

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comment to proposed change to RAP 16.7
Date: Wednesday, April 24, 2024 8:29:40 AM

From: Andrew Van Winkle <avanwinkle8@gmail.com>
Sent: Tuesday, April 23, 2024 7:35 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment to proposed change to RAP 16.7

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Good Evening,

I am writing to comment on the Washington State Court of Appeals Rules Committee's proposed addition to RAP 16.7, requiring PRP petitioners to list their anticipated release date. This comment represents my personal views and is not presented in my capacity as a court employee. I support the intent of the proposed rule. But, further refinement is required to eliminate ambiguity due to the existence of multiple "anticipated release dates."

Many personal restraint petitioners challenge their release date and their earned release credit calculation. As currently drafted, the proposed rule does not specify whether a petitioner is supposed to specify the "anticipated release date" that the petitioner believes they are entitled to or whether a petitioner needs to specify the petitioner's "anticipated release date" as calculated by the Department of Corrections. A petitioner may also be serving consecutive sentences in multiple cases such that the petitioner's "release date" (i.e. sentence expiration) on the case under review may be different from their actual physical release date. A petitioner may also be serving a sentence in a case unrelated to the present petition and may have long ago finished serving their sentence in the case under review (e.g. *Blake* petitions). Accordingly, the proposed rule should specify which of the many possible release dates the petitioner is supposed to list in their petition. These ambiguities need to be addressed before this proposed rule is adopted.

Sincerely,

Andrew Van Winkle