62983-2

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FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON
2009 MAY 19 AM 10:45

No. 62983-2-1

IN THE COURT OF APPEALS OF THE
STATE OF WASHINGTON
DIVISION ONE

IN RE THE PERSONAL RESTRAINT PETITION OF

ANTHONY BOVAN,

PETITIONER.

REPLY TO STATE'S RESPONSE

Anthony Bovan, Pro Se

Anthony Bovan #791896
3025 Oakes Avenue
Everett, Washington 98201

Contents

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A. IDENTITY OF PETITIONER
Anthony Bovan, Petitioner, respectfully asks this court to accept review based upon the following issues:

B. ISSUE'S PRESENTED

1. BEING HOUSED IN A COUNTY JAIL WHILE DOING THE REMAINDER OF MY "PRISON" SENTENCE

2. THE SENATE BILL(6157) NOT HAVING A "RETRO ACTIVE DATE.

3. NOT RECEIVING MY CREDIT FOR TIME SERVED ON MY PREVIOUS VIOLATIONS.

4. THE FACTS OF WHY I WAS NEVER ELIGIBLE.

1. FIRST ISSUE: BEING HOUSED IN A COUNTY JAIL WHILE DOING THE REMAINDER OF MY "PRISON" SENTENCE.

ARGUMENTS: **THE D.O.C RESPONDED WITH SOME RCW 'S ON THIS TOPIC, BUT THEY FAILED TO RESPOND TO THE ACTUAL ISSUE THAT WAS PRESENTED IN MY "PRP" WHICH WAS 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. THE SANCTION WAS SIGNED BY A STATE D.O.C EMPLOYEE,WHICH MAKES MY SANCTION A LEGALLY BINDING CONTRACT AND IT SHOULD HAVE BEEN CARRIED OUT PER IT'S ORDER!! INSTEAD THE D.O.C CHOOSE WILLINGLY TO BREAK THE LAW AND VIOLATE MY "14 AMENDMENT EQUAL PROTECTION OF THE LAW"**

BY NOT SENDING ME TO PRISON. NOW I AM A "STATE OFFENDER" BEING HOUSED IN A COUNTY JAIL AN BEING DENIED THE SAME EQUAL ACESS TO PROGRAMMING, ACTIVITIES, AND PRIVILEGES JUST LIKE OTHER D.O.C "STATE OFFENDERS WHO ARE IN PRISON AT THIS TIME. I BELIEVE THAT THE D.O.C DIDN'T RESPOND TO THE ACTUAL QUESTION IS BECAUSE THEY KNOW THAT THEY MADE A BIG MISTAKE BY NOT TAKING THE PROPER CHANNELS ON WHAT TO DO ONCE A PERSON IS SANCTIONED UNDER SENATE BILL 6157. SO IM ASKING THE COURTS TO RULE THAT "ANY ONE WHO WAS SANCTIONED TO RETURN TO PRISON FOR REMAINDER OF SENTENCE, BE PLACE IN A PRISON FACILITY!! PER SANCTION ORDER!!! WHY SHOULD THE D.O.C BE ABLE TO BREAK THE LAW AND NOT BE PUNISHED???

2. THE SECOND ISSUE: SENATE BILL ESSB 6157 NOT HAVING A RETRO ACTIVE DATE.

ARGUMENTS: **THE D.O.C RESPONDED WITH "THE SENATE BILL 6157 IS RETRO ACTIVE BECAUSE IT IS REMEDIAL." WHEN THE D.O.C DREW THIS BILL OUT THE ONLY THING THAT THEY SEEN WAS DOLLAR SIGNS$$$$!!! THEY ACTUALLY FAILED TO COME UP WITH RULES,REGULATIONS AN GUIDELINES AND THE ONES THAT ARE IN THE ACTUAL BILL THEY DON'T ABIDE BY THEM BECAUSE IT WOULD BE HELPING US (THOSE UNDER 6157) THE D.O.C HAD A DIFFERENT MOTIVE WHEN THEY PRESENTED THIS BILL TO THE GOVENOR TO SIGN. SEE THE BIGGEST PROBLEM ABOUT THIS BILL (ESSB6157) IS THE "INCONSISTANCY" ON RATHER THE BILL(ESSB6157) IS "RETRO ACTIVE" OR NOT?? I STARTED ASKING THIS QUESTION BACK IN NOVEMBER (OF 2008) TO THE**

HEAD D.O.C DEPARTMENTS AND NO- ONE COULD FIND A "RETRO ACTIVE" DATE TO ESSB6157 SO FINALLY IN JANUARY(OF 2009)I RECEIVED A LETTER (COPY ENCLOSED PROOF #1) FROM LORI RAMSDELL-GILKEY WHICH STATED "YOUR SECOND ISSUE IS THAT YOU FEEL THAT 6157 SHOULD NOT APPLY TO YOU AS YOU BELIEVE IT IS BEING APPLIED RETROACTIVELY. THE D.O.C BELIEVES THE LAW APPLIES TO ALL COMMUNITY CUSTODY (CCP) OFFENDERS ON SUPERVISION AT THE TIME THE BILL WAS PASSED. THE SECTION REGARDING "RETURN ON A 3RD HEARING"DOES NOT SAY ANYTHING ABOUT THE DATE OF SENTENCE, THUS WE DO NOT BELIEVE IT IS BEING APPLIED "RETROACTIVELY" AS YOU CLAIM. I UNDERSTAND YOUR COMPLAINT BUT THERE IS NOTHING I CAN DO FOR YOU UNTIL SUCH TIME AS A COURT MAKES A DECISION AGREEING WITH YOUR INTERPRETATION OF 6157 AN HOW IT SHOULD BE APLLIED" WELL 2 DAYS BEFORE I RECEIVED THIS FROM THE D.O.C I HAD SENT IN MY "PRP" NOW IN MARCH (OF 2009) THE D.O.C SENDS A LETTER (COPY ENCLOSED PROOF#2) TO ANOTHER ESSB6157 INMATE BY THE NAME OF NAOMI RODGERS (DOC#788026) AND HERS STATES "THE ESSB 6157 DOES NOT APPLY TO SEX OFFENDERS ONLY.THIS IS A RECENTLY PASSED BILL BY THE WASHINGTON STATE SENATE AND IS RETROACTIVE TO ANY OFFENDER WHO IS CURRENTLY ON COMMUNITY CUSTODY WITH THE DEPARTMENT OF CORRECTIONS. THIS BILL BECAME ENFORCED IN JULY 2007. YOU NEED NOT TO SIGN ANYTHING FOR THE BILL TO BE APPLIED TO YOUR SUPERVISION, THE BILL IS RETROACTIVE." NOW HERE'S THE DEFINITION OF "REMEDIAL" "TENDING OR INTENDED TO RECTIFY OR IMPROVE" (copy of definition enclosed PROOF #3) I UNDERSTAND THE D.O.C

TRYING TO MAKE RIGHT AND IMPROVE DUE TO THE CONSTANT CRIME RATE AND MORE PEOPLE ADDED TO SUPERVISION BY THE DAY, BUT THEY HAVE TO ABIDE BY THE LAW!!! JUST BECAUSE THE D.O.C THROWS THE WORD "REMEDIAL" ON THIS BILL (ESSB6157) DOESN'T MEAN THE D.O.C CAN BREAK THE LAW,THE D.O.C AINT EVEN HELPING OR TRYING TO IMPROVE ANY OFFENDER. ONCE THE GIVE US THE REMAINDER OF OUR TIME,THE D.O.C ARE SENDING US TO VARIOUS COUNTY JAILS WITH EXCESSIVE AMOUNTS OF TIME AND NO CHANCE FOR REHABILLATATION OR EDUCATIONAL PROGRAMMING (BESIDES G.E.D) WHICH I RECEIVED IN PRISON. THEY MUST TAKE THE PROPER STEPS BEFORE THEY MAKE SOMEONE ELIGIBLE FOR A LAW THAT THEY MADE UP AND IN MY CASE THAT WASN'T DONE. NO RETROACTIVE DATE MEANS THE BILL (ESSB6157) ONLY APPLIES TO THOSE WHO ARE RELEASED AN RECEIVED 3orMORE "FULL HEARINGS AFTER JULY 7 2007 WHICH WAS THE DATE THE BILL WENT INTO EFFECT!!!

the DOC cannot enforce a new law against you to punish you more for something that they could not do when the crime was committed; nor, add any time to your sentence. See, State v. Shultz, 138 Wn.2d 638, 980 P.2d 1265 (Wash. 1999). This topic is similar to double jeopardy, and due process.

3. NOT RECEIVING MY CREDIT FOR TIME SEVRVED ON MY PREVIOUS VIOLATIONS.

ARGUMENTS: **WERE DOES THIS TIME GO?? IT'S NOT "DEAD TIME" OR IS IT?? "I have not agreed to allow the DOC to extend my statutory maximum sentence, they are currently 'tolling' my statutory maximum sentence and such amounts to extending the sentence without a jury trial in violation of the Sixth Amendment to the United States Constitution." The Sixth Amendment guarantees criminal defendants a right to trial by jury. U.S. CONST. Amend. VI. In 2000, the United States Supreme Court held that "[o]ther than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt." Apprendi v. New Jersey, 530 U.S. 466, 490, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000); cited from, State v. Suleiman, 158 Wn.2d 280, 143 P.3d 795, at page 799 (Wash. 2006). Note: DOC has the authority to 'toll' your *term of community custody*, but not *to toll your statutory maximum sentence.***

I HAD 2 PREVIOUS VIOLATIONS IN WHICH THEY BOTH TOGETHER ONLY TOTALED TO 34days. THE D.O.C GOT PAID FOR THOSE 34days SO WHY DON'T THEY WANNA GIVE ME MY CREDIT FOR THOSE DAYS, IT'S DOUBLE JEOPARDY BY MAKING ME DO THOSE DAYS OVER AGAIN, LET ME REMIND THE COURTS THAT THE D.O.C IS GETTING PAID TWICE, AND THOSE 34days ACTUALLY EXTENDS MY "ORIGINAL SENTENCE" I WAS RELEASED 722days EARLY AND I GOT 369days (that's without counting the 34days) SUCCESSFULLY IN THE COMMUNITY WHICH LEAVES ME 353 DAYS TO RETURN FOR REMAINDER OF SENTENCE, THE D.O.C NOT ADDING MY 34days IS ACTUALLY MAKING ME RETURN FOR 387days, BECAUSE IM NOT GETTING CREDIT FOR 34days, REMEMBER "REMEDIAL" MEANS "TENDING OR INTENDED TO RECTIFY OR IMPROVE" IM TRYING TO FIND THE "INTENDED TO RECTIFY OR IMPROVE" PART OF THIS BILL. WHAT I HAVE FOUND READING

THIS BILL WAS THAT THOSE UNDER ESSB6157 IS SUPPOSE TO GET CREDIT FOR PREVIOUS VIOLATIONS!!! ESSB6157 PG.29 LINES 8-13 STATES "WHEN, AS HERE ,AN OFFENDER IS REVOKED AN SENT BACK TO TOTAL CONFINEMENT TO SERVE OUT THE REMAINDER OF HIS/HER SENTENCE HE/HER IS ENTITTLED TO CREDIT FOR ANY PERIOD ACTUALLY SPENT IN COMMUNITY CUSTODY OR IN DETENTION AWAITING DISPOSITION OF AN ALLEGED VIOLATION." THE GAVE ME MY COMMUNITY CUSTODY I DID ON THE STREET'S BUT NOT THE TIME I SPENT IN DETENTION, SO IM ASKING THE COURTS TO GRANT ME MY 34days I SPENT IN DETENTION WHICH WOULD PUT MY RELEASE DATE FROM 7-25-09 TO 6-21-09

4. THE FACTS OF WHY I WAS NEVER ELIGIBLE.

ARGUMENT: **I TOOK A PLEA AGREEMENT IN WHICH SENT ME TO PRISON FOR 73.5months IN 2003. I DID 49 MONTHS STRAIGHT CONFINEMENT AND WAS RELEASED MARCH 1, 2007 AFTER EARNING MY GOOD/EARNED TIME, BY NOT RECEIVING ONE BEHAVIORAL WRITE UP (A MAJOR INFRACTION) I PROGRAMMED MAINTAINED EMPLOYMENT AND RECEIVED MY G.E.D. THEN 4 YEARS LATER THE D.O.C COMES WITH SENATE BILL ESSB6157 WITH THE EFFECTIVE DATE OF JULY 7TH 2007. THE PROBLEM IS THAT THERE IS "NO RETROACTIVE" APPLICATION TO THIS BILL!!! AND THE WORD "REMEDIAL" DOESN'T GIVE THEM THE RIGHT TO "RENIGN" ON**

MY PLEA BARGIN BY TAKING THE TIME THAT I ACTUALLY EARNED, SO WHEN THE D.O.C CAME BACK AND TOOK MY GOOD/EARNED TIME FROM A 2003 CAUSE NUMBER(03-1-00087-1) THAT WAS ILLEGAL CAUSE THAT WAS PART OF MY PLEA AGREEMENT, TO EARNED MY 3RD OFF AND I DID JUST THAT , STAYED OUT OF TROUBLE AND EARNED MY TIME OFF. HERE'S WHAT THE D.O.C FAILED TO PAY ATTENTION TO IN MY CASE, IN ESSB 6157 YOU ARE TO "RETURN TO YOUR COUNTY OF ORGIN" WELL MY COUNTY OF ORGIN IS SNOHOMISH COUNTY BUT WHEN I WAS RELEASED FROM PRISON I WAS RELEASED TO A LAKECITY, WA ADDRESS AND I REPORTED TO THE NORTHGATE,WA FIELD OFFICE. I WAS THERE FOR ABOUT 7 MONTHS THEN I SWITCHED TO THE LAKEWOOD, WA FIELD OFFICE IN PEIRCE COUNTY (WA) THEN IN FEBRUARY ANOTHER "IRT" WAS SUBMITTED AND GRANTED FOR ME TO SWITCH TO MY MOTHERS ADDRESS IN KING COUNTY (WA) THE ONLY THING THAT STOPPED ME FROM LIVING IN KING COUNTY WAS THAT ME AND MY MOM GOT INTO A VERBAL DISSAGREEMENT AND I LEFT, SO WHEN THE D.O.C CCO'S SHOWED UP TO APPROVE MY LIVING CONDITIONS MY MOTHER TOLD THEM I DIDN'T LIVE THERE AND A WARRANT WAS ISSUED FOR MY ARREST!!! I TRIED SEVERAL TIMES TO EXPLAIN TO THE D.O.C THAT I WAS NEVER ELIGIBLE FOR THIS BILL, THAT 'S WHY I WAS ABLE TO HOP COUNTIES WHEN EVER I MOVED AND ESSB6157 WAS NEVER BROUGHT UP BY ANY CCO, BUT THE D.O.C RESPONSE WAS "THE D.O.C BELIEVES THE LAW APPLIES TO ALL COMMUNITY CUSTODY OFFENDERS ON SUPERVISION AT THE TIME THIS BILL WAS PASSED" THAT'S NOT THE LAW TO BELIEVE THAT IM ELIGIBLE FOR A BILL THAT VIOLATES MY PLEA AGREEMENT!! THE

LAW AND D.O.C BELIEFS ARE TWO DIFFERENT THINGS!! THE D.O.C DO HAVE TO OBEY THE LAW RIGHT??? I WAS NEVER ELIGIBLE!!!!

CONCLUSION:**I WOULD LIKE TO START THIS CONCLUSION OFF WITH THE D.O.C HAVE MADE PLENTY OF ERRORS, AND I HAVE POINTED OUT SO MANY ERRORS IN MY CASE BUT THEY FAILED TO STAND UP AND SAY THEY MADE A MISTAKE INSTEAD THEY WOULD RATHER FALSE IMPRISONMENT ME AND MAKE ME GO THROUGH THE COURTS KNOWING THIS WHOLE TIME THEIR WRONG, BUT DOES IT MATTER TO THE D.O.C "NO" WHY NOT?? BECAUSE THEY ARE GETTING PAID FOR EVERY SINGLE DAY THAT IM FIGHTING FOR MY FREEDOM, IS IT FAIR, OF COURSE NOT, BUT FIGHTING THE D.O.C IS LIKE WRESTLING A DINOSAUR, ONCE YOU START FIGHTING IT'S LIKE THEY MAKE YOU FEEL LIKE YOU DON'T STAND A CHANCE, BUT IN REALITY YOU WON THE FIGHT BEFORE YOU EVEN STARTED!!! HERE IS A BIG ERROR I WOULD LIKE TO BRING TO THE ATTENTION OF THE COURTS AND THAT'S THE "OFFENDER MANAGEMENT NETWORK INFORMATION SCREEN" (ALSO KNOWN AS OMNI) NOW THIS SCREEN BASICALLY TELLS MY LIFE STORY OF BEING A CRIMINAL AND IT ALSO HOLDS HEARINGS INFORMATION. THE D.O.C AND THE ATTORNEY GENERAL OF WASHINGTON SENT ME A COPY OF WHAT I WAS SENTENCE TO, AND THE "OMNI" SCREEN STATES THAT I WAS SANCTIOED TO SERVE 280days IN CUSTODY WITH THE START DATE OF 8-6-08 (COPY ENCLOSED PROOF#4) NOW CAN THE COURTS PLEASE TELL ME WHY MY RELEASE DATE IS 7-25-09?? IF IM SERVING 280days WITH NO**

GOOD/EARNED TIME THAT MEANS MY RELEASE DATE SHOULD BE MAY 16TH 2009, BUT I RECEIVED A LETTER IN THE MAIL STATING "AT THE TIME OF THE HEARING A "PRELIMINARY" CALCULATION WAS DONE BECAUSE OMNI HAD NOT YET BEEN PROGRAMED TO AUTOMATICALLY DO THIS.IN ORDER TO ENTER THE HEARING INFORMATION ON THE FIELD DISCIPLINE SCREEN, THE HEARING OFFICER HAD TO GOAHEAD AND ENTER 280days TO HAVE OUR SYSTEM SHOW A RETURN SANCTIONED WAS ENTERED.SOMETHING LIKE A "PLACEHOLDER" UNTIL THE SYSTEM WAS UPDATED. AT THE TIME OF YOUR HEARING, A MANUAL CALCULATION WAS DONE BY OUR RECORDS OFFICE AND THE ACCURATE INFORMATION WAS IN A CHRONO'S BUT COULD NOT BE UPDATED YET ON THE FIELD DISCIPLINE SCREEN THE AAG WHO RESPONDED TO YOUR POST SENTENCE REVIEW PETITION WAS UNAWARE OF THE OMNI ISSUE. HE REVIEWED THE SCREEN AND ASSUMED THE FIELD DISCIPLINE ENTRY WAS CORRECT. OUR OMNI SYSTEM WAS RECENTLY UPDATED IN MARCH TO ALLOW FOR THE FULL ENTRY. ONCE THESE CORRECTIONS WERE MADE, IT MATCHED OUR MANUAL CALCULATIONS." SEE THIS LETTER SHOWS THAT THESE THE D.O.C WORKERS ARE NOT LOOKING AT ANY PAPERWORK OR FILES BERFORE RESPONDING SO THEY LIE ABOUT THINGS, HERE'S THE TRUTH (PROOF #5 ENCLOSED) MY CCO ONLY OFFERED 30days per violation, BECAUSE I WAS NOT ELIGBLE FOR ESSB6157, BUT THE HEARING OFFICER SAID IM NOT GOING WITH THE RECOMANDATION IM SENDING YOU BACK TO STATE. HE HAD NO IDEA HOW MANYS DAYS OR HOW TO CALCULATE HOW MANY DAYS I WAS SUPPOSE TO BE DOING, I WAS ON THE CHAIN BUS TO PRISON 12days LATER NOT KNOWING HOW MANY DAYS I WAS

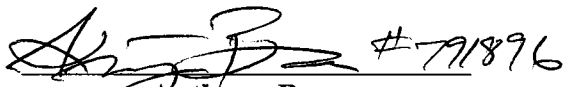
GOING TO RETURN FOR. THEY PUT ME IN R6 G13 WHILE WAITING TO BE CLASSIFIED, I SENT A KITE TO RECORDS AT SHELTON ON 9-1-08 (COPY ENCLOSED PROOF#6) IT WAS RETURNED TO ME ON 9-3-08 WITH A ERD OF 8-08-09 IN WHICH THAT WAS A MISCALCULATION AND MY RELEASE DATE WAS CHANGED IN DECEMBER TO ERD 7-25-09 (COPY ENCLOSED PROOF#7) FOR LAURA DYER(RECORDS SUPERVISOR) TO SAY THAT THE SCREEN WASN'T UPDATED TIL MARCH SHE IS LYING BECAUSE ON APRIL 9TH 2009(COPY ENCLOSED PROOF#8) THE DECLARATION OF "JUDY LONBORG" (COPY ENCLOSED PROOF#9) WHO IS THE SECRETARY WITH THE CORRECTIONS DIVISION OF THE ATTORNEY GENERAL'S OFFICE DECLARED UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF HER KNOWLEDGE, IN WHICH SHE WAS PERTAINING TO THE OMNI SCREEN. IS 280days WHAT IM REALLY SUPPOSE TO BE DOING?? HOW IS THE D.O.C TOLLING MY SENTENCE MAX DATE?? WHICH WAS 2-20-09 I KNOW MY COMMUNITY CUSTODY CAN BE TOLLED BUT NOT MY SENTENCE MAX DATE, WHICH MEANS I SHOULD HAVE BEEN A CCP RETURN FROM 8-6-08 UNTIL 2-20-09 THAT WOULD ACTUALLY HAVE HAD ME DOING THE WHOLE 73.5months THAT I WAS ORINGALLY SENTENCE TO, BUT NOW IM DOING MORE TIME THEN I WAS SENTENCE TO ON A BILL I WAS NEVER ELIGIBLE FOR. DOC has the authority to 'toll' your *term of community custody*, but not *to toll your statutory maximum sentence.*

NOW THE D.O.C IS USING THE WORD "REMEDIAL" FOR IT'S SENATE BILL ESSB6157 TO BE "RETROACTIVE" BUT THE PROBLEM IS THAT THE DIFINITION OF "REMEDIAL" IS NOT MATCHING THE ACTIONS OF THIS BILL. I'VE BEEN SITTING IN TWO

DIFFERENT COUNTY JAILS FOR THE LAST 10months I'VE LOST EVERYTHING I OWNED, THERE ARE NO PAYING JOBS, SO I HAVE NO MONEY SAVED UP, AND I NEVER GOT A CHANCE TO ADVANCE ON A EDUCATIONAL LEVEL, SO WERE IS THE "REMEDIAL" PART OF THIS ESSB6157 AT?? SITTING ME IN A COUNTY JAIL FOR 353days WITH NOTHING DOES NOT FIT THE DEFINITION OF "REMEDIAL" THE WORD "REMEDIAL WAS BROUGHT UP AFTER THE FACT THAT THE D.O.C COULD NOT ANSWER THE QUESTION WHY THOSE WITH CAUSE NUMBERS BEFORE JULY 7,2007 WAS BEING SENT BACK FOR THE REMAINDER OF THEIR PRISON SENTENCE. WHEN A NEW BILL COMES TO EFFECT IT IS SUPPOSE TO HELP THE OFFENDER NOT TO MAKE THE OFFENDER WORSE, SO BY PLACING OFFENDERS IN COUNTIES JAILS FOR 300,400,AND 500 DAYS WITH NO MEANS OF HELP, IS CLEARLY SHOWING THAT THIS BILL ESSB6157 WAS PUT INTO EFFECT TO MAKE UP MONEY FOR THE D,O.C. SEE THERE ARE SO MANY INCONSTANCIES WITH THIS BILL AND US OFFENDERS ARE SITTING IN CONFINEMENT WHILE THEY FIGURE OUT HOW TO CORRECT ALL THE MISTAKES, THE D.O.C HAS WAYS OF TWISTING WORDS SO THAT THEY CAN EXSCAPE FROM UNLAWFUL ACTS WITHOUT BEING PUNISHED, THE D.O.C DON'T EVEN ABIDE BY THEIR OWN LAWS AND I THINK THEY SHOULD HAVE TO STAND UP AN BE ACCOUNTED FOR WHEN THEY MAKE A MISTAKE, AND IN MY CASE MORE THEN ONE MISTAKE WAS MADE SO IM ASKING THE COURTS TO HOLD THE D.O.C RESPONSIBLE FOR THEIR WRONG DOINGS NOT FOR ONLY MY CASE BUT FOR SEVERAL OTHERS WHO HAVE CAUSE NUMBERS THAT ARE BEFORE JULY 7TH 2007. THE D.O.C MADE ME ELIGIBLE FOR ONLY THE PART OF THE BILL ESSB6157 IN WHICH THEY WOULD COLLECT MONEY FOR ME, IF I WAS EVER ELIGIBLE

FOR ESSB6157 THE D.O.C SHOULD HAVE HELD ME ACCOUNTABLE FOR EVERYTHING IN THE BILL NOT JUST THE INCARCERATION PART OF IT, WHICH MEANS I SHOULD HAVE NOT BEEN ABLE TO SWITCH COUNTIES WHENEVER I WANTED. IM ASKING THE COURTS TO RULE THAT I WAS "FALSE IMPRISONMENT" FROM OCTOBER 6, 2008 TIL THE DAY I STEP OUT OF SNOHOMISH COUNTY JAIL. OCTOBER 6TH 2008 IS THE DAY I WOULD HAVE GOT OUT ON MY CCO'S RECCOMENDATION FOR THE 3 violations I WAS FOUND GUILTY OF. IT'S PLAIN TO SEE THAT MY 6TH ,8TH ,AND 14TH AMENDMENT RIGHTS HAVE ALL BEEN VIOLATED!!!

RESPECTFULLY SUBMITTED,On this 17 day of MAY, 2009



#-791896

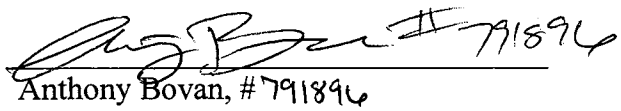
Anthony Bovan
3025 Oakes Ave.
Everett, Wa 98201

Certification

STATE OF WASHINGTON)
) SS:
COUNTY OF SNOHOMISH)

I, Anthony Bovan, hereby declare that I have written the foregoing and prepared the attachments declaring them to be accurate copy of the originals which I have and believe are admissible as evidence and verily believe the same to be true as I attest by my signature appearing below under the pains and penalties of perjury under the

Laws of The State of Washington on this 17 day of
MAY, 2009,



Anthony Bovan, #791896
3025 Oakes Ave.
Everett, Wa 98201

Proof #1

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
Hearings Unit
P.O. Box 41126, Olympia, WA 98504
Fax (360) 664-8754

January 23, 2009

Anthony Bovan DOC #791896
Yakima County Jail
YAC-C5
1500 Pacific Avenue
Yakima, WA 98901

Dear Mr. Bovan,

I received your letter regarding the hearing held on 08-08-08, in which you were ordered returned to total confinement to serve the remainder of the sentence. You appear to have two main issues which I will address.

First, that your most recent hearing should not have counted as your 3rd full hearing. Your reasoning is that previously in February 2008, a CCO initially offered you a Negotiated Sanction. When you expressed confusion and had questions about it, the CCO chose not to proceed with the Negotiated Sanction and instead wrote a violation report and a full hearing was held. While that may be true, the CCO had no obligation to offer you a Negotiated Sanction and could withdraw the offer at any time prior to you signing it. That is what the CCO did. The fact that the Hearing Officer imposed the credit for time served at the full hearing has no bearing on the decision made on 08-18-08. In addition, at the 8-18-08 hearing, Mr. LaLanne could not, at that time, change the fact that you had had two previous full hearings.

Your second issue is that you feel 6157 should not apply to you as you believe it is being applied retroactively. The DOC believes the law applies to all Community Custody (CCP) offenders on supervision at the time the bill was passed. The section regarding "return on a 3rd hearing" does not say anything about the date of sentence, [redacted]

Sincerely,

Lori Ramsdell-Gilkey

Lori Ramsdell-Gilkey
Hearings Program Administrator

cc: Hearings File

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
Hearings Unit
1016 South 28th Street, Tacoma, WA 98409
FAX (253) 597-4332

Proof #2

March 27, 2009

Naomi Rodgers, DOC# 788026
Snohomish County Jail
3025 Oakes Avenue
Everett WA 98201

Dear Ms. Rodgers:

The Regional Appeals Panel has affirmed the sanction issued at your hearing held on February 3, 2009. I sent a copy to you at Snohomish County Jail on March 5, 2009 but attached is another copy if you didn't receive it for some reason.

The ESSB 6157 does not apply to sex offenders only. [redacted]

Under Community Custody Return/Termination you are not required to return to Prison to serve your remaining Prison Term. This sanction can be served in a County Jail and usually is. Prison beds are reserved for current inmates. You are considered a violator and not a current inmate and therefore need not return to prison.

Respectfully,

Laura Dyer, Correctional Records Supervisor
Hearings Program

cc: Hearings file

Proof #3

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Web

Related phrases: remedial action remedial investigation remedial action plan remedial design remedial teacher remedial education remedial actions remedial teaching interim remedial measure remedial action ra

Definitions of **remedial** on the Web:

- tending or intended to rectify or improve; "a remedial reading course"; "remedial education"
- curative: tending to cure or restore to health; "curative powers of herbal remedies"; "her gentle healing hand"; "remedial surgery"; "a sanative environment of mountains and fresh air"; "a therapeutic agent"; "therapeutic diets"
  wordnet.princeton.edu/perl/webwn

- A home remedy is a treatment to cure a disease or ailment that employs certain spices, vegetables, or other common items. ...
  en.wikipedia.org/wiki/Remedial

- curative; providing a remedy; intended to correct or improve deficient skills in some subject
  en.wiktionary.org/wiki/remedial

- remediation - redress: act of correcting an error or a fault or an evil
  wordnet.princeton.edu/perl/webwn

- remediation - An action taken to remedy a situation
  en.wiktionary.org/wiki/remediation

- remedially - In a remedial manner
  en.wiktionary.org/wiki/remedially

- remediation - Cleanup or other methods used to remove or contain a toxic spill or hazardous materials from a Superfund site
  www.consultwebs.com/legal_glossaries/toxic_torts/glossaryr.html

- remediation - the process of correcting environmental degradation. Syn: amelioration
  www.nps.gov/plants/restore/library/glossary.htm

- remediation - action to remedy or correct damage to the environment
  www.epa.gov/nbh/html/glossary.html

- remediation - Containment, treatment or removal of contaminated groundwater. May also include containment, treatment or removal of contaminated soil above the water table.
  www.groundwater.org/gi/gwglossary.html

- remediation - the process of remedying or curing a condition
  www.bigelow.org/edhab/glossary.html

- remediation - To determine if e-Gatherer is installed:
  www.ibm.com/developerworks/blogs/page/threat

Proof #4

Inmate: BOVAN, Anthony Bakari louis (791896)

| Legal Face Sheet

Gender: Male | DOB: [redacted] | Age: 30 | Category: Sanctioned | Body Status: Active Inmate

RLC: RMA | Wrap-Around: No | Comm. Concern: No | Custody Level: | Location: Snohomish Co Violator Facility — No Bed Assigned

PRD: 07/25/2009 | CC/CCO:

View Full Hearing

Offender Violations

Level of Response: Full Hearing **Violation Group Number:** 18 **Response Date:** 08/18/2008

Violation Description	Violation Date	Cause/Supervision Type	View Cause Detail
Unapproved Employ/Reside Chge	**On or About** 05/25/2008	AF-031000871(CCP)	
Failure to Report	**On or About** 05/25/2008	AF-031000871(CCP)	
Failure to Pay LFO's	**On or About** 05/25/2008	AF-031000871(CCP)	
Abide UA/BA Monitoring	**On or About** 05/25/2008	AF-031000871(CCP)	

Hearing Information

Hearing Start Date	Hearing Completion Date	Hearing Officer Name	Presenting CCO	Assigned CCO	Hearing Location	Appeal Indicator
08/18/2008	08/18/2008	La Lanne, Robert F	Christoferson, Carol S	Morton, Donna J	Snohomish Jail A	

Offender Sanctions

Interstate Significant Violation:

Sanction Description	Sanction Start Date	Frequency	Duration Days	Community Restitution Hours	Narrative Information
[redacted]	[redacted]	[redacted]			View Narrative

ATTACHMENT

O

PROOF #6

STATE OF WASHINGTON
DEPARTMENT OF
CORRECTIONS

OFFENDER'S KITE
PAPELETA DE PETICION DEL RECLUSO

OFFENDER NAME (PRINT) NOMBRE DEL RECLUSO (LETRA DE MOLDE)		
Anthony Bolan		
DOC NUMBER / NUMERO DOC	UNIT, CELL / UNIDAD, CELDA	DATE / FECHA
7918916	[redacted]	[redacted]
DESIRE INTERVIEW WITH OR ANSWER FROM / DESEA ENTREVISTA CON O RESPUESTA DE		
[redacted]		

☐ Interpreter needed for_____ (language).
Necesito intérprete para_____ (idioma).

REASON/QUESTION
RAZON/PREGUNTA

I wanted to know when you guys were gonna sanction me. I came from Snohomish county on a CCP return. I do have a appeal in but until then when will I be sanctioned!! Thank you

SIGNATURE/FIRMA	DAYS OFF/DIAS LIBRES

RESPONSE
RESPUESTA

Hearing held 08/18/08 at Snohomish Jail to return on cause AF for 367 days. You had 355 days of successful community custody time.

ERD 08/08/09

RESPONDER/PERSONA QUE RESPONDE	DATE/FECHA
	[redacted]

Distribution: **WHITE/YELLOW**-Responder, **YELLOW**-Return to Offender with Response, **PINK**-Offender keeps
Distribución: **BLANCA/AMARILLA**-Persona que responde, **AMARILLA**-Devuelva al recluso con respuesta, **ROSA**-Se le queda al recluso
DOC 21-473 E/S (11/26/07)

Proof #7

In my file

Reccomendation

Proof #8

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
Hearings Unit
P.O. Box 41126, Olympia, WA 98504
Fax (360) 664-8754

April 30, 2009

Anthony Bovan DOC #791896
Yakima County Jail
YAC-C5
1500 Pacific Avenue
Yakima, WA 98901

Dear Mr. Bovan,

I received your letter dated 4/21/09 regarding the hearing held on 08-08-08, in which you were ordered returned to total confinement to serve the remainder of your sentence. Your issue is the entry in our Omni system and the AAG's response to you in your petition.

At the time of the hearing a "preliminary" calculation was done because OMNI had not yet been programmed to automatically do this. In order to enter the hearing information on the Field Discipline screen, the Hearing Officer had to go ahead and enter the 280 days to have our system show a return sanction was issued. Something like a "placeholder" until the system was updated. At the time of your hearing, a manual calculation was done by our records office and the accurate information was in a chrono's but could not be updated yet on the Field Discipline screen. The AAG who responded to your post sentence review petition was unaware of the Omni issue. He reviewed the screen and assumed the Field Discipline entry was correct.

Our Omni system was recently updated in March to allow for the full entry. Once these corrections were made, it matched our manual calculations. You were released 722 days early. You completed 369 days successfully in the community and therefore were returned for 353 days. A letter was sent to you on April 21, 2009 explaining other questions you had about your return sanction, it was returned to our office yesterday. Please see the other letter explaining further about your CCP Sanction and frequently asked questions of how this sanction is calculated. I do apologize if the estimated days led you to believe you were only returning for 280 days however I can assure you the calculations are correct and we have since your hearing set a release date at 7/25/2009.

Sincerely,

Laura A. Dyer
Records Supervisor
Hearings Program

cc: Hearings File

Proof #9 1 of 2

NO. 62983-2-I

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of: ANTHONY BAKARI LOUIS BOVAN, Petitioner.	DECLARATION OF JUDY LONBORG

I, JUDY LONBORG, make the following declaration:

1. I am a legal secretary with the Corrections Division of the Attorney General's Office in Olympia, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. I am familiar with the Offender Management Network Information (OMNI) used by the Department of Corrections (DOC). I am authorized by the DOC to retrieve information from OMNI. Among other things, information regarding an offender's location, custody, birth date, sentence, infractions and grievances are entered and tracked on OMNI. [redacted]

Attachment A: Legal Face Sheet;

Attachment B: External Movements Screen;

EXHIBIT 1

PROOF #9 2 of 2

Attachment C: Offender Violations Screen; and

Attachment D: View Full Hearing Screen.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 9th day of April, 2009, at Olympia, Washington.

Judy Lonborg

JUDY LONBORG

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.

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2009 MAY 12 AM 10: 5

State of Washington
County of Yakima §

I certify that I know or have satisfactory evidence that Anthony BK.L Dovan is the person who appeared before me and said person acknowledged that s/he signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 1/21/9

LYNN H. BUNDY
COMMISSION EXPIRES
NOTARY PUBLIC
APRIL 15, 2010
STATE OF WASHINGTON

Lynn H. Bundy
Lynn H. Bundy, Notary Public.
My appointment expires April 15, 2010