

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

In the Matter of the Personal Restraint of

JAMES RICHARD FERRELL,

Petitioner.

No. 57457-8-II


ORDER DISMISSING PETITION

James Richard Ferrell seeks relief from personal restraint imposed following his 2001 plea of guilty to aggravated first degree murder and first degree assault. He asks why offenders who had been sentenced to death are allowed in general population in the Department of Corrections.

Pursuant to RAP 16.4, we grant appropriate relief to petitioners under unlawful restraint. While they may challenge prison conditions, the petitioner must show “a substantial risk of serious harm and deliberate indifference to that risk.” *In re Pers. Restraint of Williams*, 198 Wn.2d 342, 363, 496 P.3d 289 (2021) (quoting *Colvin v. Inslee*, 195 Wn.2d 879, 900, 467 P.3d 953 (2020)).

Ferrell does not show that he is under unlawful restraint or that he is entitled to relief. He fails to argue or present any specific facts establishing that he is at risk of harm because of the offenders who had been sentenced to death. Additionally, all Washington death sentences have been commuted to life imprisonment without possibility of parole. *State v. Gregory*, 192 Wn.2d 1, 14, 35, 427 P.3d 621 (2018).

Ferrell's petition must be dismissed as frivolous. Accordingly, it is hereby ORDERED that Ferrell's petition is dismissed under RAP 16.11(b).

  
Chief Judge

cc: James R. Ferrell  
Clark County Prosecuting Attorney  
Clark County Clerk  
County Cause No. 00-1-02054-6