

Received
Washington State Supreme Court

JUN - 4 2015
E CJ
Ronald R. Carpenter
Clerk

THE SUPREME COURT IN AND FOR WASHINGTON STATE

JOHN P. BLACKMON,
Petitioner,
v.,
STATE OF WASHINGTON

Respondent.

~~No. 85129-8~~

No. 91269-6

PETITIONER'S RESPONSE TO
RESPONDENT'S ANSWER TO
MOTION TO STAY REVIEW

I. FACTS

COMES NOW, John Patrick Blackmon, Petitioner herein, and PRO SE; accompanied by Research Defense Team for administrative efforts to gain meaningful access to The COURTS; collectively moving This COURT and or appropriate COURT Authority to confirm the following:

(1.) That the State has failed to prove ANY existence of ANY evidence to charge said Petitioner at the Preliminary Hearing; and

(2.) The State has failed to produce sufficient evidence to deny This Order of STAY. At such time within This CAUSE, The State "seeks an order denying Petitioner's Motion To STAY", trying to obtain and searching for something without adhering to The Requirements of Constitutional and or State LAW.

II. ARGUMENT

DOES THE STATE MAKE SUFFICIENT FACTUAL ARGUMENT TO AVOID THIS "ORDER OF STAY" THAT MUST NOW BE PROPERLY PLACED IN THIS MATTER AT HAND.

The State makes very clear that there is "NO SUFFICIENT SHOWING" of factual evidence in their appendix to prove that this misconduct has actually occurred. State v. Rohrich, 149 Wash.2d 647, 658, 71 P.3d 638(2003)(quoting State v. Baker, 78 Wash.2d 327, 332, 474 P.2d 254(1970)).

If anything, The State's ANSWER TO PETITIONER'S MOTION TO STAY REVIEW has presented FACTs confirming "a showing" that misconduct has occurred; due to the FACT that The State has not brought forth the Attorney of Record, is not able to and or does not have the power supported by the Requirements of LAW to state and show that there was Probable Cause, nor identify the Prosecuting Attorney disclosing and exposing such injustices to The Accused's Rights at this hearing and reversal is Automatic. Hayes v. Brown, 399 F.3d at 978; (see also): UnitedStates v. Zuno-Arce, 339 F.3d 886, 689(9th Cir.2003).

This is clear mismanagement, negligence, and violates the rights due to any citizen. Wernsing v. Thompson, 423 F.3d 732(7th Cir.2005); Langford v. Norris, 614 F.3d 445(8th Cir.2010); Smith v. Central Daupin School Dist.No.07-3822(3d.Cir.2009); Luh v. Jim.Huber Corp., 211 Fed.Appx. 143(4th Cir.2006); Cindrich v. Fisher, No.06-2615(3d.Cir.2009); Nunty v. Dept. of Justice, 425 F.3d 1132(8th Cir.2005); Fiber Systems International Inc. v. Roehrs, 470 F.3d 1150, 80 U.S.P.Q.2d 1902(5th Cir.2006); Pickens v. Shell Technology Ventures Inc., No. 04-20272(5th Cir.2004); Miller v. Morris Communications Co. LLC, No. 06-11069(11th Cir.2007), Ferenich v. Merritt, No.02-6222(10th Cir.2003); Taylor v. Peerless Indus. Inc., 322 Fed.Appx.355(5th Cir.2009); UnitedStates v. Comprehensive Drug Testing, Inc., 473 F.3d 915(9th Cir.2006), Meloff v. New York Life Insurance Co., 240 F.3d 138(2nd.Cir.2001)

This evidence of ANY proof of evidence that is timestamped and dated for the Preliminary Hearing that is now missing and or never existed, which includes these prosecutor's and attorney's notarized statements that are not available is now a Spoliation of Discovery. West v. Goodyear Tire & Rubber Co., 176 F.3d 776, 779(2d.Cir.1999).

The evidence, not being available is relevant to this matter. Zubulake v. UBS Warburg LLC, 229 F.R.D. 422, 430(S.D.N.Y.2004).

ALL the statements made by this State Prosecuting Attorney are nothing more than unsupported accusations and self-serving hearsay. State v. Finch, 137 Wash.2d 792, 824-825, 975 P.2d 967, cert. denied; 528 U.S. 922, 120 S.Ct. 285, 145 L.Ed.2d 239(1999).

For the Lower COURT to deny this action would be nothing less than an Abuse of Discretion. State v. Michielli, 132 Wash.2d 229, 240, 937 P.2d 587(1997), Blackwell, 120 Wash.2d at 830, 845 P.2d 1017.

III. CONCLUSION

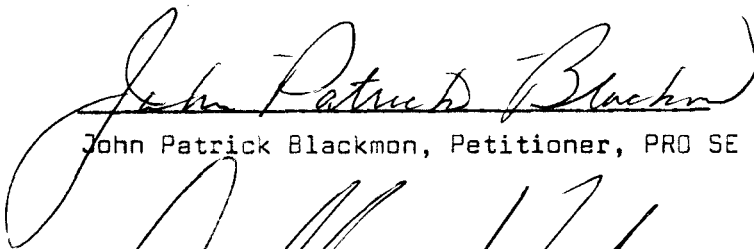
The Petitioner now requests This COURT or appropriate COURT authority to do the following on behalf of This Citizen and said Petitioner:

GRANT the MOTION TO STAY This action to make a good faith effort to determine the validity and application of LAW due ANY Citizen as it may render This COURT's review AS Moot.

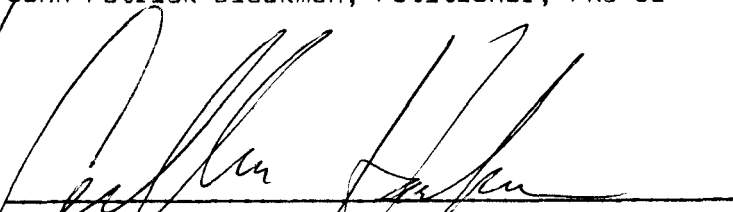
I affirm under the penalty of perjury that ALL statements are TRUE and CORRECT to the best of my knowledge and abilities.

DATED, This 28th day of May, 2015.

Respectfully Submitted;



John Patrick Blackmon, Petitioner, PRO SE



Cullen Hankerson, Research Litigant Assistant