

IN THE COURT OF
APPEALS IN THE STATE OF
WASHINGTON

102620-0

THE STATE OF WASHINGTON, CASE NO: 83018-0-1

V RESPONDANT MOTION FOR STAY

TERRANCE JON IRBY, OF PROCEEDINGS.

APPELLANTE PETITIONER

I

COMES NOW IN THE LIMITED APPEARANCE PRO SE AND
ASKS FOR A STAY OF PROCEEDINGS.

II

GROUND FOR RELIEF

(1) DUE PROCESS REQUIRES EXHAUSTION OF APPELLANTE ISSUES.

(2) DUE PROCESS REQUIRES APPELLANTE TO DEVELOP ALL ISSUES

IN THE APPELLANTE COURT BEFORE SEEKING HABEAS REVIEW.

(3) STATE ACTION IMPDED APPELLANTES RAP 10.10 ADDIT-
IONAL GROUNDS CLAIMS.

(4) APPELLANTES CLAIMS OF ACTUAL INNOCENCE IS BASED ON

THE 6TH AND 14TH AMENDMENTS U.S. CONST. HEPPLEBA V COLL-

INS, 506 U.S. 390, 400, 122 L Ed 2d 203 (1993)

(5) APPELLANTE SUFFERED FROM INEFFECTIVE ASSISTANCE OF

TRIAL AND APPELLANTE COUNSEL. STRICKLAND, 466 U.S. 668,

80 L Ed 2d 674 (1984)

III,

1 INEFFECTIVE ASSISTANCE OF COUNSEL VIOLATES AN REPRIST-
2 ATION AND PROCEEDINGS" APPELLANTE IS LIKELY TO SPEND-
3 THE REST OF HIS LIFE IN PRISON LITIGATING THESE CIA-
4 IMS. APPELLANTE HAS NO RIGHT TO APPOINTMENT OF CO-
5 UNSEL IN HABEAS REVIEW ROSS V McEFFITT, 417 U.S.
6 600, 41 Led 2d 341 (1974) THERE ARE COMPLEX ISSUES TO
7 PRESENT. APPELLANTE FILED A SUPPORTING MOTION FOR THE
8 REQUESTED APPOINTMENT OF COUNSEL WHICH COVERS ISS-
9 UES RAISED. DATED 11-30-2013 "EFFECTIVE ASSISTANCE"

11 IV. AN OFFERING OF EVIDENCE

12 AT MCC.

13 THE PROPERTY (A BOWLING HEID APPELLATES LEGAL PROP-
14 ERTY 30 DAYS BEYON 9-9-2013 3-PAGE EXHIBIT THE
15 COURT OF APPEALS NOTICE AND TWO PAGE GRIEVANCE.
16 AFTER THIS OCCURRED IN 2013 APPELLANTES LEGAL PROP-
17 ERTY WAS SHIPPED WHERE EVER HE WAS TRANSFERRED. EXH-
18 IBIT 1 AND 2. THESE ACTIONS WERE DELIBERATE. APPELL-
19 ANTE ASSETS MANIFEST INJUSTICE WOULD RESULT WITHOUT A
20 STAY OF PROCEEDINGS. APPELLANTES CASE DEMANDS VENDEICATION
21 NOT A NEW TRIAL. IF WE LOOK AT THE SUPPORTING CASE LAW
22 DAVID KUCH DELIBERATELY DERAZLED APPELLANTES APPRAIS.

24 SCORN TRUE AND CORRECT UNDER PENALTY OF PERJ-
25 URY.

27 Tony Fern et al

DATED 12-8-2013



BX44017 (1)

LOG ID NUMBER
22761817

LEVEL I RESOLUTION RESPONSE

Last name Irby	First Terrance	Middle J.	DOC number 631794
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Facility/office: MCC-IMU	Unit/cell: IMU / M131
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PART A – INITIAL CONCERN Date typed: 09/02/2022 Date due: 9/27/2022

My concern is (who and/or what):

Location: IMU	Date of incident: 07/25/2022	Time:
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Witness(es): Sgt. McPherson

Description:
(written 08/28/2022) (received 8-28-2022) late. Your obstructing justice. I am du to file my additional grounds in 30 days. My legal matter as always follows me without cost since 2013. Check the records – I was not given a chance to save anything for my criminal appeal RAP 10-10 COA DIV. one. I have 30 days from 8/28/22. I just got your malicious response! More proof of the states actions to impede my initial appeal! All of property is legal materials – you don't know what to put in my property. You only know how to destroy my criminal appeal which you all knew I was working on! This misconduct is deliberate!

Suggested remedy:
Bus my legal property to me or send me back to Shelton.

Terrance Irby Requestor's signature	09/02/2022 Date
CS2 Amber Roberts Resolution Specialist	/s/ Amber Roberts Signature
	09/02/2022 Date

PART B – LEVEL I RESPONSE

CPM Schlagel reviewed your Level 1 complaint regarding your property. Please familiarize yourself with the policy.

Personal Property for Offenders (DOC 440.000):
V.A. – In addition to the items listed in the Maximum Allowable personal Property Matrix, the following are authorized for in-cell retention for general population offenders:
2. Legal materials, which must comply with DOC 590.500 Legal Access for Offenders and be stored in a space not to exceed 18" x 12" x 10".
IX.B. Facilities will only store offender personal property when:
2. An offender's legal materials exceed the amount allowable for in-cell retention.
X.A.2. Offenders will be responsible for arranging the disposition, or shipment at their own expense, of authorized property that exceeds the property transport limit. The Department assumes no responsibility in transporting property that exceeds the property transport limit.
a. Failure to comply will result in the property being declared abandoned and disposed of per WAC 137-36-040.

Transport of Property (DOC 440.020):
I.B. Authorized personal, religious, and legal property items will be transported at Department expense in no more than 2 shipping boxes, 18" x 12" x 10" in size. Each box cannot exceed 25 pounds.

The department transported two boxes with you when your transferred to MCC. You have an additional 14 boxes of property. The rest of your property was held at WCC awaiting you to arrange the disposition or shipment (per policy.) When we opened your remaining property to determine the contents, additional legal work was discovered. The department will deliver your remaining property this one time. We are not required by policy to do so. You are required to ensure all legal documents required to meet court-imposed deadlines are placed in your two boxes of property that are transferred with you. If you cannot fit all the legal work for your active cases into the two boxes, your remaining legal work must be clearly labeled as legal work. Again, your property will be delivered this time, but in the future, you will be responsible for arranging shipment at your expense per policy. It is also advisable to have your active legal work organized into clearly marked boxes for transport.

CS 2 Amber Roberts
Resolution Specialist


Signature

9/9/2022
Date

You may appeal this response by submitting a written appeal to the Resolution Specialist within 5 working days from date this response was received.

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 16-01, RCW 42.56, and RCW 40.14.

Distribution: **ORIGINAL** - Resolution Program Manager

COPY - Resolution Specialist, Individual



LEA ENNIS,
Court Administrator/Clerk

*The Court of Appeals
of the
State of Washington*

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750

NOTICE TO APPELLANT RE:
STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

COURT OF APPEALS DIVISION I OF THE STATE OF WASHINGTON

Re: Case No. 83018-0, State v. Terrance Irby

Dear Appellant:

Your attorney has filed a proof of service indicating that you were mailed a copy of the opening brief in your appeal. If, after reviewing that brief, you believe there are additional grounds for review that were not included in your lawyer's brief, you may list those grounds in a Statement of Additional Grounds for Review. RAP 10.10.

Because the Statement of Additional Grounds for Review is not a brief, there is no required format and you may prepare it by hand. No citations to the record or legal authority are required, but you should sufficiently identify any alleged error so that the appellate court may consider your argument. A copy of the rule is enclosed for your reference.

Your Statement of Additional Grounds for Review must be sent to the Court within 30 days. It will be reviewed by the Court when your appeal is considered on the merits.

Sincerely,

Lea Ennis
Court Administrator/Clerk

DATE: 09/08/2022

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IN THE COURT OF APPEALS

THE STATE OF WASHINGTON

THE STATE OF WASHINGTON

CASE NO. 83018-G-1

v

AFFIDAVIT OF SERVICE

TERRANCE JON IRBY

BY MAIL

SWORN AS TRUE I TERRANCE JON IRBY MAILED A MOTION FOR
STAY OF PROCEEDINGS TO:

ATTORNEY DAVID KUCH

ATTORNEY HAWKENS

THE DENNY BUILDING

SKAGIT COUNTY PROSECUTORS

2200 6th AVE SUITE 1250

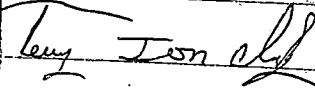
605 S. 3rd ST

SEATTLE WA 98121

MOUNT VERNON WA 98273

NOTE ON 11-30-2023 APPELLANT MAILED MOTION FOR THE
REQUESTED APPOINTMENT OF COUNSEL.

SWORN TRUE AND CORRECT UNDER PENALTY OF PERJURY.



Plaintiff

DATE 12-8-2023

Terrance Jon Irby

FILED
COURT OF APPEALS
DIVISION ONE
DEC 18 2023

DECLARATION COVER LETTER.

YOUR HONORS AND ALL PARTIES.

IN RE: SUP NO: 102620-0

COA NO: 83018-0-1

ON 12-8-2023 THESE MOTIONS WERE OBSTRUCTED FROM MAILING BY (1) THE LAW LIBRARIANS ASSISTANT (2) THE MCC MAIL ROOM STAFF. I RY FEELS ITS IMPORTANT THAT THIS COURT CAN VIEW THE OBSTRUCTIONS OF JUSTICE, AND WHY I RY COULD NOT RAISE HIS ALIBI WITNESSES CLAIMS. THE LAW LIBRARIAN REFUSED TO APPEAR ON 12-12-2023 TO CORRECT THIS MATTER. I RY RECEIVED THE SUPREME COURTS NOTICE OF 12-12-2023 ON 12-14-2023 I RY WAS GOING TO CHANGE THE DATE OF HIS MOTIONS TO 12-12-2023 THEN DECIDED THAT WOULD BE WRONG. I RY'S LEGAL MAIL IS BEING MANIPULATED AND OBSTRUCTED. THE FIRST MOTION WAS PART OF TWO MOTIONS. THREE ENVELOPES SIX PAGES EACH. ONE STAMP IS GOOD FOR (7 PAGES) THIS WAS A DELIBERATE ACT BY THE STATE AND IT DEMONSTRATES A PATTERN-SUB EXHAUST (2) THE ONE ENVELOPE FOR DAVID KOCH I RY OPENED IT SO HE COULD COUNT THE SIX PAGES. I RY WILL ATTEMPT TO MAIL THE OTHER TWO ENVELOPES. I RY HAS BEEN IN THE GRIVENANCE SYSTEM SINCE 2010 ATTEMPTING TO HAVE LAW LIBRARIAN ACCESS TO OBTAIN RESEARCH.

SUBSCRIBED AND CORRECT UNDER PENALTY OF PERJURY.

Terry Jon chf

12-14-2023

FILED
COURT OF APPEALS
DIVISION ONE
DEC 18 2023

1
2
3 IN THE COURT OF APPEALS
4 OF THE STATE OF WASHINGTON

5 CASE NO: 102620-0 Sup. COURT.

6 THE STATE OF WASHINGTON, CASE NO: 83018-0-1 C. O. A.

7 V. RESPONDANT, DECLARATION

8 TERRANCE JON IRBY,

9 APPELLANTE.

10 I.

11 COMES NOW APPELLANTE PRO SE IN A LIMITED APPEARA-
12 NCE, AND ASSERTS THAT AS OF 11-30-2023 IRBY HAS NOT
13 HAD ANY COMMUNICATIONS WITH ATTORNEY DAVID KOCH
14 AND WILL NOT EXCEPT ANY LEGAL PLEADINGS FROM HIM. A
15 CAUSE OF ACTION FOR INEFFECTIVE ASSISTANCE OF COUNSEL
16 RAISES "IRRECONCILABLE DIFFERENCES" AND A BREAKDOWN
17 IN CLIENT ATTORNEY RELATIONSHIPS. COUNSEL IS PATENTLY
18 INEFFECTIVE ARTICLE I, SECTION 22 OF THE WASHINGTON STATE
19 CONSTITUTION GUARANTEES EFFECTIVE ASSISTANCE OF COUNSEL
20 SIXTH AMENDMENT, Fed. CONST. A MENTIONOUS CLAIM OF INE-
21 FECTIVE ASSISTANCE OF COUNSEL HAS PROPERLY BEEN MADE IN
22 THIS ABOVE ENTITLED COURT. A MANDATE HAS NOT ISSUED.

23
24
25 SWORN TRUE AND CORRECT UNDER PENALTY OF PERJURY.

26
27 Terry Jon Irby

DATE 12-14-2023



EXHIBIT (1)

KITE

Name (print)/Nombre (letra de molde) TROY J. TROY		Date/Fecha 12-11-23
DOC number/Número DOC 631794	Facility/unit/cell / Instalación/unidad/celda TMC 147	
Request interview with or answer from/Solicita entrevista o respuesta de MAIL ROOM Sgt.		

Reason/Question Interpreter needed for _____ (language)
 Razón/Pregunta Necesito intérprete para _____ (idioma)

I MAILED 3 SMALL ENVELOPES ON 12-8-23 SIX PAGES EACH PAGE (PHOTOCOPY SERVICE) TO ROSEMARY KAHOLA-KUIA, DAVID KUCH, DIV. ONE COURT OF APP. ALL LEGAL MAIL THEY ALL WERE SENT BACK FOR POSTAGE. THIS IS A P.C.G.O. ACT I CAN MAIL 7 PAGES PER STAMP. NO STAFF MEMBER SIGNED OR DATED THE LEGAL LOG! LIBRARIAN ASSISTANT.

Signature/Firma	Days off/Días libres
-----------------	----------------------

Response/Respuesta

IF IT GETS RETURNED IT NEEDS POSTAGE TRANSFER BECAUSE THEY ARE OVERWEIGHT.

Need postage transfer

PLZ FILL ONE OUT AND RETURN FOR PROCESSING

Responder/Persona que responde MAIL ROOM	Date/Fecha 12/13/23
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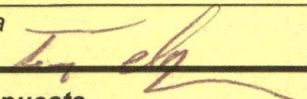
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Name (print)/Nombre (letra de molde) TERRY		Date/Fecha 12-8-23
DOC number/Número DOC 631294	Facility/unit/cell / Instalación/unidad/celda IMU 147	
Request interview with or answer from/Solicita entrevista o respuesta de LEGAL LIBRARY		

Reason/Question Interpreter needed for _____ (language)
Razón/Pregunta Necesito intérprete para _____ (idioma)

LEGAL COPIES AGAIN I WILL BE
 IN THE GRIEVANCE SYSTEM ON MY
 ADA RIGHTS. THANK YOU FOR YOUR
 ASSISTANCE. WE WILL GET THIS WORKED
 OUT I PRAY.

TODAY.

Signature/Firma 	Days off/Días libres 12/8/23
--	---------------------------------

Response/Respuesta
 PHOTO COPIES PREPARED
 AND "LEGAL MAILED"

Responder/Persona que responde J. JONES	Date/Fecha 12/8/23
--	-----------------------

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 16-01, RCW 42.56, and RCW 40.14.

IN THE COURT OF APPEALS

THE STATE OF WASHINGTON

CASE NO: 102610-0 Sup Ct.

THE STATE OF WASHINGTON, CASE NO: 83018-0-1

V RESPONDANT, AFFIDAVIT SUPPORTING

TERRANCE JON IRBY STAY OF PROCEEDINGS, AND

APPELLANTE, OR MANDATE.

I.

COMES NOW APPELLANTE PROSE IN THE LIMITED APPEAR-
ANCE. YOUR HONORS AND PARTIES. IN CASE NO: 75901-9-1
IRBY BELIEVES DO THE FACT THE DECISION IN PART
WAS INCONSISTENT WITH THE LAW OF THE CASE DOCT-
RINE IN CORY, 62 WA 2d (1963) THAT IRBY COULD BE HEAR-
ED ON A (PRP) "ACTUAL INNOCENCE". CORY, STATED NO OT-
HER RELIEF HAS WORKED AND DISMISSAL WAS THE PROP-
ER RELIEF. THAT WAS THE LAW AT THAT TIME. THIS IDEA
OF A NEW TRIAL AS RELIEF IMPAIRED IRBY'S PRP. COUNSEL
MR KOCH WOULD NOT RAISE IRBY'S ALIBI WITNESS DEFEN-
SE ON DIRECT-APPEAL. THE PRP IS HELD IN OBEYANCE.

II.

IRBY'S CASE HAS BEEN POLLUTED WITH INEFFECTIVE
ASSISTANCE OF COUNSEL, COSTING IRBY SEVERAL YEARS LOSS
OF LIBERTY. APPOINTMENT OF NEW COUNSEL WOULD ASSIST
GETTING THIS CASE BACK ON TRACK.

Terrance Jon Irby

(1)

III

1 A STAY OF PROCEEDINGS WOULD ALLOW TIME FOR EFFECTIVE
2 ASSISTANCE OF COUNSEL TO INVESTIGATE AND LITIGATE
3 THESE ISSUES. THERE IS NO GREATER CLAIM THAN ONE OF
4 INNOCENCE SUPPORTED BY TWO EYE WITNESSES WITH
5 ACCOUNTS FRESH ON THEIR MINDS. IT IS SIMPLY UNTEN-
6 ABLE AND INCOMPETENT FOR TRIAL AND APPELLATE COUNSEL
7 TO IGNORE AND NOT RAISE THE SOLE DEFENCE TO A FIRST
8 DEGREE MURDER CHARGE. THE GOVERNMENT CANNOT SUPPRE-
9 SS "EXCULPATORY TESTIMONY." MOST PEOPLE IN IRBY'S SIT-
10 VATION WILL SERVE THEIR SENTENCES BEFORE VENDECAT-
11 ION RESULTS. IRBY IS ATTEMPTING TO PREVENT THAT. THE RE-
12 CORD IS SUFFICIENT TO PROVE THE ALLEGATIONS ASSERTED
13 HEREBIN. ESPECIALLY IRBY HAS A CASE OF SECOND DEGREE MURDER. BUT
14 THAT HADDY MATTERS WHEN HES NOT GUILTY. THE GOVERNMENTS
15 SUPPRESSION OF "IRREPLACABLE EXCULPATORY EVIDENCE" MAN-
16 DATES EXCLUSION OF THE STATES CASE. THE SUPREME COURT
17 OF WASHINGTON COULD ENDORSE THE TWO PRIOR DECISIONS IN
18 STATE V IRBY, BUT THE CFR 8-3(b) ARGUMENT HAS BECOME A
19 MOOT ARGUMENT IN LIGHT OF A CASE OF ACTUAL INNOCEN-
20 CE CLAIM. IT WOULD SIMPLY BE A WASTE OF ENERGY, RESOURCES
21 AND TIME, AND TAKE EVERYONE FURTHER AWAY FROM THE CLUX OF
22 IRBY'S DEFENSES. IRBY MUST NOT BE COMPELLED TO ARGUE THE
23 CFR 8-3(b) DECISIONS. THE CFR 8-3(b) MANDATES DISMISSAL
24 OF THE CHARGES. ACTUAL INNOCENCE RELIEF IS VENDEICATION
25 THERE IS A DIFFERENCE IN THE TWO STANDARDS OF RELIEF
26 IRBY'S CASE HAS ALREADY BEEN DECAIZED.

IV.

1 IF THE C.O.A. AND SUPREME COURT OF WASHINGTON WANT TO
2 REHASH THE LAW OF THE CASE, LEGAL STANDARD, AND ABUSE
3 OF DISCRETION IT SHOULD NOT BE ON IRBY'S DIME THE SIX-
4 TH AMENDMENT TO THE FEDERAL CONSTITUTIONS PREJUDICE
5 ICE PRONG HAS BECOME A WASH DOME. WITH ALL DUE RE-
6 SPECT AS IT STANDS ONLY DAVID KOCH COULD BE STANDING IN
7 PLACE FOR THE CHARGE OF INEFFECTIVE ASSISTANCE CLAIMS. NO
8 RECORD EXISTS IN THE APPELLATE COURT TO RAISE TRIAL
9 COUNSEL(S) INEFFECTIVENESS IN A HABEAS REVIEW. MANIF-
10 EST INJUSTICE WOULD RESULT, IF A STAY OF PROCEEDING-
11 NGS DID NOT ISSUE. ONE OF THE MOST FUNDAMENTAL RIGHTS
12 TO A FAIR TRIAL IS TO CALL WITNESSES ON YOUR OWN BEH-
13 AVE 6th AND 14th AMEND- Fed CONST. THERE HAS BEEN NO INQ-
14 URY INTO COUNSEL INEFFECTIVENESS. AND WE CAN HA-
15 RDLY SAY THE STATE WAS HEID TO ITS BURDEN OF PROOF.
16 ATTORNEY DAVID KOCH HAS BEEN THE ONLY APPELLATE COUNSEL ON
17 IRBY'S CASE, ALL PRIOR PROCEEDINGS ARE PATENTLY VITIATED.
18 UNLESS MR KOCH CAN DEMONSTRATE PLEAD A ALIBI DEFENSE WAS
19 UNWISSE AGAINST CIRCUMSTANTIAL EVIDENCE. DIRECT EV-
20 IDENCE VERSES CIRCUMSTANTIAL EVIDENCE. "EXCULPATORY EV-
21 IDENCE VERSES CIRCUMSTANTIAL EVIDENCE" WHEN IRBY DID
22 FINALLY RECEIVE HIS 16 BOXES OF LEGAL DOCUMENT THEY WERE IN
23 SUCH DISARRAY IT WOULD OF TAKEN SIX MONTHS TO REORANGE
24 AND THIS WAS THE SECOND INCIDENT, OF THE SAME OBSTRUCTIONS.
25 ATTORNEYS DAVID KOCH, KEITH TYNNE, AND JON OSTLAND MUST DEM-
26 ONSTRATE IT WAS LEGALLY UNWISSE TO CALL THEIR WITNESSES.
27
28

1 .v.

2 ATTEMPTS, CLOSE FRIENDS OF THE VICTIM, ON MARCH 11
3 2005 THE CRIME ALLEGED TO OCCURRED ON 3-8-2005 BUT THE
4 TWO WITNESSES STATE HE WAS ALIVE ON 3-9-2005. NO
5 OTHER EVIDENCE WAS COLLECTED TO DISPROVE THIS. THE
6 STATE HAD NOTHING UNTIL JUDGE MEYER GOT INVOLV-
7 ED IN THE INVESTIGATION. (JUDICIAL BIAS) NO EVIDEN-
8 CE WAS PRODUCED THAT WOULD REBUT THE EYE WITNESS
9 ACCOUNT. THE STATES CASE WAS CIRCUMSTANTIAL. FIVE JUDGES
10 AND FOUR PROSECUTORS SUPPRESSED THIS EYE WITNESS ACCOUNT.
11 IT TOOK SEVERAL YEARS FOR APPELLANTE TO OBTAIN THE CA-
12 SE LAW HE PROVIDED IN THE MOTION FOR APPOINTMENT
13 OF COUNSEL. 11-30-2023 THE LONG ARM OF THE STATE MADE
14 SUPR APPELLANTE'S ACCESS TO THE COURTS WERE OBSTRUCTED
15
16 VI.

17 APPELLANTE IS NOT GOING TO GO INTO THE SEVERAL "OBVIOUS
18 ISSUES" DAVID KOCH DID NOT RAISE. AND THE APPEALS HE WON
19 DID NOT AMOUNT TO VINDICATION, THE "PRINCIPAL GRIEF."
20 APPELLANTE IS CURRENTLY FILING HIS SECOND ADA COMPL-
21 AINT IN D.C. FOR ACCESS TO THE LAW LIBRARY. IRBY
22 IS NOT GUILTY OF MURDER, AND REFUSED TO EXCEPT A PLEA
23 LOOKING AT 31 YEARS. IRBY DID ASK DAVID KOCH NOT TO RA-
24 ISE SOME ISSUES, AND IRBY WILL NOT LET ANOTHER ATTO-
25 RNEY RAISE THOSE ISSUES. WHEN AN APPELLANTE RAISES
26 A prima facie ALLEGATION OF INEFFECTIVE ASSISTANCE OF
27 COUNSEL A STRONG INFERENCE OF IRRECONCILABLE
28

29 (4)

Terrance Jon Irby

1 DIFFERENCE EXISTS, PATENTLY. THE RULES OF EVIDENCE
2 801-802 PROHIBIT IRBY'S WITNESSES FROM SPEAKING FROM
3 THE GRAVES. THEREFORE THE SECOND, THIRD AND FOURTH
4 TRIALS WERE A SHAM. IRBY REFUSED TO PARTICIPATE. IRBY
5 DID ESTABLISH A RECORD AT EACH LEVEL. NO ATTORNEY WANT-
6 ED TO TOUCH IRBY'S CASE ON THE ISSUES OF "ALIBI WITNESS-
7 ES" NOT BRING CALLED IRBY'S SOLE DEFENSE. REMEMBER
8 THIS IS A FIRST DEGREE MURDER CASE. NO ONE COULD DIS-
9 RECT THE WITNESSES STATEMENTS. THESE ARE ALL GOOD
10 REASONS FOR BACKING UP THE BUS, AND ALLOW IRBY TO
11 CREATE AN APPELLANTE RECORD. LAWYERS WOULDNT TAKE
12 THE CASE BECAUSE IT WAS THE GOVERNMENT WHO SUPPR-
13 ESSED THE "EXCUIPATORY EVIDENCE." AN INQUIRY INTO
14 COUNSEL'S INEFFECTIVENESS MAY BE SOUGHT? EFFECTIVE
15 ASSISTANCE OF COUNSEL MAY ADVISE IRBY TO SOMEHOW
16 FORGO THE STATE PROCEEDINGS AND LITIGATE THE
17 ISSUES IN THE FEDERAL COURTS? VINDICATION WILL
18 NOT COME THROUGH THE CR 8.3(b) WHICH IS MOOT. THE
19 ARGUMENT ON WHATS GOING TO BE THE NEW LAW IS NOT
20 FOR IRBY. TRIAL COUNSEL AND THE STATE HAD A DUTY TO PRODU-
21 CE THE "EXCUIPATORY TESTIMONY." IF YOU WANT TO CROSS THE-
22 SE WITNESSES OUT PUT THEM ON THE STAND AND CROSS THEM
23 OUT BEFORE THE JURY. AND IF YOU CANNOT CROSS THEM
24 OUT, REASONABLE DOUBT EXISTS BY LAW. IF THE COURT
25 SITS ON THE MOTIONS BEFORE IT IRBY CASE WILL GO
26 TO THE SUPREME COURT ON THE CR 8.3(b) AND NVE
27
28

1 PROCESS WOULD BE DENIED THE RIGHT TO VINDIC-
2 ATION SWEEP UNDER THE RUG. AND THE COERCED PARTICI-
3 IPATION WITH INEFFECTIVE COUNSEL. WITHOUT
4 "ANY FACT FINDING". SEE STANWICKS V. UNITED STATES, 536
5 F.3d 624, 627 (7th Cir 2008) HAWKINS V HANNIGAN, 185 F.3d
6 1146 1152 (10th Cir 1999) IN SOME CASES EVIDENTIARY PROC-
7 ESS IS REQUIRED. IF COUNSEL IS TO CONTINUE ISSUE
8 OF INEFFECTIVE PERFORMANCE MUST BE RESOLVED.
9 THE PREJUDICE THAT RESULTS FROM THIS CONDUCT
10 CANNOT BE RESOLVED BY THE CASH BONE. WITH ALL
11 DUE RESPECT, IRBY WOULD LIKE TO ASK THESE ATTORN-
12 EY'S WHY THEY WOULD NOT RAISE AN ALIBI DEFENSE
13 AT TRIAL OR ON APPEAL? IRBY WOULD ASK THE COURT -
14 NOT TO HOLD THE MOTIONS IN OBEYANCE. THERE IS
15 A PUBLIC INTEREST AT STAKE IN STATE V IRBY - IRBY
16 NOW HAS 30 SUPPORTING CASE LAWS ON POINT WITH
17 THE "OBVIOUS ISSUES RAISED" IRBY COULD SE-
18 RVE THE 31 YEARS AND CLEAR HIS NAME AT THE SAME TIME
19 BUT HE NEEDS THE CORROBORATION OF THE COURTS. A STAY OF
20 PROCEEDINGS IS SOUGHT. A TRIAL ENGINEERED TO DEMONSTR-
21 ATE GUILT THEN ENDORSED BY APPLICANT'S COUNSEL IS UNCONS-
22 STITUTIONAL.

23
24 SWORN TRUE AND CORRECT UNDER PENALTY OF PE-
25 Rjury.

Tony Jones

DATED 12-8-2023

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THE COURT OF APPEALS
OF THE STATE OF WASHINGTON

CASE NO: 102620-C Sup Ct

THE STATE OF WASHINGTON, CASE NO: 87018-C-1

V RESPONDANT, AFFIDAVIT OF

TERRANCE JON IRBY, MAILING.

APPELLANT,

SWORN TRUE AND CORRECT UNDER PENALTY OF PER-
JURY, TERRANCE JON IRBY MAIL A MOTION FOR ST-
AY OF PROCEEDINGS TO:

ATTORNEY DAVID KOCH

ROSEMARY H. KAHOLEKULA

THE DRWINY BUILDING

SKAGIT COUNTY PROSECUTOR

2200 SIXTH AVE SUITE 1250

605 S. JACK ST

SEATTLE WA 98121

MOUNT VERNON WA

98273

AND DECLARATION AND COVER LETTER.

Terry Jon Irby

12-18-23

TERRY J. IRBY 631794

PO BOX 777

MONROE WA 98272

Plaintiff

Terrance Jon Irby

TERRY JAN IROY 631794 EMU 147
MONTROZ CONNECTIONS CENTER
PO BOX 277
MONTROZ WA 98272

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FACILITY ITS CONTENTS
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SEATTLE WA 98101

JAN endy 12.14.23 1207

TERRY JON TERRY 631794 147
MONROE CONNECTIONS
PO BOX 777
MONROE WA 98272

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legal mail

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Legal mail

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