IN THE SUPREME COURT

OF THE STATE OF WASHINGTON

89967-3

STATE OF WASHINGTON
RESPONDENT

V.

AMEL DALLUGE
APPELLANT

No. 44278-7-II

Petition for Review

NOTICE OF INTENT TO FILE FOR DISCRETIONARY REVIEW AND, REQUEST FOR CONTINUANCE TO FILE FULL PLEADING.

THIS IS NOT A FULL ATTACK

BUT JUST THE GIST, SOLICITING THIS COURT TO RECOGNIZE THE FLAGRANCE AND NOT WASTE ANYMORE TREES (RESOURCES, ETC).

HOWEVER, IF THIS COURT STILL INSISTS OBLIVIOUS AND FOR A FULL-FLEDGED ASSAULT, APPELLANT MUST THAN INSIST FOR A CONTINUANCE TO GET HIS DUCKS MORE PROPERLY IN A ROW (BETTER

EXPLAINED BELOW).

APPELLANT, AMEL WILLIAM DALLUGE (APPELLANT), MADE THE COURT OF APPEALS, DIVISION II (THE COURT OF APPEALS), MORE THAN AWARE THAT THERE WAS A VERY REAL ISSUE WITH THE ACCESS AND ADEQUACY OF THE PRISON LAW LIBRARY WHICH WAS HINDERING HIS ABILITIES TO ADEQUATELY FORMULATE ISSUES TO RAISE IN HIS STATEMENT OF ADDITIONAL GROUNDS (SAG).

APPELLANT, RATHER THAN HAVE THE COURT OF APPEALS INTERVENE, GAVE

THEM THE COURTESY TO SIMPLY GRANT CONTINUANCE(S). ONE, THIRTY (x30) DAY EXTENSION WAS GRANTED AND, NO FURTHER SUCH GRACES ALLOWED (CONTINUANCES). SO, WHAT IT BOILS DOWN TO IS APPELLANT IS CLEVERLY BEING GIVEN A HOLLOW APPEAL. LET ME EXPLAIN:

THE COURT OF APPEALS', COMMISSIONERS BASIS TO DENY FURTHER CONTINUANCE(S) IS SO FLAGRANTLY UNJUST BECAUSE, ALTHOUGH APPELLANT DOES NOT HAVE

TO IN THE SAG CITE CASE LAW, ETC;

IN ORDER TO IDENTIFY ANY ISSUES

TO BE ABLE TO BALDLY RAISE THEM,

ONE MUST FIRST BECOME AWARE OF

THEIR EXISTENCE WHICH IS THROUGH

THE LAW BOOKS, ETC, WHICH THE

DENIAL OF FURTHER CONTINUANCE(S)

INHIBIT-ED. AT THIS POINT, APPELLANT

DOES NOT WANT TO WASTE FURTHER

JUDICIAL RESOURCES, PAPER (TREES)

OR TIME, WITH NOT NEEDED

CONTINUANCES TO SIMPLY HAVE TO

FIGHT TOOTH AND NAIL WITH THESE

WANTON GOVERNMENT EMPLOYEES OVER LAW LIBRARY ACCESS AND ADEQUACY (THE KNOWN PENALTY FOR GOVERNMENT OBSTRUCTION OF THIS NATURE, IS SEVERE) AND, TO ILLUSTRATE TO THE HONOURABLE WASHINGTON SUPREME COURT TO AID IT IN MAKING SUCH AN EXTREME AND LOFTY REMEDY, APPELLANT HAS ENCLOSED AN EXCERPT OF A QUASI-- AFFIDAVIT (LETTER TO ATTORNEY THAT WAS IN AFFIDAVIT FORM TO MAKE PART OF RECORD WHICH WAS

STRANGELY RETURNED BY THAT ATTORNEY UNFILED (SEE ATTACHED).

BUT, IF THIS IS NOT ENOUGH PRIMA FACIE OF NOT ONLY THE INJUSTICE BEING DONE APPELLANT ON APPEAL BUT, ALSO ON THE TRIAL LEVEL, APPELLANT MUST ASK FOR A CONTINUANCE OF AN INDEFINITE AMOUNT OF TIME TO BE ABLE TO IDENTIFY AND ADDRESS THE HORRORS BEING DEALT HIM AND THEIR COMPOUNDS (APPELLANT ALSO APOLOGIZES ABOUT NOT CITING WASHINGTON'S

CASE LAW HISTORY IN REGARDS TO HOLLOW APPEALS BUT, SERIOUSLY, HIS LAW BOOK ACCESS IS BEING FRUSTRATED BY SOME COWARDLY DEMONS AND, WHATEVER JUSTICE HE MAY BE ABLE TO ACCOMPLISH CANNOT COMPARE TO THE BEAUTY AND GRACE WITH WHICH THE JUDGES OF THIS COURT WILL DO IN SUCH A HIGHLY KNOWLEGABLE MANNER IT BREAKS PHENOMENON [THE FORTY BOOKS OF THE WESTERN WORLD WAS SUCH A TREASURE

TROVE. THANKS. (SEVEN-OF-NINE).

SINCERELY.

RESPECTFULLY SUBMITTED,

AMEL DALLUGE

LAW OFFICES OF
NIELSEN, BROMAN & KOCH P.L.L.C.

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REBECCA WOLD BOUCHEY

February 21, 2014

Amel Dalluge, 779283
Coyote Ridge Corrections Center
P.O. Box 769
Connell, WA 99326

RE: COA No. 44278-7-II

Dear Mr. Dalluge,

I regret to inform you the court denied the motion to modify. Enclosed is a copy of the order. Regretfully, it is my opinion there is no basis to seek further review. Accordingly, I do not intend to take further action on your behalf.

I am returning your last letter, so that you may use it if you decide to take things further, as you indicated you wanted it attached to any further pleadings to make a record for the court.

You have the right to seek further review on your own. You may seek further review by the Supreme Court by filing a motion for discretionary review in the Court of Appeals within 30 days of the court's ruling denying the motion to modify. The rules pertaining thereto can be found in the Rules of Appellate Procedure (RAP) 13.5 and 13.4.

Unfortunately, there is no right to have the Washington Supreme Court review a Court of Appeals decision. That court only accepts review as a matter of discretion. And the court only accepts review of cases in which the decision is in conflict with a decision of the Supreme Court or with another decision of the Court of Appeals, or if a significant question of law under the state or federal constitution is involved, or if the decision involves an issue of substantial public interest that should be resolved by the Supreme Court. In my opinion, your case does not meet these limited criteria. It is even less likely for the Supreme Court to review an unpublished Court of Appeals decision.

If you plan to pursue this matter to federal court, you must first file a petition for review. I'm sorry we weren't able to obtain a better result. Please contact me if you have any questions.

Sincerely,

Dana M. Nelson
Attorney

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON, Respondent, v. AMEL DALLUGE, Appellant.	No. 44278-7-II ORDER DENYING MOTION TO MODIFY

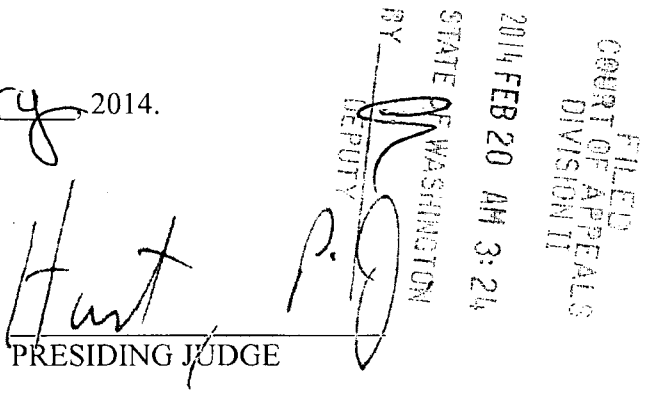
APPELLANT filed a motion to modify a Commissioner's ruling dated January 16, 2014, in the above-entitled matter. Following consideration, the court denies the motion. Accordingly, it is

SO ORDERED.

DATED this 20th day of February, 2014.

PANEL: Jj. Hunt, Maxa, Lee

FOR THE COURT:



PRESIDING JUDGE

Dana M Nelson
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DATED: FEBRUARY 5TH, 2014.

RE: COA No. 44278-7-II

DEAR DANA M. NELSON,

THANKS FOR BEING KIND ABOUT THE DECISION — IT IS SUCH A HEARTBREAK AND FRUSTRATION.

I GOT ALL KINDS OF ISSUES I WOULD LIKE YOU TO INCLUDE (AT LEAST ATTACH THIS LETTER TO MAKE A RECORD):

2.) ALTHOUGH I DO NOT NEED TO PRESENT LEGAL ANALYSIS IN MY SAG, THE ONLY WAY I COULD

LOOK

IDENTIFY ISSUES TO RAISE IS BY BEING MADE AWARE OF THEM THROUGH CASE LAW THAT I TOLD THE COURT I WAS NOT GETTING AND NEEDED A CONTINUANCE WHICH WAS DENIED (AM I TO JUST MAKE UP ISSUES OUT OF MY HEAD);

2.) I MOVED THE TRIAL COURT TO EXPAND STANDBY COUNSELS ROLE SINCE I WAS BEING DENIED LAW BOOKS TO TIMELY MOVE THE PROCEEDINGS ON, THIS WAS DENIED AND I WAS PROVIDED NO CASE LAW

BECAUSE STANDBY COUNSEL BELIEVED IT WAS NOT IN JOB DESCRIPTION AND WAS BASES OF MOTION TO EXPOND WHICH WAS DENIED (NOTE, BECAUSE OF THE FLAGRANT EGREGIOUS NATURE OF DENYING A PRO SE TRIAL DEFENDANT LAW BOOKS AFTER ABOUT ONE-- HUNDRED AND EIGHTY (180) DAYS THE TRIAL COURT GAVE ME LAW BOOKS [THE REASON TO CONTINUE MY INCARCERATION WAS BECAUSE COVERT TORTURES WERE BEING

USED AGAINST ME AND IS PART OF MY COMPLAINT TO THE UNITED NATIONS' INTERNATIONAL CRIMINAL COURTS TO INVESTIGATE AND PROSECUTE);

3.) AND, THE COURT IS IN ERROR ABOUT EARLIER COMMUNICATIONS THAT WOULD WARRANT A PROTECTION ORDER, COUNT II THAT I WAS FOUND NOT GUILTY ON AND HAD ENOUGH PROBABLE CAUSE TO PROSECUTE COULD HAVE EASILY GOT A

PROTECTION ORDER FOR BECAUSE PROBABLE CAUSE AND PROTECTION ORDERS NEED ABOUT THE SAME BURDEN TO ESTABLISH (IF NOT LESSER STANDARD FOR A PROTECTION ORDER (THIS COUNT WAS FOR THE RELIEF [DEATH PENALTY] IN THE 1983 CIVIL SUIT AND WAS ~~DISMISS~~ FOUND NOT GUILTY FOR AD HOC PROSECUTION OF LAW [THAT WAS THE FIRST COMMUNICATION AND YOU CANNOT GET EARLIER THAN THAT).

THERE IS PLENTY MORE AND I AM STILL BEING TORTURED

COVERTLY AND BEING DENIED LAW BOOKS.

PLEASE, INCLUDE THIS TO THE COURT TO MAKE A RECORD, PLEASE.

HAVE A GOOD DAY, BECAUSE I AM NOT,

AMEL DALLAGE

P.S. POSTSCRIPT:

THE ISSUES I WANT INCLUDED SHOULD NOT BE LIMITED TO THIS AND, SUCH IS JUST TO HIGHLIGHT THE INJUSTICES I AM BEING DONE.

DATED: MARCH 1ST, 2024.

RE: COA NO. 44278-7-II (THE ENCLOSED PLEADING);

DEAR SUPREME COURT CLERK,

PLEASE VIEW THIS AS A CERTIFICATE OF SERVICE.

AND, PLEASE NOTE, NO OTHER PARTY HAS BEEN SERVED (INCLUDING MYSELF).

THANK YOU FOR ALL YOUR TIME AND HELP AND I APOLOGIZE ABOUT ANY INCONVENIENCE.

SINCERELY,

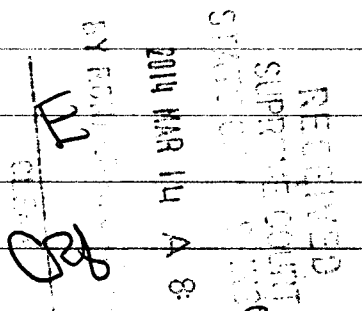
AMEL DALLUGE

1 OF 1

DATED: MARCH 20TH, 2014.

RE: No. 89967-3;

DEAR SUSAN L. CARLSON,



THANK YOU FOR YOUR INDEPTH ANALYSIS OF MY MOTION AND INFORMATIVE CONCLUSION.

IN RESPONSE, I ASK SIMPLY THAT THE MOTION PLEASE BE CONVERTED TO THE PETITION FOR REVIEW WITH THIS AND THE ATTACHED AFFIDAVIT TO BUTTRESS. (PLEASE, THIS PRISON IS COVERTLY TORTURING).

SINCERELY THANKS,

AMEL DALLUGE

1 OF 2

"AFFIDAVIT"

I, AMEL DALLAGE, AFFIANT:

1.) IN RESPONSE TO SUSAN L. CARLSON'S (SUPREME COURT DEPUTY CLERK) LETTER IN RESPONSE TO MY QUASI-MOTION-"PETITION FOR REVIEW" I WILL TRY TO CLARIFY THE SITUATION;

2.) MY MAIL ACCESS IS BEING SEVERELY OBSTRUCTED BY THE OFFICIALS AT THE PRISON I AM INCARCERATED IN;

3.) TO ILLUSTRATE I AM ONLY GIVEN TWO HOURS AND FORTY--

(2014)

FIVE MINUTES A WEEK ON THE MOST USER UNFRIENDLY LAW RESEARCH PROGRAM WITH ACCESS TO NO TUTORIALS OR HELP PROGRAMS ON HOW TO USE;

4.) IT IS SO BAD I CANNOT VERY WELL IDENTIFY WHAT SUSAN L. CARLSON MEANS IN RESPONSE TO MOTION BY "EXTRAORDINARY CIRCUMSTANCES", "GROSS MISCARRIAGE OF JUSTICE", ETC";

5.) I AM A LAYMAN;

6.) TO THE BEST OF MY ABILITY I WAS CLEAR IN MY MOTION

THAT THE COURT OF APPEALS DENIED A CONTINUANCE ALLEGING ALL I HAVE TO DO IS MAKE BALD CITES OF ISSUE SO THEREFORE LAW ACCESS IS NOT A FACTOR BUT, HOW CAN I BALDLY CITE AN ISSUE IF I AM NOT MADE AWARE OF IT AND, THE ONLY WAY TO BE MADE AWARE IS THROUGH LAW ACCESS WHICH WAS BEING OBSTRUCTED AND THE COURT OF APPEALS REFUSED TO REMEDY BY DENYING CONTINUANCE (SAME AS THIS COURT).

UNDER PENALTY OF PERJURY.

DANIEL DALLUGE
CONNELL WA
3/10/14

(2)

(4 OF 4)

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

AMEL WILLIAM DALLUGE,

Appellant.

No. 44278-7-II

RULING AFFIRMING JUDGMENT AND SENTENCE

Amel Dalluge appeals from his conviction for felony harassment. He argues that the trial court used the wrong standard when determining that he made a true threat to kill. He raises additional arguments in a Statement of Additional Grounds (SAG). The State filed a motion on the merits to affirm under RAP 18.14. Finding that Dalluge's appeal is clearly without merit, this court grants the State's motion and affirms Dalluge's judgment and sentence.

Attorney Sarah Mack was retained to represent a Clallam County District Court Administrator in a federal civil rights lawsuit that Dalluge had brought pro se. She filed her notice of appearance on January 14, 2011. On January 21, 2011, she received the following letter from Dalluge:

> • I must warn you I fall under international law as a not recognized sovereign but a sovereign. Because I am pro se I am not bound to ethics like you and the warning is — you violate any law and more than likely the Taliban is going to run a "Black Ops" against those you love and than [sic]

you. You need to note I do not order this and my followers act as they feel. ("911" was because of me, and, im [sic] being investigated for counterfeiting millions to put America in recession to cause war and send it's [sic] citizens to their deaths ☺).

What I am doing right now is trying to be diplomatic to save your client's life and if she has children they will die first (I do not want that) — more than likely because you have more knowledge than me you will try to take advantage of me and cover your client's wrongs by obfuscation. I do not advise this for the reasons stated above (see, we have robots as suicide bombers — we are not as stupid/simpleton as you think. Your country is less and has propagated you).

My point — your client violated international law specifically war crime subsection genocide and has involved herself in the most highly classified international investigation being ran [sic] against America and the State of Washington for harboring a star-chamber to oppress struggling to establish themselves sub-political parties (see, I was lawful in my conduct [citizen complaint] to establish a record and I do not need to exhaust remedies — your client's action appears to be in collusion to prevent me from ever being able to get relief in what is known as a "blue coat coverup," etc etc [sic] [Homeland Terrorist Programs], and, because I have established the possibility of a conspiracy the burden shifts and your client cannot prove innocent because anything said is self-serving. You have no legal standing (defense that is just) and all I can say is you're going to do something stupid and in retaliation get hit with a bio-weapon etc etc [sic] to give you cancer and you'll never even know/notice (put two and two together — believe me), I was arrested and there was three bombings and sixty drive-by shootings in [M]oses [L]ake and the "ATF" has no suspects — I'm open to what you reasonably want. Sincerely, Best wishes, Amel Dalluge.

- AKA Osama Bin Laden
- "The second coming of [C]hrist"

Supplemental Clerk's Papers (Supp. CP) at 10-15 (Demurrer at 7-12) (underscores in original).

Mack considered the letter to be a death threat, in part because of incorrect information she had received about Dalluge's criminal past.

The State charged Dalluge with felony harassment via threat to kill.[1] Mack testified as described above. Dalluge testified, denying that he intended the letter to be a threat and that it was "political hyperbole." Report of Proceedings (RP) Nov. 6, 2012 at 227. After a bench trial, the court found that Dalluge's statement that Mack would be given cancer was a threat to kill. It further found that

> A reasonable person in this context would see that the language of Exhibit 8 as a threat, whether the person were the sender or the receiver. The Court funds that a reasonable person would interpret the indication that Ms. Mack would be attacked by a bioweapon as a threat to have her death caused by a slow and lingering disease, cancer, and would foresee that the statement would be interpreted as a serious expression of intention to carry out the threat, rather than as something said in jest or idle talk.

CP at 11.

The court found Dalluge guilty of felony harassment.

In order to obtain a conviction for felony harassment under former RCW 9A.46.020(1)(a)(i) and (2)(b)(ii) (2003), the State must prove beyond a reasonable doubt that Dalluge threatened to kill Mack. Because those statutes may criminalize pure speech, they "must be interpreted with the commands of the First Amendment clearly in mind." *State v. Kilburn*, 151 Wn.2d 36, 41, 84 P.3d 1215 (2004) (quoting *State v. Williams*, 144 Wn.2d 197, 206-07, 26 P.3d 890 (2001) (quoting *Watts v. United States*, 394 U.S. 705, 707, 89 S. Ct. 1399, 22 L. Ed. 2d 664 (1969))). The State must prove that the threat was a "true threat," defined as 'a statement made in a "context or under such circumstances wherein a reasonable person would foresee that the

[1] The State charged Dalluge with four additional counts of felony harassment. Three were dismissed pre-trial and the court acquitted Dalluge of the fourth after trial.

statement would be interpreted . . . as a serious expression of intention to inflict bodily harm upon or to take the life' of another person." *Kilburn*, 151 Wn.2d at 43 (quoting *Williams*, 144 Wn.2d at 208-09 (quoting *State v. Knowles*, 91 Wn. App. 367, 373, 957 P.2d 797, *review denied*, 136 Wn.2d 1029 (1998) (quoting *United States v. Khorrami*, 895 F.2d 1186, 1192 (7th Cir.), *cert. denied*, 498 U.S. 986 (1990)))) (objective test) And the State must prove that Dalluge "must subjectively [have known] that he . . . [was] communicating a threat, and must [have known] that the communication her . . . imparted directly or indirectly [was] a threat to cause bodily injury to the person threatened or to another person." *Kilburn*, 151 Wn.2d at 48 (quoting *State v. J.M.*, 144 Wn.2d 472, 481, 28 P.3d 720 (2001). *See also State v. Schaler*, 169 Wn.2d 274, 284, 236 P.3d 858 (2010) (subjective test).

Dalluge argues that the trial court found that the State satisfied the objective test but did not find that the State satisfied the subjective test. But "a trier of fact may, but is not required to, infer actual knowledge if a reasonable person in the same circumstances would believe" that the defendant subjectively knew that he was communicating a threat of bodily harm. *J.M.*, 144 Wn.2d at 481. Here, the trial court found that a reasonable sender of the letter would have known it was a threat of bodily harm. Thus, the trial court found that the State had satisfied both the objective test and the subjective test for what constitutes communicating a true threat. It therefore did not err in finding Dalluge guilty of felony harassment by a threat to kill.

Dalluge raises a number of issues in his SAG. First, he complains that he was denied continuances to file his SAG because he needed more access to the prison law library to formulate his issues. But under RAP 10.10(a), he needed only identify

possible issues and did not need to present legal analysis in support of them. And he received a thirty-day of extension of time to file his SAG. Second, he argues that to prove him guilty of felony harassment by threat to kill, the State had to prove that he put the letter in the United States mail. And he notes that the letter was sent from a correctional facility through its mail policy, in which a correctional employee placed the letter in the United States mail. But there is no such element requiring the defendant to put a threatening letter in the United States mail. His using the correctional facility's mail system was sufficient evidence that he communicated the threat to kill. Third, he argues that he was denied a speedy trial because multiple continuances were occasioned by his lack of access to law books. But he had standby counsel throughout his pro se representation. The jail's policy prohibiting inmates from access to hardcopy law books is not unreasonable and Dalluge could obtain copies or printouts from his standby counsel. He does not show that his right to a speedy trial was violated. Fourth, he argues that he did not threaten to kill Mack when he said she would get cancer because cancer can be cured. This preposterous notion is false. Fifth, he argues that Mack should have obtained a protection order so as to put him on notice not to send any additional threatening letters. And he argues that he was entrapped because he was not put on notice before sending the letter. But there is no requirement of obtaining a protection order. And there were no earlier communications that would have triggered obtaining a protection order. Sixth, he argues that Mack must not have felt threatened because she continued to communicate with him after receiving the letter. But her professional obligations as an attorney required her continued communications. Seventh, he argues that the trial judge erred in not recusing himself. But other than

filing a motion for all the court's judges to recuse themselves, there is no evidence that he brought the motion to recuse to the attention of the trial judge. Eighth, he argues that the court lacked jurisdiction over him because he is a "sovereign," who did not consent to the court's jurisdiction, and because the crime did not occur within the United States. These preposterous notions are false as well. Finally, he contends that inclusion of his juvenile conviction in his criminal history "violates ex post facto." It does not.

An appeal is clearly without merit when the issue on review is clearly controlled by settled law. RAP 18.14(e)(1)(a). Because the issues he raises in his appeal and his SAG are clearly controlled by settled law, Dalluge's appeal is clearly without merit. Accordingly, it is hereby

ORDERED that the State's motion on the merits to affirm is granted and Dalluge's judgment and sentence are affirmed. He is hereby notified that failure to move to modify this ruling terminates appellate review. *State v. Rolax*, 104 Wn.2d 129, 135-36, 702 P.2d 1185 (1985).

DATED this 16th day of January, 2013.

Eric B. Schmidt
Court Commissioner

cc: Dana M. Nelson
Jennifer L. Dobson
Lewis M. Schrawyer
Hon. Kenneth Williams
Amel W. Dalluge