

SUPREME COURT OF WASHINGTON

In the Matter of the Personal Restraint of Teddy Glen Talley

In re Personal Restraint of Talley, 172 Wash. 2d 642 (2011) · No. No. 83284-6 · Decided September 15, 2011

SUMMARY

The Supreme Court of Washington held that former RCW 9.92.151 required county jails to provide presentence inmates with opportunities to earn good-time, or earned early-release, credit. Because Skamania County's jail policy provided no such opportunity to Talley, the court held that he was entitled to good-time credit at the statutory maximum rate of 15 percent. The court did not reach Talley's equal protection claim and remanded for implementation of the credit award.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	J.M. Johnson; Barbara A. Madsen; Charles W. Johnson; Gerry L. Alexander; Tom Chambers; Susan Owens; Mary E. Fairhurst; Debra L. Stephens; Charles K. Wiggins
JURISDICTION	Washington
DECIDED	September 15, 2011
DOCKET	No. 83284-6
DISPOSITION	remanded
PROCEDURAL POSTURE	Petitioner's personal restraint petition was partially granted and partially denied by the Washington Court of Appeals. The Washington Supreme Court granted discretionary review and addressed whether former RCW 9.92.151 required the county jail to provide presentence opportunities to earn good-time credit.
STANDARD OF REVIEW	De novo review applies to interpretation of court rules, statutes, and the Constitution; the material facts were undisputed.
PRECEDENTIAL VALUE	Published, precedential decision of the Washington Supreme Court issued en banc.
PARTIES	Teddy Glen Talley v. Skamania County, Washington State Department of Corrections

TOPICS

post-conviction relief

sentence modification

sentencing

statutory interpretation

equal protection

PRACTICE AREAS

criminal law

post-conviction relief

corrections and sentencing

statutory interpretation

constitutional law

QUESTIONS PRESENTED

1. Whether the statutory issue concerning former RCW 9.92.151 was properly before the Supreme Court despite not being raised in Talley's motion for discretionary review.
2. Whether former RCW 9.92.151(1) required a county jail to provide a presentence inmate with an opportunity to earn good-time or earned early-release credit.
3. What remedy was appropriate for the county jail's failure to provide Talley that statutory opportunity.
4. Whether the denial of presentence good-time-credit opportunities violated the federal Equal Protection Clause.

HOLDINGS

1. The statutory issue was properly before the Supreme Court because the commissioner ordered briefing on it and the Supreme Court ratified that ruling by granting discretionary review.
2. Former RCW 9.92.151(1) required a county jail's earned-early-release program to allow an offender to earn early-release credits for presentence incarceration. A policy that categorically denied presentence inmates any opportunity to earn such credit violated the statute.
3. Because the county jail provided no opportunity for Talley to earn good-time credit, Talley was entitled to earned early-release credit at the statutory maximum rate of 15 percent for the time he served in the county jail before sentencing.
4. The court did not decide the constitutional equal-protection issue because the statutory violation resolved the case.

KEY QUOTATIONS

"Any program established pursuant to this section shall allow an offender to earn early-release credits for presentence incarceration." (172 Wash. 2d at 672)

"We hold that former RCW 9.92.151(1) requires a county jail to provide opportunities for a presentence inmate to earn credit toward early release." (172 Wash. 2d at 673)

"Because Skamania County failed to provide Talley with any opportunity to earn good-time credit, we use the statutory maximum to establish the rate at which he accrued good-time credit." (172 Wash. 2d at 674)

FACTUAL BACKGROUND

Talley committed second-degree murder, pleaded guilty, and was sentenced by the Skamania County Superior Court to 123 months of confinement. Before sentencing, he was held in the Skamania County Jail, which certified 516 days of presentence confinement and zero days of earned early-release credit. The jail's policy

allowed good-time credit only through specified work, educational, treatment, or other programs, but presentence inmates and inmates not classified as medium- or low-risk could not participate; Talley therefore had no opportunity to earn such credit.

PROCEDURAL HISTORY

Talley pleaded guilty to second-degree murder and received a 123-month sentence. The Skamania County Jail certified 516 days of presentence confinement and no earned early-release credit because its programs excluded presentence inmates and inmates outside specified risk classifications. The Court of Appeals ordered correction of the time-served credit to 518 days but rejected Talley's equal-protection claim. The Supreme Court granted discretionary review, held that the statutory issue was properly before it, and remanded for an award of good-time credit at the statutory maximum rate.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand to the Washington Court of Appeals with instructions to grant Talley good-time credit at the statutory maximum rate of 15 percent for the time he served in the Skamania County Jail before sentencing.

CASES CITED

- State v. Phelan, 100 Wash. 2d 508, 510, 671 P.2d 1212 (1983)
- In re Pers. Restraint of Williams, 121 Wash. 2d 655, 658-59, 664, 853 P.2d 444 (1993)
- In re Pers. Restraint of Fogle, 128 Wash. 2d 56, 60, 904 P.2d 722 (1995)
- State v. Osman, 168 Wash. 2d 632, 637, 229 P.3d 729 (2010)
- State v. Wentz, 149 Wash. 2d 342, 346, 68 P.3d 282 (2003)
- City of Redmond v. Moore, 151 Wash. 2d 664, 668, 91 P.3d 875 (2004)
- State v. Korum, 157 Wash. 2d 614, 624, 141 P.3d 13 (2006)
- Denaxas v. Sandstone Court of Bellevue, LLC, 148 Wash. 2d 654, 671, 63 P.3d 125 (2003)
- In re Pers. Restraint of Erickson, 146 Wash. App. 576, 583 n.23, 191 P.3d 917 (2008)
- In re Pers. Restraint of King, 146 Wash. 2d 658, 660-65, 49 P.3d 854 (2002)
- Isla Verde International Holdings, Inc. v. City of Camas, 146 Wash. 2d 740, 752, 49 P.3d 867 (2002)
- In re Pers. Restraint of Mota, 54 Wash. App. 252, 773 P.2d 129 (1989), *aff'd*, 114 Wash. 2d 465, 788 P.2d 538 (1990)