

Hoyt, Trina (ATG)

From: ATG MI COR Oly CE Reader
Sent: Monday, May 04, 2015 3:18 PM
To: Hoyt, Trina (ATG); Ronning, Kate (ATG)
Subject: FW: COURT OF APPEALS 72587-4-I Personal Restraint Petition of Duane Roderick Lynch
Attachments: 72587-4 Lynch - 5.4.15 letter.pdf; 72587-4 Lynch - Order Dismissing.pdf
Importance: High

State strike.

From: Wise, Laurel [<mailto:Laurel.Wise@courts.wa.gov>]
Sent: Monday, May 04, 2015 1:53 PM
To: ATG MI COR Oly CE Reader; JeanMeyn3@gmail.com
Subject: COURT OF APPEALS 72587-4-I Personal Restraint Petition of Duane Roderick Lynch
Importance: High

RICHARD D. JOHNSON,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
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The attached order is being transmitted to counsel electronically. No hard copy will follow.

*State Strike
-M ✓*

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May 4, 2015

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CASE #: 72587-4-I
Personal Restraint Petition of Duane Roderick Lynch

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

law

enclosure

Saved

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

In the Matter of the Personal)	
Restraint of:)	No. 72587-4-1
)	
DUANE RODERICK LYNCH,)	ORDER OF DISMISSAL
)	
Petitioner.)	
_____)	

Duane Lynch filed this personal restraint petition challenging sanctions imposed following a prison disciplinary proceeding. In its response, the Department of Corrections (DOC) has advised the court that it expunged the challenged infraction from Lynch's prison records, restored the good time lost as a sanction, and adjusted his early release date. While the DOC reserves the right to rehear the matter, the DOC is authorized to both expunge the infractions from Lynch's prison records and conduct a rehearing.¹ In re Pers. Restraint of Higgins, 152 Wn.2d 155, 162-63, 95 P.3d 330 (2004); In re Pers. Restraint of Goulsby, 120 Wn. App. 223, 228-29, 84 P.3d 922 (2004).

Because Lynch is no longer under any cognizable "restraint" or "disability" as a result of the challenged disciplinary hearing, the petition should be dismissed as moot.

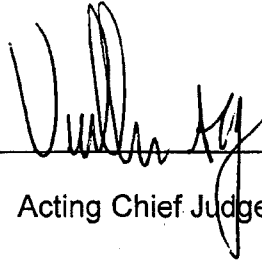
¹ Lynch will not be barred from challenging any sanctions imposed upon rehearing.

No. 72587-4

Now, therefore, it is hereby

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

Done this 4th day of May, 2015



Acting Chief Judge

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2015 MAY -4 PM 1:41