the merits due to Acting Chief Judge's improper dismissal of petition under RAP 16.11(b)).¹²

2. CONFINEMENT MAXIMUM EXPIRATION DATES FOR CONSECUTIVE SENTENCES ARE CALCULATED FROM THE DATE THE PRISONER BEGAN SERVING EACH CONSECUTIVE TERM OF CONFINEMENT

Fifty-seven years ago this Court unanimously held that Max Ex Dates for consecutive sentences are calculated from the date the prisoner began serving each consecutive term of confinement. In St. Peter v. Rhay, 56 Wn.2d 297 (1960), a prisoner was sentenced to consecutive 15 and 10 year terms of confinement. The 15-year term began on October 1, 1943. Before that sentence expired, the prisoner was released to his 10-year sentence on January 31, 1948. More than 10-years later, on March 3, 1958, the prisoner's parole was revoked and he was ordered to serve the remainder of his 15-year sentence. St. Peter, 56 Wn.2d at 300.

¹²This Court has increasingly been required to intervene in the Acting Chief Judge of Division One's improper dismissal of personal restraint petitions under RAP 16.11(b). See Personal Restraint of Caldellis, 187 Wn.2d 127, 135 (2016); Personal Restraint of Hung Van Nguyen, 377 P.3d 757 (2016); Personal Restraint of White, 377 P.3d 710 (2016); Ruiz Sanabria, 184 Wn.2d at 642; and Khan, 184 Wn.2d at 684-687.

St. Peter filed a writ of habeas corpus contending that he was unlawfully confined beyond the Max Ex Dates of both sentences. Prison officials argued that St. Peter was lawfully confined, because he had only served six and one-half years of the 15-year sentence prior to being released to the 10-year sentence. Relying on a statute in effect since 1897, this Court rejected the prison officials position - holding that St. Peter's 15-year sentence began on October 1, 1943 and expired 15-years later, on October 8, 1958.¹³ His 10-year sentence began on January 31, 1948, when he was released from the 15 year term of confinement, and expired 10-years later on January 31, 1958. Because St. Peter was confined beyond the Max Ex Date of both sentences, the Court granted the writ and ordered his release from confinement. St. Peter, 56 Wn.2d at 299-300.

Thirty-one-years later Division Three confronted the question again. In Personal Restraint of Paschke, 61 Wn.App. 591 (1991), a prisoner was sentenced to consecutive 10, 20, and

¹³The additional 8-days is the time St. Peter was at large during an escape. St. Peter, 56 Wn.2d at 300.

10 year terms of confinement. Following St. Peter, the court recognized that "the term of a subsequent felony sentence begins when the inmate's actual imprisonment for the earlier offense ends."

Paschke, 61 Wn.App. at 594-595 (emphasis added). 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 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.... Paschke began serving his 10 year sentence for the 1979 rape conviction on October 15, 1983. His maximum release date on that charge is not later than October 14, 1993.... Thus, the latest date Mr. Paschke can be held is June 19, 1994 [the Max Ex Date of his 20 year term].

Id.

Mr. Gronquist began serving his first 114-month (9½-year) term of confinement on February 28, 1995, was credited with 453 days spent in pre-judgment detention, and has a Max Ex Date of June 2, 2003.¹⁴ On April 17, 2000 DOC released Gronquist from the first sentence to begin serving his second 114-month term of confinement. Exhibit 9. The Max

¹⁴Both parties agree that the Max Ex Date on Count I is June 2, 2003. Exhibit 7; Response at 3.

Ex Date of that sentence is November 17, 2009. On December 2, 2006 DOC released Gronquist from the second sentence to begin serving his third 114-month term of confinement. Id. The Max Ex Date for that third and final term of confinement is **June 2, 2016**. Exhibits 7 & 9; St. Peter & Paschke, supra.

The Acting Chief Judge sustained the Max Ex Date of May 31, 2022 upon the claim that "DOC's calculation is based on the initial 1995 start date, and after subtracting credit for presentence time served, adds three consecutive 114-month terms (10,407 days) to that date." Appendix A at 2. That holding squarely conflicts with the holdings in St. Peter and Paschke - that Max Ex Dates for consecutive sentences are calculated from the date the prisoner began serving each consecutive term of confinement - warranting this Court's review. RAP 13.4(b)(1) & (2).

The Acting Chief Judge held that Paschke¹⁵ does not apply to Gronquist's sentences because it "involved parole in conjunction with a pre-SRA indeterminate sentence." Attachment A at 2. What the Acting Chief Judge failed to recognize is that

¹⁵ The Acting Chief Judge did not mention this Court's decision in St. Peter, nor recognize its binding effect on him. See Attachment A.

the statute interpreted in St. Peter and Paschke is identical to the statute governing consecutive sentences in the SRA.¹⁶ Compare RCW 9.92.080 with RCW 9.94A.589(2)(a); St. Peter, 56 Wn.2d at 299; Paschke, 61 Wn.App. at 595. Because RCW 9.92.080 and RCW 9.94A.589(2)(a) are substantially verbatim, concern the same subject, and are in effect at the same time judicial interpretations of RCW 9.92.080 adhere to RCW 9.94A.589(2)(a) 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, 336-337 (2003).

More importantly, St. Peter, Paschke, and State v. Jennings, 45 Wn.App. 858 (1986) each sustained the principle that Max Ex Dates of consecutive sentences are calculated from the date the prisoner began serving each consecutive term of confinement - and recognized that this has been the law since Washington was a territory. See Ids. The legislature is presumed to be aware of those rulings and has never made any attempt to overrule

¹⁶ The Acting Chief Judge's ruling also conflicts with Personal Restraint of McNeal, 99 Wn.App. 617, 622 (2000), which "reject[ed] the state's arguments that community custody is not like parole."

them, creating the presumption that RCW 9.94A.589(2)(a) is to be interpreted "consistent with previous judicial decisions." Bobic, 140 Wn.2d at 264; McReynolds, 117 Wn.App. at 336. The Acting Chief Judge's ruling is clearly erroneous and directly conflicts with the canons of statutory construction established by Bobic and McReynolds, providing this Court with an additional reason to grant review. RAP 13.4(b)(1) & (2).

The Acting Chief Judge's ruling is also contrary to the record. DOC conceded that St. Peter and Paschke apply to Mr. Gronquist's sentences "because the relevant statutory language governing consecutive sentences is essentially the same[.]" Supplemental Response at 2-3. Each of DOC's Max Ex Date calculations use as the "Start Date" the day Mr. Gronquist began serving each consecutive term of confinement. See Appendix B & C. Neither used a single 1995 start date and "added" "10,407 days" (342 months) to it, as the Chief Judge suggests. Even if it did, DOC does not possess the authority to convert three consecutive 114-month sentences into a single 342 month sentence. See Dress v. Department of Corrections, 168 Wn.App. 319 (2012)(and authorities cited therein).

The Acting Chief Judge attempted to buttress his ruling by conflating terms of confinement with community custody that "toll[s] while [Gronquist] served the confinement portion of each consecutive count." Appendix A at 2. The statute governing tolling of terms of confinement does not operate in that manner. RCW 9.94A.171(1) provides:

A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented himself or herself from confinement without prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction.

RCW 9.94A.171(1) is in accord with long-standing judicial opinions which hold that a "sentence continues to run" even when an inmate is released to a consecutive term of confinement. St. Peter, 56 Wn.2d at 300; Paschke, 61 Wn.App. at 594; Jennings, 45 Wn.App. at 860. This is true even if DOC erroneously released the prisoner. Personal Restraint of Roach, 150 Wn.2d 29 (2003).

Rather than focus on Gronquist's terms of confinement and the laws governing them, the Acting Chief Judge based his decision upon statutes governing "community custody" or sentencing

conditions. Appendix A at 2 (citing RCW 9.94A.589(5), RCW 9.94A.707 & RCW 9.94A.171(3)(a)).

RCW 9.94A.171(3)(a), RCW 9.94A.707, and their related "community custody" sentencing scheme were created in 2008, and only apply to persons sentenced after July 1, 2009. Laws of 2008, ch. 231 §§ 6, 12 & 28. Those statutes have absolutely no application to Mr. Gronquist - who was sentenced in 1995 for crimes committed in 1993. Id.; Exhibit 1; State v. Donaghe, 172 Wn.2d 253, 258 n.5 (2011) (community placement governed by law in effect on date of crime, citing RCW 9.94A.345); State v. Flores Serpas, 89 Wn.App. 521, 524 (1998) (court cannot infer tolling provision nor apply a statute out of context); State v. Mahone, 2016 Wash.App. LEXIS 269, ¶¶ 5-6 (2016) (court agreed with DOC's request to vacate a judgment based upon its claim that "the plain language of RCW 9.94A.171(3)(a) does not apply to community placement" sentences like Gronquist's).

Finally, the Acting Chief Judge cited RCW 9.94A.589(5) to support his decision, which provides:

In the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community restitution, community supervision, or any other requirement or conditions of any of the

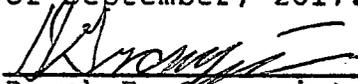
sentences. Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

This statute merely codifies the holding in St. Peter: that requiring a person to be released from confinement as a condition to beginning a subsequent consecutive sentence would create an "anomalous" situation. St. Peter, 56 Wn.2d at 299. More importantly, Mr. Gronquist has served "all periods of total confinement." Those period of confinement expired on June 2, 2003; November 17, 2009; and June 2, 2016. Appendix B & Exhibit 9.

F. CONCLUSION.

Mr. Gronquist is currently confined in the absence of any lawful authority. He has served his sentences, and his consecutive terms of confinement expired on June 2, 2003; November 17, 2009; and June 2, 2016. This Court must, therefore, grant this motion and order his immediate release from unlawful imprisonment.

Dated this 6th day of September, 2017.



Derek E. Gronquist
#943857 A-513-1
Monroe Correctional Complex
Twin Rivers Unit
P.O. Box 888
Monroe, WA 98272

DECLARATION OF SERVICE

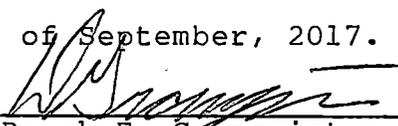
Derek E. Gronquist declares under penalty of perjury under the laws of the state of Washington that on this day I deposited a properly addressed envelope(s) in the internal legal mail system of the Monroe Correctional Complex, and made arrangements for postage, containing: Motion for Discretionary Review. Said envelope(s) was addressed to:

Susan L. Carlson, Clerk
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98505-0929

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

Ana Luisa Yu
Assistant Attorney General
P.O. Box 40116
Olympia, WA 98504-0116

Dated this 6th day of September, 2017.


Derek E. Gronquist
#943857 A-513-1
Monroe Correctional Complex
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APPENDIX A

expiration date on the second count should have been 9.5 years later, in November 2009. He further claims that he was released from the second count and began serving the sentence on the third count in 2006 and the maximum expiration for that count was June 2016.²

The DOC's calculation is based on the initial 1995 start date, and after subtracting credit for presentence time served, adds three consecutive 114-month terms (10,407 days) to that date. Gronquist's calculation fails to take into account the fact that although he is eligible for community custody in lieu of confinement, community custody cannot be served until an offender is released from total confinement. RCW 9.94A.707. As the DOC explains, because Gronquist was not released from confinement on the early release dates, his community custody in lieu of early release did not begin, but was tolled while he served the confinement portion of each consecutive count. See RCW 9.94A.589(5); RCW 9.94A.707; RCW 9.94A.171(3)(a). Gronquist's calculation excludes the period of community custody in lieu of early release that was outstanding on each count when he began serving the confinement portion of his sentence on consecutive counts.

Gronquist's claim appears to be largely based on In re Pers. Restraint of Paschke, 61 Wn. App. 591, 811 P.2d 694 (1991), and the premise that his sentences on previous counts continued to run while he served confinement portions of consecutive counts. But Paschke involved parole in conjunction with a pre-SRA indeterminate sentence. Unlike community custody which is a distinct portion of the sentence which may not be served in confinement, parole is a part of

² The DOC's records show that Gronquist began serving the confinement portion of the first count

the confinement portion of the sentence, which the offender may be allowed, as a matter of discretion, to serve in the community rather than in prison. January v. Porter, 75 Wn.2d 768, 774, 453 P.2d 876 (1969); State v. Jones, 172 Wn.2d 236, 244-45, 257 P.3d 616 (2011). Gronquist's claim ignores this distinction and he fails to establish that the DOC erred by including his community custody in lieu of confinement in the calculation of his maximum sentence expiration date.

Accordingly, Gronquist fails to demonstrate unlawful restraint based on the calculation of his maximum sentence expiration date. The petition should be dismissed. Now, therefore, it is hereby

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

Done this 18th day of August, 2017.

Trickay, ACJ
Acting Chief Judge

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STATE OF WASHINGTON
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in 1995, began serving the confinement portion on the second count in 2000 and the confinement portion on the third count in 2007.

APPENDIX B

P/N 0 943857

07/30/08 09.33.56

IIS0005

RELEASE DATE CALCULATION

PAGE 001

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

STATUS: ACTIVE

COMMITMENT: "AB" COMM.STATUS: EXPIRED

	"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
+ OUT-TIME + WICKERT	0		6
- EARNED RELEASE	0	SANCTION ADMIT DATE-----*	0.001
MANDATORY EXPIR. DATE-----*	00/00/0000	SANCTION RELEASE DATE-----*	

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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"	"AB"	"AB-AC"
TIME START DATE-----*	08/05/2000		
+ MAX (9Y 6M 0D)	3469		
- CREDIT TIME SERVED	0		
+ OUT-TIME + WICKERT	0		
+ CCI OUT/PAR ABSC TIME	0		
MAXIMUM EXPIRATION DATE--*	02/03/2010		
+ MIN (9Y 6M 0D)	3469		
- CREDIT TIME SERVED(SRA)	0		
- GOOD TIME (JAIL)	0		
+ OUT-TIME + WICKERT	0	33%	
MINIMUM EXPIRATION DATE--*	02/03/2010		
+ MAND (0Y 0M 0D)	0000000		
- CREDIT TIME SERVED	0		
+ OUT-TIME + WICKERT	0		
- EARNED RELEASE	0		
MANDATORY EXPIR. DATE----	00/00/0000		
TIME SERVED TO-DATE	2479		
MINIMUM EXPIR. DATE-----*	02/03/2010		
GCT CERT. & ADDR.	0	0	
GCT CERT. ONLY	0	0	
+ GCT DENIED & ADDR.	110	230	
+ GCT NOT CERTIFIED	0	0	
FUTURE/UNCERT.GCT	661	1161	
ET I & II	329.05	633.83	
+ ET NOT EARNED	56.39	61.56	
FUTURE ET	0.00	0.00	
EARNED RELEASE DATE-----*	03/30/2007		
ADJ. EARNED RELEASE-----*	05/20/2007		
EARLY POSS. REL. DATE-----*	03/30/2007		
ADJ. EARLY POSS. REL-----*	05/20/2007		
TIME REMAINING TO SERVE	0		
SANCTION ADMIT DATE-----*			
SANCTION RELEASE DATE-----*			

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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	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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APPENDIX C

Home > Assignments > Offender > Plans > Programs > Facility > Search > Administration
 Home > Sentence Information > View J & S - Prison
Sentence Information Menu
 View J & S - Prison
 View J & S - Field
 Conditions
 Earned Time
 Good Conduct Time
 Certified Time
 Work Ethic Program (WEP)
 Problem J & S

Inmate: GRONQUIST, Derek Eugene (943857)

Gender: Male DOB: 10/12/1964 Age: 51
 RLC: LOW WEP-Around: No Comm. Concern: Yes
 ERD: 06/14/2013 ICOTS Victim Sensitive: Yes
 Category: Regular Inmate
 Custody Level: Close
 Body Status: Active Inmate
 Location: WSP-Main - B / B93051L
 CC/CCO: McCoy, Janna

View J & S - Prison

Period Of Jurisdiction
 09/21/1998 - Current

Display
 Include Closed Causes Enable Scrolling

Sentence Drilldown:
 Cause, Count, & Confinement Element
 WEB Eligible Offender : No
 Felony Firearm Registration : No

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

Cause	Count Element	Confinement	Consecutive Confinement	Status	Confinement Length	Time Start Date	ERD	+ Length In Days	- Cause Credits	- Cause ERT Credit	ERT %	- Potential ET	ET Earned	+ ET Not Earned	Available ET	Potential GCT	GCT Certified	+ GCT Lost	Available GCT	+ Out Time	MaxEx	Length In Days	- Cause Credits	+ Out Time	+ Stoppage Time	Stat Max
AB-931001211-King-CP	1-Attempt-Kidnapping 1	00	00	Active	0Y, 410K, 0D	02/28/1995	06/14/2013	-	-	-	-	-	-	-	620	0	125	495	0	04/05/2016	3,469	453	0	-	03/31/2024	03/31/2024
AC-931001211-King-CP	1-Attempt-Kidnapping 1	00	00	Pending Field	0Y, 114M, 0D	02/28/1995	08/10/2000	3,469	453	33.33%	309.94	304.77	5.17	0.00	620	0	125	495	0	04/10/2019	3,469	453	0	4,691	10/04/2020	03/31/2024
AC-931001211-King-CP	1-Attempt-Kidnapping 1	00	00	Pending Field	0Y, 114M, 0D	08/10/2000	02/04/2007	3,469	453	33.33%	385.37	328.28	57.08	0.00	771	0	771	0	04/10/2019	3,469	0	0	0	2,322	03/31/2024	03/31/2024
AD-931001211-King-CP	1-Attempt-Kidnapping 1	00	00	Pending Field	0Y, 114M, 0D	08/10/2000	02/04/2007	3,469	0	33.33%	385.37	365.28	9.33	10.76	771	0	771	0	05/31/2022	3,469	0	0	0	02/02/2021	02/02/2021	

Maintain:

Action: