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COURT OF APPEALS  
DIVISION II

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STATE OF WASHINGTON

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

**DIVISION II**

In re the Personal Restraint Petition of  
MATTHEW QUINN SHOOP,  
Petitioner.

No. 48221-5-II

ORDER DISMISSING PETITION

Matthew Shoop seeks relief from personal restraint imposed following his 2003 plea of guilty to second degree assault with sexual motivation. The trial court sentenced him to a "determinate-plus" sentence of 15 months to life, with his release date to be set by the Indeterminate Sentence Review Board (ISRB). In 2004, 2006 and 2008, the ISRB found Shoop not releasable. In 2009, it released Shoop on conditions. Later in 2009 and in 2010, it suspended Shoop's release for violations of those conditions but re-released him. In 2010, it revoked Shoop's release for violations of conditions and did not release him again until 2012. Later in 2012, it suspended Shoop's release for failing to report, failing to register as a sex offender, failing to comply with sex offender treatment and failing to inform the CCO of a romantic relationship. Shoop was tried and convicted for failure to register as a sex offender and received a sentence of 38 months. In 2014, the ISRB revoked Shoop's release and imposed a new minimum term of 12 months. Later in 2014, it found Shoop not releasable and added 18 months to his minimum term for major and minor infractions while incarcerated.

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Shoop raises seven issues in his petition. In his first and sixth grounds for relief, he argues that the ISRB has abused its discretion in finding him not releasable because his sex offender treatment providers have said they do not believe he will sexually reoffend and because his violations have nothing to do with whether he will sexually reoffend. He also argues that the ISRB is not releasing him because he does not get along with his CCO and because of old information. This court reviews an ISRB decision for an abuse of discretion and will not substitute its discretion for that of the ISRB. *In re Pers. Restraint of Dyer*, 175 Wn.2d 186, 196, 283 P.3d 1103 (2012). Shoop does not demonstrate an abuse of discretion. His history of unwillingness or inability to abide by his conditions of release support the ISRB's decision.

In his second, third and fourth grounds for relief, Shoop seeks relief from his 2003 judgment and sentence on the grounds that (1) he was never given written notice that he would be subject to community custody after serving his time of confinement, (2) he wishes to appeal his declination from juvenile court to adult court, and (3) his sentence is invalid because it was written as life to 15 months. RCW 10.73.090(1) requires that a petition be filed within one year of the date that the petitioner's judgment and sentence becomes final. Shoop's judgment and sentence became final on September 26, 2003, when it was entered. RCW 10.73.090(3)(a). He did not file his petition until October 5, 2015, more than one year later. Unless he shows that one of the exceptions contained in RCW 10.73.100 applies or that his judgment and sentence is facially invalid, his petition is time-barred. *In re Personal Restraint of Hemenway*, 147 Wn.2d 529, 532-33, 55 P.3d 615 (2002). He shows neither. Shoop's challenge to his 2003 judgment and sentence is time-barred.

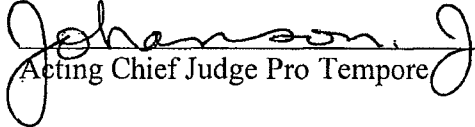
In his fifth ground for relief, Shoop argues that the ISRB's revocation of release on grounds of failure to register as a sex offender and his conviction for the crime of failing to register as a sex offender violates double jeopardy. But because the revocation of release is part of his 2003 judgment and sentence, it is not punishment for the same offense as his 2012 conviction for failing to register as a sex offender and therefore does not violate double jeopardy. *Moor v. Palmer*, 603 F.3d 658, 660 (9<sup>th</sup> Cir. 2010).

Finally, in his seventh ground for relief, Shoop argues that the ISRB does not have jurisdiction over him because he committed his crime before he turned 18 years old. But he provides no legal authority for this claim and it appears that he was declined from juvenile court jurisdiction to adult court jurisdiction.

Shoop fails to demonstrate grounds for relief from restraint. Accordingly, it is hereby

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

DATED this 4<sup>th</sup> day of May, 2016.

  
Acting Chief Judge Pro Tempore

Cc: Matthew Q. Shoop  
Ronda D. Larson  
Pierce County Prosecuting Attorney  
Pierce County Clerk  
County Cause No. 03-1-02748-2