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Nielsen, Broman & Koch, P.L.L.C.

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FILED

February 16, 2016

Court of Appeals

Division I

State of Washington

THE COURT OF APPEALS OF THE
STATE OF WASHINGTON
DIVISION I

10

Jon A. Del Duca

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v.

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State of Washington

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} COA No. 72904-7-I
} Motion to Enforce
} State Law
} Motion For Change
} of Venue
} Statement of Additional
} Grounds For Review

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Come now, Jon A. Del Duca, with pro se motions for enforcement of state laws and statement of additional grounds for review, and for change of venue.

1 Statement of Facts

2 It is a fact that the state has not,
3 with legal standing or otherwise, disputed the
4 accusations of malicious prosecution,
5 cruel and unusual punishment, complete
6 refusal of the state and The Superior
7 Courts of Washington to follow due
8 process nor to enforce state and
9 federal law, statutory and civil, or to
10 protect one of its citizens in its custody,
11 and to refuse or to allow refusal of
12 medical treatment for serious medical
13 issues and proper sustenance to
14 maintain the health of its accused.
15 To refuse the equal protection of
16 said citizen, and to deny due process,
17 statutory and civil, for same said citizen,
18 my self, Jon Amadio Del Duca.

19 All of these allegations are well
20 documented, and most of them are
21 part of the courts records, listed as
22 follows:

23 1) At case setting, Judge Roberts
24 stated that she would not apply
25 "legal law" in my case, she did not,
26 cause #'s 11-1-02184-6 KNT and 12-1-00681-1
KNT.

1 2) The state could not and did not
2 show probable cause in either
3 case for arrest nor to hold me
4 to answer.

5 3) The state did not follow due
6 process rules.

7 4) The courts refused to compel
8 the state to follow due process.

9 5) The state violated, maliciously, my
10 civil and statutory and civil rights
11 in their totality.

12 6) The Superior Court of Washington
13 not only knowingly, but maliciously
14 ignored my statutory and civil rights.

15 7) The Court refused to allow me
16 to have counsel that would or
17 could assist me, Judge Robert.

18 05/04/12 in open Court.

19 8) On 05/10/12 Judge Roberts stated that
20 state public defenders did not have
21 to follow the states RPC's because
22 *I was not paying them.

23 9) On 05/10/13 Judge Roberts ~~refused~~
24 grant me my request to join both
25 cases.
26

1 10) On 09/25/13 Judge Roberts affirmed
2 her decision to strip me of my 6th
3 Amendment right to have effective
4 counsel because I refused to go
5 to trial or even be represented by
6 adversarial counsel.

7 11) On 09/25/13, in open court with Judge
8 Roberts permission, filed a motion
9 of demurrer and for summary
10 judgement, which was validated by
11 judge Roberts on 05/10/13, the state
12 refuse to answer the motion to
13 dismiss and for relief, and Judge
14 Roberts repeatedly refused to
15 compel the state to answer, even
16 after I informed the court that
17 the state was already in default
18 on the motion.

19 12) On 09/25/13 and 01/27/14 motions of
20 default were filed against the state
21 and the Superior Court of Washington,
22 in the Superior Civil Court of
23 Washington in Kent R.J.C. Both
24 motions were improperly forwarded
25 to criminal court, Judge Roberts,
26 which have no default rules.

1 13) On 03/17/13 I filed a motion of
2 prejudice of judge with affidavit
3 of prejudice of judge which documented
4 actual prejudice of judge, Judge
5 Roberts, and ~~at~~ this hearing Judge
6 Roberts admitted that her decisions
7 were intended to be prejudiced
8 against me, she refused to step
9 down.

10 14) In both cases the appointed
11 counsel for appeals refused to
12 address the documented issues
13 I requested in my appeal.

14 15) In this appeal Mr. David Koch
15 refuse to include issues that
16 were blatant violations of due
17 process;

18 a) prejudice of judge ^(b) put on trial
19 and sentenced for a crime and
20 date not specified in the information,
21 c) state had no probable cause even
22 for arrest, d) speedy trial violations,
23 E) destruction of evidence, f) altering
24 of court records, g) denied hearing
25 transcripts, h) state presenting evidence
26 at trial that was not part of discovery
and that I was not allowed to see,
page 5 of

1 i) state refused to provide court ordered
2 full disclosure, ^{05/04/12}, j) most damaging
3 of all, he refuses to assist me with
4 enforcing the two default motions, as
5 mandated by state law and court rules,
6 that Judge Roberts and the courts
7 have illegally been blocking from
8 proper adjudication and implementation;
9 k) he refuses to ask, as directed, for a
10 change of venue to the Supreme
11 court of Washington, l) he refuses to
12 assist me with enforcing my civil
13 rights.

14 16) The D.O.C. has blatantly denied me
15 the right to legal services a supplies
16 and for access to legal information.

17 17) The D.O.C. has refused to provide
18 medical treatment for serious
19 medical issues.

20 18) The D.O.C. has added terms to
21 a sentence that were not ordered
22 nor allowed by the courts, i.e. legal
23 costs and fees, crime victim comp-
24 ensation, programming, and cost of
25 incarceration.

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7 Arguments

2 This court has already ignored or
3 answered, I believe, erroneously all but
4 the three issues mentioned in the statement
5 of facts, which are each stand alone
6 structural violations and demand dismissal
7 with prejudice by themselves.

8 The main issues are the two defaults,
9 the default on the motion to compell
10 filed on ^{09/25/13} and the default motion
11 on the Motion of Demurrer and for
12 Summary Judgment. Both are final
13 judgments and must be enforced as
14 per State Superior Court Civil rules
15 CR 55 and CR 54, this is affirmed by
16 the Supreme Court of Washington
17 decision on the Motion of Default
18 against the state in the matter of
19 Supreme Court cause no. 92155-5-Personal
20 Restrain Petition of Mark Stiller, "the civil
21 rule CR 55 only applies ~~to~~ to the Superior
22 Courts of Washington".

24 Conclusion

25 The state law mandates that the
26 final judgments stated in the default

1 Filed on the dates of 09/25/18 and 01/27/14
2 must be enforced immediately, and all
3 civil rights and privileges re-enstated.
4 And furthermore if this court cannot
5 see its way to uphold the rule of law
6 impartially then these matters must be
7 forwarded to the State Supreme Court,
8 and that an investigation be ordered as
9 to the why and the whom the egregious and
10 malicious actions have been acted upon
11 me, and the full force of the law
12 applied.

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Oath of Mover.

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I, Jon Amadio Del Duca, do swear
that all statements of facts in this
motion are true and honest, so
help me God.

Jon A. Del Duca

02/09/16