

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
Division II  
State of Washington

DIVISION II

In re the Personal Restraint Petition of  
ANTHONY JAMES BRANDENBURG,  
Petitioner.

No. 51238-6-II

ORDER DISMISSING PETITION

Anthony Brandenburg seeks relief from the decision of the Department of Corrections (DOC) to revoke his community custody and return him to total confinement. In 2011, Brandenburg pleaded guilty to first degree robbery. The trial court sentenced him to 61 months of confinement followed by 36 months of community custody. On February 25, 2015, DOC released Brandenburg to community custody. One of the conditions of his community custody was to "obey all laws." Judgment and Sentence at 6. But on July 28, 2015, he was arrested for delivery of methamphetamine, to which he later pleaded guilty. On September 15, 2016, DOC filed a report of alleged violation, seeking to revoke Brandenburg's community custody under RCW 9.94A.633(2)(a) and have him serve the remaining 525 days of his sentence in total confinement.<sup>1</sup> At his revocation hearing, Brandenburg pleaded guilty to the violation. DOC revoked his community custody and ordered him to serve the remaining 525 days of his sentence in total confinement.

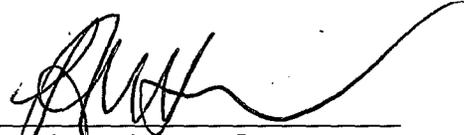
---

<sup>1</sup> DOC's initial report erroneously stated that Brandenburg was serving a drug offender sentencing alternative (DOSA) sentence. This error was corrected before the revocation hearing.

Brandenburg argues that he was denied due process because the DOC's initial report was erroneous and because DOC did not follow its own rules when it did not file that report for more than a year after his violation and when it did not conduct his revocation hearing within 14 days of that report. But by pleading guilty to the violation, Brandenburg waived his opportunity to raise due process challenges to the revocation of his community custody. *Tollet v. Henderson*, 411 U.S. 258, 267, 93 S. Ct. 1602, 36 L. Ed. 2d 235 (1973).

Brandenburg does not show any grounds for relief from restraint, making his petition frivolous. Accordingly, it is hereby

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



Acting Chief Judge Pro Tempore

cc: Anthony J. Brandenburg  
Annie L. Yu