

RICHARD D. JOHNSON,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

DIVISION I
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August 22, 2016

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Robert Wayne Weed
King County Jail
Maleng Justice Center
620 West James St.
Kent, WA 98032

CASE #: 74541-7-1
Personal Restraint Petition of: Robert Wayne Weed

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

jh

enclosure

16.11
Sincerely,
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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

IN THE MATTER OF THE)	
PERSONAL RESTRAINT OF:)	No. 74541-7-I
)	
ROBERT WAYNE WEED,)	ORDER OF DISMISSAL
)	
Petitioner.)	
<hr/>)	

Robert Weed filed a personal restraint petition challenging the calculation of his early release date for the sentence imposed in King County Superior Court No. 14-1-02018-6 KNT by the Department of Corrections (DOC). In order to obtain relief by means of a personal restraint petition, Weed must demonstrate that he is being unlawfully restrained. See In re Pers. Restraint of Cashaw, 123 Wn.2d 138, 148-49, 866 P.2d 8 (1994); RAP 16.4.

Weed claims that he is entitled to additional credit for good time earned in jail. Regardless of the merits of this issue, Weed has been released from DOC custody. Therefore, he is no longer restrained or otherwise prejudiced by the manner in which the DOC calculated his available credits. His claim is therefore moot. See In re Pers. Restraint of Cross, 99 Wn.2d 373, 376-77, 662 P.2d 828 (1983) (a claim is moot if the court can provide no effective relief).

In reply, Weed maintains that his claim is not moot because the DOC is using the same method to calculate the sentences of other offenders and this method has the general effect of depriving offenders of the benefit of good time earned in jail. But to the extent that Weed seeks affirmative relief other than the removal of an allegedly unlawful restraint, he must resort to a civil action. See In re Pers. Restraint of Sappenfield, 138 Wn.2d 588, 595, 980 P.2d 1271 (1999) (the

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only relief this court can grant in a personal restraint petition is removal of an allegedly unlawful restraint).

Accordingly, because this court cannot provide effective relief, the petition shall be dismissed.

Now, therefore, it is hereby

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

Done this 27th day of August, 2016.

Trickey, ACJ
Acting Chief Judge

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