

In The Supreme Court of The
State of Washington

Alfonso v. Senior J.R.

Plaintiff / Petitioner,

v.

State of Washington

Defendant / Respondent.

No. 95919-6

MOTION TO Dismissed

with prejudice on a Brady
violation

COMES NOW Alfonso v. Senior J.R., appearing pro
se, and moves the court for an order To dismissed this case
with prejudice for violating the Brady clause
under Brady v. Maryland 373 U.S. 83-83 Oct 11 94
10 U.S.D 215 (1963)

This motion is based upon the records and files herein, and upon the attached
declaration.

DATED THIS 19th day of July, 2018.

[Signature]
Signature

Alfonso v. Senior J.R.
Printed Name

DOC# 341154, Unit H2B-134
Stafford Creek Correction Center
191 Constantine Way
Aberdeen, WA 98520

In The Supreme Court of The State
of Washington

Alfonso v. Senior J.R.

Plaintiff / Petitioner,

v.

State of Washington

Defendant / Respondent.

No. 95919-6

DECLARATION IN SUPPORT OF
MOTION TO Dismissed

Based on Brady violation

I, Alfonso v. Senior J.R., declare and say:

1. I am the moving party in the above-captioned action, over the age of majority, and competent to be a witness herein.
2. I have personal knowledge of the facts herein.
3. I make this declaration in support of my motion to dismissed this case
4. with prejudice for violating the Fifth Amendment
right to protection under the United States
Constitution and the applicable Standard
5. pursuant to Brady v. Maryland 373 U.S. 83,
83 S.Ct 1194 10 L.Ed 215 (1963); In D.A. office
for Third Judicial Dist v. Osborne U.S. 557,
52,129 S.Ct 2308 (2009). Ninth Circuit

affirmed relying on the prosecutor duty to disclose exculpatory evidence under *Brady v. Maryland*. The three elements of Mr. Senior's claim for a Brady violation are (1.) the evidence at issue is favorable to Mr. Senior's innocence, because the DNA evidence on the watch is exculpatory (2) The State suppressed the evidence, either willfully or inadvertently. (3) It prejudiced Mr. Senior because the probability that had that evidence been disclosed to the defense, the result of the proceeding would have been different. See: *Strickler v. Green* 527 U.S. 263 281-82 119 S.Ct 1963, 114 L.Ed 2d 286 (1999); *Schlup v. Delo*, 513 U.S. 298, 321 115 S.Ct 851, 130 L.Ed 2d 808 (1995). *Skinner v. Switzer* 562, U.S. 521, 131 S.Ct 1289 (2011) *In Re Bradford* 140 Wn App 124, 165 P.3d 31 (2007)

6. This motion shall be granted and the case
should be dismissed with prejudice because
the exculpatory results of the D.N.A. on
the watch would affect the likelihood
7. the defendant is innocent. Justice delayed
is justice denied.
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-

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 19th day of July, 2018, in the County of Grays Harbor, State of Washington.


Signature

Alfonso U. Senior J.R.
Printed Name

DOC# 341154, Unit 172B-134
Stafford Creek Correction Center
191 Constantine Way
Aberdeen, WA 98520

_____)
 _____)
 _____,) No. _____)
)
 Plaintiff / Petitioner,)
 v.)
) ORDER)
 _____)
)
 Defendant / Respondent.)
 _____) (Clerk's Action Required)

THIS MATTER having come on regularly before the undersigned Judge of the above-entitled court, upon motion of the moving party, and the court being fully advised,

NOW, THEREFORE, IT IS HEREBY ORDERED, DECREED AND ADJUDGED that the motion of the moving party is hereby _____, and the Clerk is directed to _____

DONE IN OPEN COURT this _____ day of _____, 201__.

 Judge / Commissioner