

Renee S. Townsley
Clerk/Administrator

(509) 456-3082
TDD #1-800-833-6388

*The Court of Appeals
of the
State of Washington
Division III*



500 N Cedar ST
Spokane, WA 99201-1905

Fax (509) 456-4288
<http://www.courts.wa.gov/courts>

June 5, 2017

Samuel Erick Richardson
#360471
Washington State Penitentiary
1313 North 13th Ave
Walla Walla, WA 99362

Timothy Norman Lang
Alex A Kostin
Criminal Justice Division
PO Box 40116
Olympia, WA 98504-0116 **E-MAIL**

CASE # 346676
Personal Restraint Petition of Samuel Erick Richardson
SPOKANE COUNTY SUPERIOR COURT No. 111017142

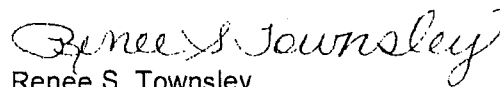
Counsel and Mr. Richardson:

Enclosed is a copy of the Order Dismissing Personal Restraint Petition filed by this Court today in the above-referenced case.

In accordance with RAP 16.14(c) and RAP 13.5 A, review of this Order may be obtained only by filing a Motion for Discretionary Review in the Washington State Supreme Court within 30 days after the filing of this Order. A copy must be filed with the Court of Appeals.

The address for the Washington State Supreme Court is Temple of Justice, P. O. Box 40929, Olympia, WA 98504-0929.

Sincerely,


Renee S. Townsley
Clerk/Administrator

RST:bls
Enclosure

FILED
Jun 05, 2017
Court of Appeals
Division III
State of Washington

COURT OF APPEALS, DIVISION III, STATE OF WASHINGTON

In the Matter of the Personal Restraint)	No. 34667-6-III
of:)	
)	
)	
SAMUEL ERICK RICHARDSON,)	ORDER DISMISSING PERSONAL
)	RESTRAINT PETITION
Petitioner.)	
)	
)	

Samuel Erick Richardson is serving a sentence in the Washington Department of Corrections (DOC) after he pleaded guilty to three counts of first-degree theft, two counts of second-degree theft, and two counts of attempted first-degree theft. In August 2012, the court sentenced him to a Drug Offender Sentencing Alternative (DOSA) sentence of 25 months confinement and 25 months of community custody. In May of 2014, Mr. Richardson was released from confinement. On December 24, 2014, Mr. Richardson was released from an Idaho jail after serving time on a fugitive warrant. He immediately fled Washington State and was apprehended in Virginia on January 5, 2016. DOC then revoked his DOSA.

No. 34667-6-III
PRP of Richardson

In 2016, the Virginia court sentenced him to a suspended sentence of ten years for crimes he committed in November 2015 in Carroll County, Virginia. *See* State's Exhibit 2 (Attachment B). Mr. Richardson was then extradited to Washington State.

Mr. Richardson brings this petition contending he is entitled to receive credit for the entire time he was on community custody on his Spokane County case from his release in early May 2014 to December 24, 2014, the entire time he was in the Virginia jail from January 5, 2016 to June 9, 2016, and for the time he was in a Washington jail after his extradition from Virginia.

Mr. Richardson is restrained because he is currently serving a term of confinement under DOC and his freedom is limited. RAP 16.4(b). To show his restraint is unlawful, he must show that DOC's actions amount to a constitutional violation or a violation of Washington law. RAP 16.4(c); *In re Pers. Restraint of Erickson*, 146 Wn. App. 576, 583-84, 191 P.3d 917 (2008).

Mr. Richardson first claims the DOC failed to give him credit for his successful community custody time from May 6, 2014 to December 24, 2016. He is incorrect. DOC records submitted by the State show that he received 202 days for his successful periods of community custody on his Spokane County conviction. *See* State's Exhibit 2 (Attachment C).

No. 34667-6-III
PRP of Richardson

Mr. Richardson is also mistaken about his Virginia confinement time. DOC records show that Mr. Richardson was in a Virginia jail for crimes committed in that state from January 5, 2016 to May 28, 2016. Credit is not allowed for time served on other charges. *See In re Pers. Restraint of Costello*, 131 Wn. App. 828, 829, 129 P.3d 827 (1982)(citing *In re Pers. Restraint of Phelan*, 97 Wn.2d 590, 597, 647 P.2d 1026 (1982)). RCW 9.94A.505(6) provides that “the sentencing court shall give the offender 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.”

Finally, Mr. Richardson is also mistaken when he claims that he is not receiving credit for the time he was in a Washington jail after his extradition from Virginia from June 9, 2016 to June 17, 2016. The DOC has credited Mr. Richardson for these days. *See State’s Exhibit 1 (Attachment A)*.

Mr. Richardson is not under unlawful restraint. His petition is therefore dismissed as frivolous. RAP 16.11(b). His request for counsel is also denied. *In re Pers. Restraint of Gentry*, 137 Wn.2d 378, 390, 972 P.2d 1250 (1999); RCW 10.73.150.


ROBERT E. LAWRENCE-BERREY
ACTING CHIEF JUDGE

No. 34667-6-III
PRP of Richardson

A.C.J. ORDER FACT SHEET
PERSONAL RESTRAINT PETITION

Case Name: In re Pers. Restraint of Richardson

Case Number: 346676

1. TRIAL COURT INFORMATION:

SUPERIOR COURT (County and Ct. No.) **Spokane County No. 111017142**
Judgment/Order being reviewed: DOC action
Judge Signing: N/A
Date Filed: N/A

2. SUPERIOR COURT INFORMATION

Is further action required by the superior court?
 YES
 NO

RLB

Judge's Initials