

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In the Matter of the Personal Restraint of:

JAMES R. FERRELL,

Petitioner.

No. 1 0 1 6 9 7 - 2

Court of Appeals No. 57367-9-II
RULING DENYING REVIEW

James Ferrell is serving a prison sentence of life without release on a conviction for aggravated first degree murder. While incarcerated in 2005, he was convicted of two counts of custodial assault. In 2022 Ferrell filed a personal restraint petition in Division Two of the Court of Appeals challenging the treatment of his custodial assault sentence by the Department of Corrections. Finding the petition frivolous, the acting chief judge dismissed it. RAP 16.11(b). Ferrell now seeks this court's discretionary review. RAP 16.14(c).

To obtain this court's review, Ferrell must show that the acting chief judge's decision conflicts with a decision of this court or with a published Court to Appeals decision, or that Ferrell is raising a significant constitutional question or an issue of substantial public interest. RAP 13.5A(a)(1), (b); RAP 13.4(b). Ferrell does not cite these criteria for review, much less show that any of them applies. The only argument from below that he now makes is that the department's treatment of his sentence on the custodial assault convictions is somehow unlawful because the department's sentencing

information for those convictions is labeled in the department's system as "AG-05001151-Clallum," which Ferrell claims does not match the Clallam County Superior Court cause number. He provides a copy of the judgment and sentence with a cause number 05-1-00155-1, but the State provides a copy with a corrected number of 05-1-00115-1, and current electronic records show that to be the correct number. In any event, Ferrell does not show how any discrepancy in the cause numbers affects the lawfulness of his current restraint. There is no dispute that the sentencing information the department has on hand is for Ferrell's 2005 Clallam County convictions for custodial assault. The acting chief judge properly found Ferrell's argument on this point frivolous.

The motion for discretionary review is denied.


DEPUTY COMMISSIONER

April 11, 2023