

Portenier, Marion (ATG)

From: ATG MI COR Oly CE Reader
Sent: Tuesday, March 07, 2017 1:44 PM
To: Kostin, Alex (ATG); ATG MI COR OLY LA EF
Cc: Portenier, Marion (ATG)
Subject: FW: D2 493004--PRP Brian J. Dorn--Order
Attachments: Order Dismissing Petition - PRP Dorn.pdf

Importance: High

From: Cleveland, Kim [mailto:kim.cleveland@courts.wa.gov]
Sent: Tuesday, March 07, 2017 12:53 PM
To: ATG MI COR Oly CE Reader
Cc: Cleveland, Kim
Subject: D2 493004--PRP Brian J. Dorn--Order
Importance: High

Office Hours

9:00 am to 12:00 pm
1:00 pm to 4:00 pm

You may file documents electronically as provided below. Briefs are considered filed as of the postmark date. RAP 18.6(c). Briefs may only be filed electronically through the portal website. Close of business remains 5 pm .

To Counsel and Interested Parties:

Attached is an Order filed today, 3/7/2017. (copy sent to Mr. Dorn USPS!)

This will be the only notice you will receive from the court.

The court requests that motions and other correspondence be sent to coa2filings@courts.wa.gov, or, if counsel has a JIS USERID (can access SCOMIS/ACORDS), please use the newly established attorney portal at <http://www.courts.wa.gov/coa2efiling>. If you have difficulty accessing or using either method, please contact this office. When filing electronically, please do NOT follow up with a paper copy.

Please contact the court at (253) 593-2970 if you have any questions or comments.

Thank you.

Kim S. Cleveland
Case Manager

DORNE 744744
JIS USERID NICK DORN

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In re the Personal Restraint Petition of
BRIAN JOHN DORN,
Petitioner.

No. 49300-4-II

ORDER DISMISSING PETITION

FILED
COURT OF APPEALS
DIVISION II
2017 MAR -7 AM 11:30
STATE OF WASHINGTON
CLERK
BY DEPUTY CLERK

Brian Dorn seeks relief from the sentence imposed following his pleas of guilty in 2010 to 27 felonies. As to two of those felonies (Counts I and V), he received consecutive 60-month sentences. The remaining sentences are concurrent. The sentences in the 2010 judgment and sentence were ordered to run consecutive to his 2006 and 2007 revoked DOSA sentences. And the 2010 judgment and sentence gave Dorn credit for 321 days of jail time served and 160 days of jail good time credit.


Dorn argues that the Department of Corrections has improperly applied his jail credits against only one of his sentences in his 2010 judgment and sentence. He contends that the credits should be applied to all 27 of his sentences. But under RCW 9.94A.505(6), jail credits can be applied only against one sentence. The Department did not misapply his jail credits.

Dorn also argues that the Department incorrectly set his prison intake date. But that intake date affects only his now-completed 2006 and 2007 sentences. His start date for the 2010 sentences is December 12, 2011, when he completed those sentences. The Department has not miscalculated his early release date.

Dorn does not demonstrate any grounds for relief from restraint. Accordingly, it is hereby

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

DATED this 7th day of March, 2017.


Acting Chief Judge Pro Tempore

cc: Brian J. Dorn
Alex Kostin