

September 18, 2018

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In re the Personal Restraint of
ERIC JEFFREY JOHNSON,
Petitioner.

No. 51379-0-II

ORDER DISMISSING PETITION

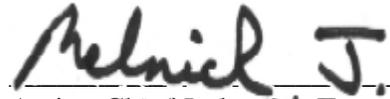
Eric Johnson seeks relief from his 2007 plea of guilty to unlawful possession of methamphetamine. He was sentenced to 366 days of confinement and 9 to 12 months of community custody. He was released from confinement to work release on December 20, 2010. He did not report to his community corrections officer as required, and on January 11, 2011, a Department of Corrections warrant was issued for his arrest. He subsequently committed federal drug crimes in Iowa, entered pleas of guilty and on February 2, 2014, was sentenced to confinement in federal prison. His tentative release date is January 20, 2022.

On December 9, 2015, the Department lodged a detainer with the federal facility in Arkansas in which Johnson was being held, seeking his extradition back to Washington upon completion of his federal sentence to serve the remainder of his Washington sentence. He challenges that detainer, arguing that it violates his right to a speedy trial and violates the Interstate Agreement on Detainers (IAD).¹ But because he absconded while on

¹ Johnson filed a petition for a writ of habeas corpus in the trial court. That court transferred his petition to us to be considered as a personal restraint petition under CrR 7.8(c).

community custody, RCW 9.94A.171(3) requires that his term of community is tolled while he is under federal confinement. It cannot run concurrently with his federal sentence and so must be served after his release from federal confinement. And because he already pleaded guilty to the Washington crime and was sentenced for it before the detainer was lodged, his speedy trial rights are not implicated. *Betterman v. Montana*, 136 S. Ct. 1609, 1612, 194 L. Ed. 2d 723 (2016). Finally, the IAD applies only to detainees lodged for new criminal charges and so does not apply to the detainer the Department lodged regarding Johnson serving the remainder of his Washington sentence. *United States v. Bottoms*, 755 F.2d 1349, 1350 (9th Cir. 1985). Johnson's arguments are frivolous. Accordingly, it is hereby

ORDERED that Johnson's petition is dismissed under RAP 16.11(b).



Acting Chief Judge Pro Tempore

cc: Eric J. Johnson
Paul D. Weisser