

*The Court of Appeals
of the
State of Washington*

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
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CASE #: 74277-9-1
Personal Restraint Petition of Manuel Thomas Hendrix

Counsel:

Enclosed please find a copy of the Order Dismissing Personal Restraint Petition entered by this court in the above case today.

Pursuant to RAP 16.14(c), "the decision is subject to review by the Supreme Court only by a motion for discretionary review on the terms and in the manner provided in Rule 13.5A."

This court's file in the above matter has been closed.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

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enclosure

16.11.
✓ Sealed
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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

IN THE MATTER OF THE)	
PERSONAL RESTRAINT OF:)	No. 74277-9-I
)	
MANUEL THOMAS HENDRIX,)	ORDER OF DISMISSAL
)	
Petitioner.)	
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Manuel Hendrix filed a personal restraint petition challenging the sanctions imposed following a Department of Corrections (DOC) violation hearing. In order to obtain collateral relief by means of a personal restraint petition, Hendrix must demonstrate that he is being unlawfully restrained. See In re Pers. Restraint of Cashaw, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4. Because Hendrix fails to meet this burden, the petition is dismissed.

In 2009, Hendrix pled guilty to first degree robbery in King County Superior Court Cause No. 08-1-11865-3 SEA and received a sentence of 87 months confinement. Hendrix was released from confinement on October 2013 to serve the remainder of his earned early release time on community custody.

Hendrix repeatedly violated the terms of his community custody and was sanctioned by DOC four times between December 2013 and September 2014. On December 23, 2014, DOC sent Hendrix notice of his fifth violation hearing, for failing to report to his community corrections officer (CCO) and failing to provide a urine sample. Hendrix pled guilty to both violations. However, Hendrix pleaded with the hearing officer not to return him to confinement, stating that he was addicted to methamphetamine and had a "bed date" at the Salvation Army inpatient treatment program for January 29, 2015. The hearing officer informed Hendrix that she would allow him to enter treatment if she could confirm this statement with the Salvation

Army, but that she would return him to confinement if the statement was not truthful. The hearing officer recessed the hearing and contacted the Salvation Army, which stated that Hendrix did not have an appointment to enter treatment and that they did not schedule appointments that far in advance in any case. The hearing officer revoked Hendrix's release to community custody and returned him to total confinement to serve the period of earned early release previously applied to his sentence, pursuant to RCW 9.94A.633(2)(a).

Hendrix now contends that "[t]he hearing officer made an agreement in the hearing, failure to honor that agreement is a violation of due process." But the hearing officer's decision was consistent with her statements made at the hearing. The hearing officer told Hendrix she would sanction him with return to confinement if he was not being truthful about his plan to enter treatment, and did so once she confirmed that Hendrix was, in fact, not being truthful. And Hendrix does not challenge DOC's authority to return him to total confinement as a sanction for his community custody violations. Accordingly, Hendrix has not identified any basis for relief by means of a personal restraint petition.

Now, therefore, it is hereby

ORDERED that the personal restraint petition is dismissed under RAP 16.11(b).

Done this 15th day of March, 2016.



Acting Chief Judge

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