

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

IN THE MATTER OF THE
PERSONAL RESTRAINT OF:

CHARLES WALTER WEBER,

Petitioner.

No. 81145-2-I

ORDER OF DISMISSAL

Charles Weber is in Department of Corrections' (DOC) custody, serving a 320-month sentence imposed upon his first degree assault conviction in King County Superior Court No. 03-1-05510-3 SEA. When that sentence expires in May 2028, Weber will begin serving a consecutive sentence of life without parole imposed upon his second degree assault conviction in Walla Walla Superior Court No. 04-1-00534-2. Thus, Weber's total period of incarceration is life without parole. He does not have an earned release date.

Weber files this personal restraint petition asserting that the DOC had a duty to create a good conduct time restoration pathway for him and should have allowed him to begin the process of restoring 597 days of lost good conduct time sooner than it did.¹ To succeed in his petition Weber must show that he is currently under restraint and that the restraint is unlawful. RAP 16.4; In re Pers. Restraint of Malik, 152 Wn. App. 213, 218, 215 P.3d 209 (2009). Weber is clearly "under a restraint" by virtue of his incarceration. But, because Weber fails to show that his restraint is unlawful, his petition must be dismissed.

Washington courts have consistently rejected the notion that inmates have (1) a

¹ Weber is not challenging his underlying convictions nor the disciplinary proceedings that caused him to initially lose the good conduct time.

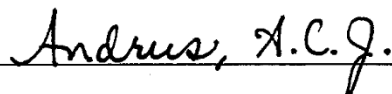
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protected liberty interest in “procedures by which [they] will be allowed to earn a reduction in [their] sentence,” In re Pers. Restraint of Stuhr, 186 Wn.2d 49, 56, 375 P.3d 1031 (2016), or (2) a right to earn good conduct time. In re Application for Relief from Pers. Restraint of Galvez, 79 Wn. App. 655, 659, 904 P.2d 790 (1995). Accordingly, Weber has no liberty interest in potential restored good conduct time.

Weber has, at most, an expectation that the DOC will follow its policies concerning restoration of good conduct time. In re Pers. Restraint of Pullman, 167 Wn.2d 205, 218, 218 P.3d 913 (2009). The DOC is allowing Weber to restore 597 of his 607 days of lost good conduct time over the course of three years.² Although he desires a faster restoration plan, Weber points to nothing in the record to indicate that the DOC failed to follow its restoration policies. Weber has not shown that his restraint is unlawful.

Now, therefore, it is hereby

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



Acting Chief Judge

² Ten of Weber’s 607 days of lost good conduct time are not eligible for restoration.