

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In re the Personal Restraint Petition of
MARTIN A. GONZALEZ,
Petitioner.

No. 47531-6-II

ORDER DISMISSING PETITION

FILED
COURT OF APPEALS
DIVISION II
2015 DEC 18 AM 9:23
STATE OF WASHINGTON
BY SW
DEPUTY

Martin Gonzalez seeks relief from personal restraint imposed following his 2013 pleas of guilty to first degree rendering criminal assistance and possession of a stolen vehicle.¹ He argues that the Department of Corrections has incorrectly calculated his sentence because it has not given him credit for jail time spent in Oregon between his arrest on March 8, 2012, and his return to Clark County on October 11, 2012. RCW 9.94A.505(6) provides that credits for presentence jail time can only be made against a judgment and sentence if the offender was in jail “solely in regard to the offense for which the offender is being sentenced.” Gonzalez did not serve the March to October period in jail solely for the offenses to which he pleaded guilty in 2013. He was confined on Oregon charges during that period as well. Therefore, he is not entitled to credits for that period against his Washington judgment and sentence. *In re Costello*, 131 Wn. App. 828, 833, 129 P.3d 827

¹ Gonzalez filed his petition with the Washington State Supreme Court, which transferred it to this court.

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Jade
Signed 12-18-15

(2006). The fact that the trial court eventually ordered that Gonzalez's Washington sentence should run concurrently with his Oregon sentence does not create an entitlement to have his Oregon presentence jail time credited against his Washington judgment and sentence. The Department did not err in calculating his sentence.

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

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

DATED this 18th day of December, 2015.

Bjorge A.C.J.
Acting Chief Judge

cc: Martin A. Gonzalez
Ronda D. Larson
Anne M. Cruser
Department of Corrections