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October 29, 2020

TO: The Supreme Court of the State of Washington
P.O. BOX 40929
Olympia, WA 98504-0929

RE: State v. Yallup COA# 36631-6-III, Supreme Court # 98693-2

To Whom It May Concern:

The Yakima County Prosecutors Office received notice from this court that Mr. Yallup had filed a Motion for Discretionary Review in the above caption case. That motion addressed the portion of the Court of Appeals opinion which denied review of all issues raised in Yallup's Statement of Additional Grounds (SAG). The State was not called upon by the COA to respond to that SAG. However, the State believed that it should review those pleadings and the motion for review filed in this court.

The State has had occasion to review the pleadings that were filed by Mr. Yallup in this court and the original statement of additional grounds (SAG) filed in the Court of Appeals. After this review the State has determined there is absolutely nothing in those documents that warrants a formal answer.

The Court of Appeals opinion states:

Yallup filed a lengthy SAG. With the exception of two instances noted below, Yallup's arguments have nothing to do with the resentencing hearing.

Yallup incoherently asserts that various judges and defense attorneys were bribed or colluded against him in 2015 and early 2016. He occasionally adds that these actions "impacted" the resentencing

hearing. Yallup fails to explain how these supposed actions impacted the 2019 resentencing hearing.

In two instances, he somewhat discusses the resentencing hearing and this appeal. In one instance, he complains the resentencing judge wrongly precluded him from discussing his complaints relating to events in 2015 and early 2016. In another instance, he argues his current appellate attorney has provided ineffective assistance by not raising these issues.

We conclude none of these issues "relate[] to the decision under review." RAP 10.10(a). They are outside the scope of a proper SAG, and we decline to address them. (Slip at 3-4)

There is nothing the State could file that would more correctly described the pleadings now before this court. The decision of the Court of Appeals was based on a complete review of the record of this case, the applicable law and the court thereafter found no meritorious issues.

Nothing in Yallup's Motion meets the edicts of RAP 13.4. In order to allow this case to proceed in a timely fashion the State is filing this letter response to inform this court that it has not ignored its duty regarding review of this Motion.

The State would also like to thank this court for granting the recent extension that allowed additional time to complete review of this case.

Therefore, the State of Washington, by and through the Yakima County Prosecutors Office requests this court file this letter as the response to Mr. Yallup's motion and note for the record that the State shall not file a formal Answer to the Motion for Discretionary Review.

Respectfully submitted this 29th day of October 2020.

s/ David B. Trefry
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DECLARATION OF SERVICE

I, David B. Trefry, state that on October 29, 2020, I mailed a copy of this letter to;

Richard Eugene Yallup, Jr. #313822
Clallam Bay Corrections Center
1830 Eagle Crest Way
Clallam Bay, WA 98326

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 29th day of October 2020 at Spokane, Washington,

s/ David B. Trefry
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YAKIMA COUNTY PROSECUTORS OFFICE

October 29, 2020 - 7:16 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 98693-2
Appellate Court Case Title: State of Washington v. Richard Eugene Yallup Jr.
Superior Court Case Number: 13-1-01530-2

The following documents have been uploaded:

- 986932_Letters_Memos_20201029191555SC250107_6222.pdf
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