

62983-2

62983-2

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

62983-2

ANTHONYBAKARI L. BOVAN
PLAINTIFF.

V.

DEPARTMENT OF CORRECTIONS
DEFENDANTS

FILED
COURT OF APPEALS
DIVISION II
09 JAN 22 PM 12: 10
STATE OF WASHINGTON
BY DEPUTY

PERSONAL RESTRAINT PETITION

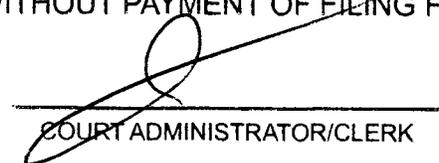
FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2009 FEB - 6 AM 11: 36

YAKIMA COUNTY JUSTICE CENTER
1500 PACIFIC AVE
YAKIMA, WA. 98903

ANTHONYBAKARI L. BOVAN
DOC#791896

2-19-07

PETITIONER MAY FILE PETITION
WITHOUT PAYMENT OF FILING FEE


COURT ADMINISTRATOR/CLERK

PERSONAL RESTRAINT PETITION
OF ANTHONY BAKARI LOUIS BOVAN
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

1. THE COURT IN WHICH I WAS SENTENCED IS:

I WAS SENTENCED 8-18-08 AT THE SNOHOMISH COUNTY JAIL BY A D.O.C HEARINGS OFFICER.

2. I WAS CONVICTED OF THE CRIME(S) OF:

I WAS SANCTIONED TO "RETURN TO PRISON TO SERVE REMAINDER OF SENTENCE" BECAUSE I VIOLATED 3 OR MORE TIMES WHILE ON COMMUNITY CUSTODY, WHICH MAKES ME A D.O.C "REVOKE/CCP OFFENDER, ("NOT A VIOLATOR, BIG DIFFERENCE") UNDER THE ESSB SENATEBILL 6157.

3. I WAS SENTENCED AFTER TRIAL, AFTER PLEA OF GUILTY ON _____, _____.

I WAS SENTENCED/SANCTIONED AT A HEARING THAT WAS HELD ON AUGUST 18th, 2008. D.O.C COMMUNITY CUSTODY.

4. THE JUDGE WHO IMPOSED THE SENTENCE WAS:

THE D.O.C HEARINGS OFFICER WHO IMPOSED MY SENTENCE/SANCTION, HIS NAME IS MR. ROBERT LALANE.

5. MY LAWYER AT TRIAL COURT WAS:

"NONE", YOU NOT ALLOWED TO HAVE COUNSEL PRESENT DURING A D.O.C HEARING!!

6. DID/DID NOT, APPEAL THE DECISION OF THE TRIAL COURT, (if the answer is that I did), I APPEALED TO:

I DID APPEAL THE DECISION OF THE SANCTION, I APPEALED TO THE DEPARTMENT OF CORRECTIONS, WESTERN HEARINGS RECORD 1016 S. 28th st. 3rd FLOOR TACOMA, WA

7. MY LAWYER ON APPEAL WAS:

“NONE” YOUR ALSO NOT ALLOWED TO HAVE COUNSEL DURING A APPEAL PROCESS!!!

8. THE DECISION OF THE APPELLATE COURT WAS/WAS NOT, PUBLISHED IF THE ANSWER IS THAT IT WAS PULISHED, AND I HAVE THIS INFORMATION, THE DECISION IS PUBLISHED IN:

THE DECISION OF THE “REGIONAL APPEALS PANEL”, WAS NOT PUBLISHED.

9. SINCE MY CONVICTION I HAVE/HAVE NOT ASKED A COURT FOR SOME RELIEF FROM MY SENTENCE OTHER THAN I HAVE ALREADY WRITTEN ABOVE. (if the answer is that I have asked), THE COURT I ASKED WAS:

YES, I HAVE ASKED FOR RELIEF, NOT FROM COURTS, (UNTIL NOW), DUE TO THE FACT THAT WE OFFENDERS HAVE TO FOLLOW PROTOCOL, AND OF CHAIN OF COMMAND “BEFORE” LEADING UP TO ACTUALLY FILING LEGAL ACTION, TO TRY TO ELIMINATE ISSUE'S, I DID THIS IN THE FORM OF WRITING NUMEROUS LETTERS TO D.O.C (regional appeals panel, Alice Payne, Doug Waddington, Laura Dyer, and James Thatcher) THE REGIONAL APPEALS DENIED MY APPEL ON 9-12-08.

10. **“NONE”, NO LAWYER**

Statement of Finances

If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form

1. I do do not ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the fee.

2. I have \$ 0 in my prison or institution account.

3. I do do not ask the court to appoint a lawyer for me because I am so poor I cannot afford to pay a lawyer.

4. I am am not employed. My salary or wages amount to \$ 0 a month.

My employer is:

~~OHIO~~ - No employer!

(Name and address)

5. During the past 12 months I did did not get any money from a business, profession, or other form of self-employment. If I did, it was:

(Kind of self employment)

The total income I got was \$ 0

6. During the past 12 months, I:

DID

DID NOT

Get any rent payment. If so, the total amount I got was

\$ 0

Get any interest. If so,

B. GROUNDS FOR RELIEF

FIRST GROUND

My sanction should be modified, and time structured recalculated because per my sanction order it states "RETURN TO PRISON TO SERVE REMAINDER OF SENTENCE" not a county jail (REGARDLESS if D.O.C has a contract with the county jails) The sanction was signed by a D.O.C state employee, which makes this sanctioned a "legally binding contract", and should be carried out per it's order, also, the calculation of determining my release date "excluded" the time I spent in jail awaiting to go to my violation hearings. The accurate time was not credited towards my release date.

FACTS

1. By having me housed in a county jail, when I am a STATE D.O.C revoke offender, is discrimination under the 14th Amendment (EQUAL PROTECTION OF THE LAW), why, because there are others D.O.C state revoke offenders, who are in prisons. They have about 90% of getting positive programming (educational) opportunities, activities, as well as privileges due to them. I am the same as them (D.O.C revoke offender), but housed in a county jail. I am discriminated against because there is only 5 to 10% of programing.
2. This county jail where I am housed, D.O.C is not taking consideration of the severity of placing state D.O.C offenders (REVOKES) with county jail inmates, meaning custody levels, or severity of one's crimes for example, (you would not house together a person who has a murder or assault crimes along side a person who stole a candy bar or ran a red light.)
3. By placing me (a state D.O.C offender) in a county with little or no opportunities for programing "DECREASE'S" my chance for a positive transition back into the community, so in other words upon my release from this county jail I will receive NO 40\$ gate money (violates my 14 Amendment EQUAL PROTECTION OF THE LAW) and I will be worse off, than as I came in due to the lack of programing
4. Fact of the matter is, I am a "D.O.C STATE OFFENDER per law I am to be treated" "EQUALLY" like any other D.O.C offender regardless if I am in this county jail. If D.O.C has contracts to house "their offenders" in county jails, then they need to have (A SPECIFIC PART OF THE JAIL) for state D.O.C offenders

ONLY!!, with the same equal access to programming, activities, and privileges just like other D.O.C revoke offenders who are all ready in prison, "NOW". I have, and my family have voiced an written to officials (classification in Olympia, JEAN STEWARD/STEWART, KEVIN BOWEN, LINDA SCOTT) stating that my auntie (whom I am very close too) can not travel long distance car rides, so we took the proper protocol on getting a "HARDSHIP" (back in October, November, an December of 2008) even to date (1-16 08) I have not received a response!! It's a fact that the department of correction is clearly violating my 14th Amendment right (EQUAL PROTECTION OF THE LAW AND OR UNEQUAL TREATMENT) for the reason they have other revokes doing their time in prison and I am in a county jail doing 353 days (DAY FOR DAY)!!

SECOND GROUND

Senate bill ESSB 6157 was first heard in April of 2007 and was then passed with it's effective date of July 7, 2007 and a end date of July 7, 2011. There is also another part of ESSB 6157 with the effective date of July 7, 2008 and a end date of July 7, 2012.(EFFECTIVE meaning the date the bill ESSB 61578 actually started on) Now this bill is not "RETRO ACTIVE" (RETRO ACTIVE meaning a start date sometime before the bill ESSB 61578 was passed) Now with ESSB 6157 not being retro active means I should have not been eligible for it!! I took a PLEA AGREEMENT(JUNE 30, 2003 cause NO.03-1-00087-1, that was 4 years before this bill was even thought of??) My plea was for 73.5 months in which I received my 1/3 off with good/earned time. I would have NEVER took that plea agreement if I knew that after staying out of trouble, working, going to school, basically bettering myself for my return to the community that a new law could come effective and make me return for the time that I earned(i received my G.E.D through Edmond's community college(due to my age school was optional) and took 4 different and 1 couples course of none violent communication) I also "NEVER" received a MAJOR WRITE UP for any behavioral reason during my 49months of straight confinement, which means I really earned my time off my sentence!! In this bill (ESSB6157) there are suppose to be a lot of opportunities, and programming for people on COMMUNITY CUSTODY, but there is "NONE" D.O.C use the excuse, "LACK OF FUNDING." There was a lack of funding before this bill was even thought of, so all those we will help you type programs was all a lie it was put in the bill to make it look like D.O.C was gonna actually help us but it was really about MONEY!!

FACTS

1. With "NO" RETO ACTIVE date I did not qualify to be a ESSB 6157 revoke, and in order to sanctioned me to ESSB 6157 D.O.C would have to take me back in front of my sentencing judge to change or modifies my plea agreement!! Since I

never got that opportunity to go back in front of my sentencing judge and D.O.C took the time I plead to earn 4years later, violates my 14th and my 8th Amendment!!

2.As far as “similar case's” to mine in regards to (time) credit for time served for revoke etc... Please see (PRP) Personal Restraint Petition of “Joseph Frank Albritton” #58832-0-1 published opinion. Filed March 24, 2008. Also case's similar to mine, please see RCW9.94a.190...9.92.151...9.94a.612...9.94a.705...9.94a.715

3.Constitutional provisions should be considered by the court in my case...THE 14th AMENDMENT (EQUAL PROTECTION OF THE LAW AND OR UNEQUAL TREATMENT) AS WELL THE 8th AMENDMENT (CRUEL AND UNUSUAL PUNISHMENT)

4.This petition is the best way for me to get relief because I can not get the relief that is due to me. D.O.C IS IGNORING the fact that unequal treatment/cruel and unusual punishment/discrimination is happening at this very moment, towards D.O.C state offenders who are house in county jails...ALSO, the calculating of revoke offenders time frame, meaning the jail time spent awaiting to got to my hearings(that time in between), as well as the time I spent on the streets(reporting) going towards my sentence/community custody time.

C. REQUEST FOR RELIEF

I WANT THIS COURT TO:

OTHER

Per my sanction order, as well as per the outcome of the decision of the Regional Appeals Panel...They all state, “RETURN TO PRISON TO SERVE REMAINDER OF SENTENCE” (under cause # 03-1-00087-1, from 2003) so please abide the laws of this state and take me out of this county jail, and put me in a state facility,(PRISON) so I can have the same “EQUAL ACCESS” to educational programming, activities, and privileges just like any other D.O.C state offenders have. When I was revoked an sent back it is as I never left so I should have started were I had left off at) Also recalculate my time including the jail

time spent awaiting to attend my violation hearing (the two previous violations which was 13days on the first violation and 21 days on the second), that is not “DEAD TIME”, that time counts towards my sentence and community custody time, which plays a part a part in calculating my release date, as well as the time I spent on the streets reporting.

I dispute the fact that due to the passing of the new bill 6157, the “outcome if it”, initiated unequal treatment (discrimination) per the laws of this state, not the fact that if it is illegal or not to house me here.

This petition is the best way for me to get some justice because no one seems to want to address the seriousness of laws not being followed, as well as laws and policies that DOC make,...but do not alwaysfollow.

Respectfully submitted this 19th day of January in the year of 2009.

**Anthony BK.L Bovan DOC#791896
Yakima County Justice Center
1500 Pacific Ave
Yakima, WA. 98903**

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

FILED
COURT OF APPEALS
DIVISION II

09 JAN 22 PM 12:10

CAUSE NO. 03--1-00087-1
FOR CHARGE OF (ROBBERY) STATE OF WASHINGTON
BY _____

ANTHONY BAKARI L. BOVAN,
PETITIONER

MOTION FOR IMMEDIATE RELIEF DEPUTY
AND ACCELERATED REVIEW

DEPARTMENT OF CORRECTIONS
RESPONDENT

PURSUANT TO RAP 16.15 (b), RAP 18.12

COMES NOW ANTHONY BAKARI L. BOVAN, PETITIONER, IN THE ABOVE STYLED
CAUSE AND RESPECTFULLY MOVES THE COURT TO GRANT HIS MOTION FOR
IMMEDIATE RELIEF IN THIS MATTER. FOR THE COURT TO ALLOW PETITIONER
ACCELERATED REVIEW OF SAID MOTION.

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2009 FEB - 6 AM 11:36

STATEMENT

I AM CURRENTLY UNDER JURISDICTION OF THE DEPARTMENT OF CORRECTIONS
SERVING A SENTENCE/SANCTION, FROM DOC HEARING ON 8-18-08 (REVOKED UNDER
HOUSE SENATE BILL 6157 WHICH PASSED ON 4-21-07), BUT FROM A CAUSE NUMBER
FROM JUNE 30th, 2003 WHEN IN FACT THIS HOUSE BILL WAS NOT IN EFFECT @ THE
TIME OF MY SENTENCING AND WAS NOT INCLUDED IN THE PLEA BARGAIN AGREE-
MENT, THEREFORE RENDERING THE APPLICATION OF HOUSE BILL 6157 TO CAUSE #
03-1-00087-1 (PIERCE COUNTY) ILLEGAL AND IN VIOLATION OF MY PROCEDUAL DUE
PROCESS, AS WELL AS MY INTIAL PLEA AGREEMENT, AND FUTHER RENDERS MY PLEA
IN CAUSE# 03-1-00087-1 INVALID.

CONCLUSION

PETITIONER CONCLUDES THAT RAP(S) 16.15 (b), 18.12 GIVES THE COURT A WIDE RANGE OF DISCRETION TO GRANT PETITIONERS MOTION(S)

PETITIONER ASSERTS THAT GIVEN THE ABOVE REFERENCED CIRCUMSTANCES DUE CONSIDERATION, AND THE DOUBLE JEOPARDY OF THE APPLICATION OF HOUSE BILL 6157 UPON SENTENCES BEFORE IT'S PASSING/INTRODUCTION INTO THE JUDICIAL SYSTEM'S FINAL JUDGMENTS & SENTENCES.

RELIEF

PETITIONER RESPECTFULLY MOVES THE COURT TO GRANT THE RELIEF SOUGHT IN THE ABOVE STYLED CAUSE(S).

AFFIRMATION

PETITIONER AFFIRMS UNDER PENALTY OF PEJURY OF THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND UNDERSTANDING.

RESPECTFULLY SUBMITTED ON THIS 15th DAY OF JANUARY, 2009

ANTHONY B. BOVAN DOC#791896
YAKIMA COUNTY JUSTICE CENTER
1500 PACIFIC AVE
YAKIMA, WA. 98903

Wrong Number

It's

Capello is correct. Former RCW 9.94A.⁷²⁰120(8)(c) provides that "the court" may order "special" conditions of community placement. One of those special conditions was preapproval of living arrangements. The SRA defines community custody as a form of community placement.«18» And under former RCW 9.94A.⁷²⁰ the trial court had the authority to impose conditions of community placement. There is nothing in the SRA specifically authorizing DOC to independently impose any of the statutorily listed special conditions of community placement. While the definition of "community custody" acknowledges that an offender is subject to DOC control during that period, it would be inconsistent with RCW 9.94A.⁷²⁰ to interpret this as a grant of independent authority to impose a special condition which the trial court specifically declined to impose. Agencies do not have the power to make rules that amend or change legislative enactments.«19» Furthermore, former RCW 9.94A.120(8)(d) provides that "any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of [DOC]." The statutory framework of RCW

«18» "Community placement" is defined as "that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two." Former RCW 9.94A.030(5) (1991). "Community custody" is defined as "that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections." Former RCW 9.94A.030(4) (1991).

«19» Bird-Johnson Corp. v. Dana Corp., 119 Wn.2d 423, 428, 833 P.2d 375 (1992).

584 PERSONAL RESTRAINT OF CAPELLO June 2001
106 Wn. App. 576

9.94A.720

501

⁷²⁰9.94A.120 evinces a legislative intent that the trial court, not DOC, has exclusive discretion to decide whether or not to waive the standard conditions enumerated in RCW 9.94A.~~120~~(8)(b), and whether or not to impose the special conditions enumerated in RCW 9.94A.~~120~~(8)(c). ⁷²⁰

The legislative history of the 1996 amendments to RCW 9.94A.⁷²⁰ further undermines DOC's position. The final legislative report for Substitute Senate Bill 6274 states that "[u]nder current law, all conditions of supervision must be imposed at the time of sentencing by the court and may not be altered later except to make them less restrictive. The department does not have the statutory authority to impose additional supervision conditions based on information it may learn about an individual's history or deviancy cycle during incarceration." Substitute Senate Bill 6274 amended RCW 9.94A.~~120~~ by authorizing DOC to "impose any appropriate conditions on sex offenders during their community custody terms." But DOC's new authority to impose conditions under this act is specifically limited to those offenders sentenced after the effective date of the 1996 amendment. DOC had no authority to impose additional, more restrictive terms of community placement until the Legislature amended the SRA in 1996.

DOC cannot avoid RCW 9.94A.⁷²⁰ by attempting to redefine the preapproved residence requirement as part of its program rather than a condition of community placement. It is a fundamental tenet of statutory construction that every provision of a statute must be read in conjunction with its related provisions to determine legislative intent and to achieve a harmonious and unified statutory scheme.«20» There is no meaningful distinction between a preapproved residence requirement imposed as a condition of community placement by the trial court under RCW 9.94A.120, and the same requirement imposed by DOC as part of its policy for administering the community custody program under RCW 9.94A.150.

«20» State v. Chapman, 140 Wn.2d 436, 448, 998 P.2d 282, cert. denied, 121 S. Ct. 438 (2000).

To:

From:

Re: Discrimination and mistreatment, (under the grounds of the
14th Amendment...Equal protection of the law, unequal treatment)

This letter is to inform the reader of the cause and effect of the mistreatment, and discrimination, as well as cruel and unusual punishment that I am being subjected to, while housed in a county jail, when in fact I am a DOC State (revoke) offender, under ESSB 6157, who is supposed to be in a STATE facility (prison), per the laws of Washington State, as well as per my sanction order, signed by a DOC official, my CCO, and a DOC hearing officer, thus making this sanction, a **Legally Binding Contract**.

When an offender is revoked and sentenced to go back to prison and finish the remainder of his time (good time), he has the right, and access to many various programming (educational), and activities, as well as privileges that will help him transition safely, and productively back into the community.

DOC has stripped me of these opportunities because they have contracts with county jails to house some of their DOC offenders, **neglecting the fact** that when they put DOC offenders in county jails, it violates the 14th Amendment (Equal protection of the law, or unequal treatment). Now keep in mind that not all Revoke and CCP offenders are in county jails, Oh no, there are Revoke's and CCP offenders also in DOC State facilities prisons, where I should be to... This is where the discrimination and unequal treatment comes in, you see, you can not have one DOC State offender, who is a Revoke in a prison getting 90% of educational programming opportunities, and activities, as well as privileges... and have another DOC State offender, who is a Revoke as well, but in a county jail, only getting 10 % of some said programming, for example, per my sanction, my cco states "I need much needed chemical dependency treatment, and positive tools to help me be a more productive member of the community, (and believe me, he is so right), but the problem is that this county jail does not have a chemical dependency class whatsoever, but DOC State facilities (prisons) do.

I have put together two column's to show you the exact nature of the blatant discrimination, and unequal treatment that has been put upon me, the first column shows that as a DOC offender (Revoke and or CCP) I have the right to equal programming, activities and privilage, just as any other DOC State offender, **REGARDLESS if DOC has a contract with county jails!**

keep in mind that these column's are not all of the oppertunities that I have listed, there are many more, No Sunday church service, No reviews, I don't even know what custody I am, or my custody point's.

Did you know that these county jail gaurds are suppose to be trained by DOC officials to deal with State DOC offenders, guess what, there not, believe me, I have inquired about this and some of these gaurds do not have a clue,... how is it that State DOC offenders are subjected to county jail rules...you can not treat a State DOC Revoke and CCP offender the same as a county jail inmate, **(This is the law, how ever the Department Of Corrections seems to ignore these facts.)**

IF DOC has these contracts with county jails, then they should have a specific part of the jail **only** for DOC Revoke and CCP offenders, For example in state facilities (Prison's) there are custdy levels. There is Minunim, Medium, and Closed custody levels. The custody levels fit the severity of the offenders crime. Department Of Correction has not acknowledged the interaction between two inmates with different custody levels housed together, Or the fact that in county facilities most inmates do not even have a custody leveles, because most **(Haven't Been To Prison.)** This is causing issue's for me due to the fact that **(I can't PROGRAM, why because there are no programs.)**

DOC State prisons Offer these Programs, and privilages, and Activities that I need.

Does a DOC State Offender (housed in a county jail) have the same oppertunities.

1.Chemical Dependency	No
2.Re-entry and transition to the community	No
3. A Library	No
4. A real Law Library	No
5. A Counselor	No
6. A C.U.S	No
7. A Gym	No
8. A yard	The size of a Lg. bedroom
9. Various outside support groups	No
10.Open Chapel	No
11.A Choir	No
12.Vocational Class's	No
13.Cultural Awareness events	No
14.Contact Visits	No
15.“Paid Jobs”	None at all
16.Attend Church Service with your family	No
17.A Music Room	No
18.A <u>safe</u> sleeping bunk	Per the 8 th Ammendment, “No”
19.Trailer Visits	No
20.Fund Raiser's	No
21.Work release	No
22.Personal T.V.	No
23.Personal Radio	No
24.To be assessed for risk management	No
25.To be able to look at tree's	No
27. To be able to feel the grass	No



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

HEARING AND DECISION SUMMARY

RELEASE FROM DOC CUSTODY/CONFINEMENT: YES NO (See Confinement Order DOC 09-238)

OFFENDER NAME (LAST, FIRST) <i>Brown, Robert</i>	DOC # <i>791756</i>	RMI/LSI <i>A</i>	DATE OF BIRTH <i>5-22-70</i>
CAUSE NUMBER(S) <i>03-1-2007-1</i>			
OFFENDER STATUS <input type="checkbox"/> CCI <input checked="" type="checkbox"/> CCP <input type="checkbox"/> CCJ <input type="checkbox"/> CCM <input type="checkbox"/> DOSA <input type="checkbox"/> W/R <input type="checkbox"/> FOS			

DATE OF HEARING *8-13-08* LOCATION OF HEARING *SC*

CCO NAME *Carol Chapman* WAIVED APPEARANCE YES NO

OTHER PARTICIPANTS _____ COMPETENCY CONCERN YES NO

_____ WAIVED 24 HOUR NOTICE YES NO

_____ INTERPRETER/STAFF ASSISTANT YES NO

PRELIMINARY MATTERS: *to be reviewed with staff*

ALLEGATIONS	PLEA	FINDING Guilty / Not Guilty Probable Cause Found
<i>1. FTS since 5-22-07</i>	<i>G</i>	<i>G</i>
<i>2. FTS since "</i>	<i>G</i>	<i>-</i>
<i>3. FTS since "</i>	<i>NT</i>	<i>Prob</i>
<i>4. FTS since 2-22-07 5-22-07</i>	<i>G</i>	<i>-</i>

EVIDENCE RELIED UPON (LIST):

J&S Notice of Allegation, Hearing, Rights and Waiver form Report of Alleged Violations

Conditions, Requirements, and Instructions form Chronological Reports Other Listed Below:

Handwritten initials/signature



~~Eligible for 1/3 off in good time if earned, on this DOC sanction~~

In the matter of:

NAME Brown, Debra

CAUSE NUMBER(S) 2006-10-10-00007-1

DOC NUMBER 791546 DOB 0-2-51

On 5-15-07, a Hearing was conducted in accordance with WAC 137-104. The above captioned offender was found guilty of violating the conditions or requirements of Community Custody. Pursuant to RCW 9.94A, the undersigned Hearing Officer finds that it is in the public interest to sanction the offender to a term of confinement as follows:

TOTAL CONFINEMENT

The offender is serving a term of community custody for a sex offense committed on or after 06/06/96, and before 07/01/00, and having completed the maximum (CCM) term of total confinement, is therefore sanctioned to a term of confinement in a local correctional facility/jail as follows:

LOCATION _____ START DATE _____ TOTAL DAYS _____

The offender (CC) is sanctioned to a term of confinement in a county jail or equivalent correctional facility as stated below or, if confinement in such a facility is not available, the offender may be confined in a state correctional facility or institution as follows:

LOCATION SCJ START DATE 7/20 TOTAL DAYS 760

PARTIAL CONFINEMENT

The offender is sanctioned to a term of partial confinement as follows:

LOCATION _____ START DATE _____ TOTAL DAYS _____

Home detention with electronic monitoring, work crew, or a combination thereof to be arranged and managed through the supervising Community Corrections Officer as follows:

Home detention with monitoring START DATE _____ TOTAL DAYS _____

Work Crew START DATE _____ TOTAL DAYS _____

*** During this term of confinement you are required to follow all rules and regulations of the facility. Failure to do so will be a violation of this order and may result in additional sanctions.**

Ordered this 15th, day of July, 2007

Signed [Signature]
HEARING OFFICER, DEPARTMENT OF CORRECTIONS

Distribution: **ORIGINAL** – Detaining Agency / Facility via CCO **COPY** – CCO, Offender, Hearing File ALL WHITE



Offender Name: Anthony Bowen/Harding DOC# 791896 Hearing Date: 8-18-08

Hearing Officer: Robert Lalanne Hearing Location: Snohomish County Jail

COMMUNITY CUSTODY HEARING APPEAL

Reason for the Appeal : (Limited to the listed below per RCW 9.94A.737)

PLEASE CHECK THOSE THAT APPLY:

- Sanction not Reasonably Related to the Crime of Conviction
- Sanction not Reasonably Related to the Violation Committed
- Sanction not Reasonably Related to the Risk of Re-offending
- Sanction not Reasonably Related to the Safety of the Community

NOTE: APPEAL'S PANEL FINDING IS LIMITED TO: Modify or reverse the decision

WORK RELEASE HEARING APPEAL

Reason for the Appeal: (Limited to the listed below per WAC 137-56-250)

PLEASE CHECK THOSE THAT APPLY:

- Object to the procedures used
- Object to the information available to the Hearing Officer
- Object to the Hearing Officer decision

NOTE: APPEAL'S PANEL FINDING IS LIMITED TO: Modify to a lesser sanction, Reverse the Decision, Remand for rehearing

Describe Reason and/or Provide Supporting Evidence for the Appeal (Based on Reason Checked Above)

I still do not understand the proper protocol involving the Appeal process. I inquired today (8-19-08) on appeal information & was refused info. by Greg Saunders & Robert Lalanne.

I'm appealing this sanction because this was supposed to be my 2nd full hearing. My first hearing was an "negotiated sanction" delivered by Greg Saunders between 1-14-08 & 1-29-08. I explained I didn't understand process & was told "they will explain at hearing". I go to hearing where they explain terms of negotiated sanction & concurred with sanctions & process. Hearing Officer put forms in file & left. I was then (RELEASED for time served per negotiat. sanction). Terms were time served for negotiated sanction.

Now they tell me this was my 3rd hearing. I never "refused" to sign, I only asked for in-depth explanation of terms & process regarding negotiated sanction. SEE BACK

This appeal must be mailed to the address listed below within seven (7) calendar days of receipt of the Hearing and Decision Summary. Appeals are heard approximately every two (2) weeks. Sanctions are NOT STAYED pending the outcome of an appeal.

DOC REGIONAL APPEALS PANEL
HEARINGS UNIT
1016 So. 28th ST. 3rd Floor
TACOMA WA 98409

*The contents of this document may be eligible for public disclosure.
Social Security Numbers are considered confidential information and will be redacted in the event of such a request.
This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.*



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P.O. BOX 41100 • Olympia, Washington 98504-1100

REGIONAL APPEALS PANEL DECISION

FROM: DOC Regional Appeals Panel, Northwest Regional Appeals Panel, Longview, WA

TO: Anthony Bovan/Harding DOC #: 791896

Date: 9-12-08

IM suppose to be in prison not county jail for a year

On 08/18/08, a DOC Hearing was conducted by, Hearings Officer Robert Lalanne, at the Snohomish County Jail and the Hearing Officer found you guilty of; 1) Failing to report to DOC since 5/25/08, 2) Failing to be available for UA testing since 5/25/08, and 3) Failing to pay \$20.00 per month toward legal financial obligations since 5/25/08, which are violations of the conditions of your supervision/custody. The Hearing Officer issued a Hearing and Decision Summary on 8/18/08, and imposed the following sanction(s) upon you: Return to prison to serve remainder of sentence.

On 08-29-08, your appeal was received in which you requested a review of the Hearing Officer's decision and/or sanction. You specifically appealed:

- The finding(s) of guilt
The sanction(s) imposed
Other, as explained below:

The DOC Regional Appeals Panel has investigated your appeal request and finds that:

- You were found guilty based upon sufficient evidence.
There was insufficient evidence for a finding of guilt as explained below.
A procedural error was made as explained below.
A guilty finding was made based on unconfirmed allegations as explained below.
Other as explained below:

The appeals panel reviewed your written appeal, the Hearings Officer's written report as well as all accompanying discovery documentation. The panel must first clarify that RCW 9.94A.737 section (e) states that this appeals panel is limited in reviewing the sanction imposed and can only determine whether the sanction was reasonably related to the: (i) crime of conviction, (ii) the violation committed, (iii) the offender's risk of re-offending or, (iv) the safety of the community.

The question you raise in your appeal is very straight forward and the panel can answer it directly. During the last state legislative session the legislature passed, and the Governor signed, ESSB 6157 which mandated that when an offender on Community Custody has three (or more) violation hearings where guilty findings are entered for violation(s) the offender will be returned to total confinement to serve the remainder of the good/earned time credits they had remaining.

The appeals panel understands that you do not believe this was your third hearing. However the hearings officer took the time to verify with DOC Records division that this was indeed your third hearing prior to imposing the sanction.

The overwhelming facts are that this was your third violation hearing and you were found guilty of 3 violations. Your continued decision to resist compliance and treatment gave the Hearings Officer no other choice but to return you to prison for the remainder of your sentence.

The panel concurs that the sanction imposed was consistent with current state law and DOC policy.



Washington State Court of Appeals
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, Issue Summaries, and General Information at <http://www.courts.wa.gov/courts>

February 5, 2009

Honorable Richard D. Johnson, Clerk/Administrator
Court of Appeals, Division I
One Union Square
600 University Street
Seattle, Wa. 98101

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2009 FEB - 6 AM 11:36

Re: Personal Restraint Petition of Anthony Bakari Louis Bovan

Dear Mr. Johnson:

I have enclosed the Personal Restraint Petition of the above-referenced petitioner for your review, which was filed with our division on January 22, 2009.

In reviewing the petition, it appears that he was sentenced in Snohomish County. Pursuant to RAP 16.8(b), Division I would have jurisdiction over this matter.

Very truly yours,

David C. Ponzoha,
Court Clerk

DCP:ldr
Enclosure

cc: «PetitionersName»
«PetitionersAddress1»
«PetitionersAddress2»
«PetitionersAddress3»