

January 14, 2022

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

In the Matter of the Personal Restraint of:

CLIFF RAY MAYNARD,

Petitioner.

No. 54957-3-II

**ORDER DISMISSING PETITION**

Cliff Maynard seeks relief from personal restraint imposed following his 2018 Kitsap County plea of guilty to three counts of possession of depictions of minors engaged in sexually explicit conduct in the first degree and his 2018 Cowlitz County plea of guilty to one count of possession of depictions of minors engaged in sexually explicit conduct in the first degree.<sup>1</sup> The Kitsap County court sentenced Maynard to 61 months of confinement. The Kitsap County jail certified that Maynard had 615 days of jail time credit and 304 days of good time credit. The Department of Corrections (DOC) has credited Maynard's Kitsap County sentence with those days. After Maynard was sentenced in Kitsap County, the DOC transported him to the Cowlitz County jail. The Cowlitz County court sentenced Maynard to 77 months of confinement, to be served concurrently with his Kitsap County sentence. The Cowlitz County jail certified that Maynard had 105 days of jail time credit and 52 days of good time credit. The DOC has not credited Maynard's Cowlitz County sentence with those days.

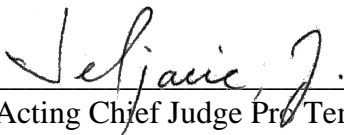
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<sup>1</sup> We issued the mandate of Maynard's direct appeal on June 17, 2021, making his June 18, 2020 petition timely filed. RCW 10.73.090(3)(b); *See* Mandate, No. 54182-3-II, (June 17, 2021).

Maynard argues that because his Cowlitz County sentence was ordered to run concurrently with his Kitsap County sentence, his jail time credits and good time credits from both the Kitsap County jail and the Cowlitz County jail should be credited against both his Kitsap County sentence and his Cowlitz County sentence. But the statute providing for jail time credits and good time credits provides otherwise. Under RCW 9.94A.505(6), an offender is given credit “for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.” Maynard’s time served in the Kitsap County jail was solely in regards to his Kitsap County charges, and so was appropriately credited against his Kitsap County sentence. But Maynard’s time served in the Cowlitz County jail was not solely in regards to his Cowlitz County charge; it was served both in regards to his Cowlitz County charge and his Kitsap County sentence. Thus, Maynard’s time spent in the Cowlitz County jail cannot be credited against his Cowlitz County sentence or his Kitsap County sentence. *In re Pers. Restraint of Costello*, 131 Wn. App. 828, 833, 129 P.3d 827 (2006). And even though the sentences are concurrent, Maynard’s time served in the Kitsap County jail cannot be credited against his Cowlitz County sentence. *State v. Stewart*, 136 Wn. App. 162, 167-68, 149 P.3d 391 (2006). The DOC has correctly credited Maynard’s sentences.

Maynard does not show any grounds for relief from restraint. Accordingly, it is hereby

ORDERED that Maynard’s petition is dismissed as frivolous under RAP 16.11(b). His request for appointment of counsel is denied.

  
Acting Chief Judge Pro Tempore

cc: Cliff R. Maynard  
Gregory K. Zizer  
Keith A. Hines