

RECEIVED  
SEP 04 2020

Washington State  
Supreme Court

98693-2

IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

State of Washington,  
Respondent

vs.

Richard Eugene Yallups Jr,  
Petitioner

}  
response to  
state

I. Comes now the petitioner Richard E. Yallups Jr, pro se

II. Relevant facts.

Yakima County Court Reporter Jori Moore informed <sup>me</sup> over the phone, the transcripts will cost an estimated \$225<sup>00</sup> at least, so I sent \$350<sup>00</sup> to cover all costs. When Jori

informed me of the costs, it was the second week of July ~~20<sup>th</sup>~~ 2020 when the deadline to file was August 10<sup>th</sup> 2020 and I informed Jori Moore of this, she assured me I would have the transcripts by then.

Two months Jori Moore held this CD with no action.

I've tried to contact so many court reporters, only ~~two~~<sup>three</sup> answered, the first was Capital Pacific Reporting phone # 206-622-9919, they stated the cost would be over \$1400<sup>00</sup>, second was court reporters phone # 360-732-4600, they stated the cost would be estimated at \$1300<sup>00</sup>, third was Susan Anderson phone # 509-930-0271 and she said \$4<sup>00</sup> a page, 50 to 60 pages an hour, the record is four hours and at least fifteen minutes.

I can't afford none of these, and the one I could, just held

the record for two months with no action.

The record requested or provided on appeal case no. 36631-6-111, goes back to ~~2013/2014~~<sup>2015</sup>, submitted in Appendix #B. Relevancy is, records prior to 2-15-2019 Yakima County Superior Court hearing Case No.

13-1-01530-2 was provided on this appeal, except for the record that verifies claims of Yallup.

Yakima County Prosecutor's Office's objection (Appendix #A) has some truth to it, but has a biased argument as well.

Appendix #A page 1 first paragraph, I am asking this court to accept the record for review because I can't afford to pay the court reporters for their services. I just want the chance to ~~to~~ fairly address my claims to the court.

Appendix #A page 1 and 3, any

threat perceived, should be dismissed. (Appix #A page 5 to 13) I assert my opinion based on the information I had and knew then, and asked questions to get answers as to why the transcripts were not finished and sent. Jori Moore even contacted Marjorie Owens to leave a message for me, that she would have the transcripts finished at the end of the week and sent (7-26-2020, - 8-1-2020).

No other deadline was known to Jori Moore except August 10<sup>th</sup> 2020, I did not inform her of the charge because Moore's assurance in the July 2020 recorded phone call and the message she sent to me through a family member.

July 2020 phone call, Moore states she would have the record/transcripts finished by August 10<sup>th</sup> 2020.

The message Moore sent, Moore contacted my family and let

them know she would have the transcripts done by the end of the week (7-26-2020, - 8-1-2020) and sent asap, I received that message 7-31-2020 via email. (I am currently in the process of getting transcripts of the phone call to Jori Moore and a copy of the email received 7-31-2020).

What Jori Moore stated on the phone, what Jori Moore's message entailed, and Jori Moore's refusal to answer my calls, is what motivated the questions in my letters, and the assertions in my letters were a submission of my belief based on the interpretation of the situation unfolding.

I asked questions because I may have been wrong.

I explained my beliefs based on the interpretation of the situation as it unfolded so Moore would have an

understanding of what I am seeing from the action or lack of action, and Moore's assertions to me and sent to me.

Appendix #B page 15-16, the record provided or requested for review, only contains the filed record, and not the record (hearing transcripts) citing to the alleged record that was filed. Its like expecting a Peanutbutter and Jelly Sandwich, and when you get it, theres no Peanutbutter.

It was the week of 7-26-2020 to 8-1-2020 that ~~at~~ Jori Moore ~~sent a message~~ Forwarded a message to me indicating Moore would have the transcripts finished by the end of the week, and sent asap, I received that message ~~to~~ 7-31-2020, Jori Moore's letter is dated August 12, 2020. Moore's office, room #311, Prosecutions, room #329, Judges involved, also nearby, all reside at

128 N. 2<sup>nd</sup> St., Yakima, wa. 98901.  
My suspicion was that Jori Moore  
was stalling the transcripts and I  
asked questions to get an understanding,  
and gave Moore my opinion based on  
the interpretation of the situation as it  
unfolded.

### III. Relief Sought.

Do to my indigency and for the  
fact I cannot afford to pay the  
transcriptionist's fee for the transcripts  
because it will take years to save that  
much money, I respectfully request  
that the decision on this matter  
be decided with the petition for  
review because the subject matter  
in that record, is crucial to my  
case and argument and does complete  
an incomplete record.

### IV. Argument why relief should be granted.

The records on the "FTR CD",  
is the record everyone is ~~aggressively~~

aggressively and repeatedly prevented and concealed from review. The statements and actions derived from those ~~stated~~ statements directly impacted the conviction and sentence, because of the officials involved and actual intent of statements.

Appendix #B shows the record provided as requested on appeal, the filed record was provided, but not the record citing and arguing that record, what was stated in court, is as relevant as the record filed. (example).

"a criminal defendant is "constitutionally entitled to a 'record of sufficient completeness' to permit effective appellate review of his or her claims." State v. Tilton, 149 Wn.2d 775, 781, 72 P.3d 735 (2002) (quoting Coppedge v. United States, 369 U.S. 438, 446, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).



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

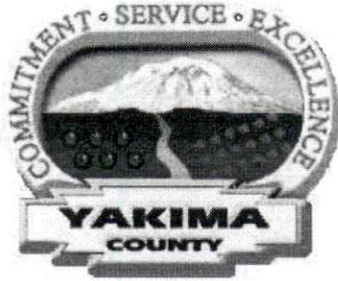
Richard E. Yallup  
Richard E. Yallup Jr  
pro se,

Clallam Bay Corrections Center  
1830 Eagle Crest Way  
Clallam Bay, Wa. 98326

Dated ~~11~~ 9-1-2020 at Clallam Bay, Wa.

Appendix #A

App'x #A



**JOSEPH A. BRUSIC**  
Prosecuting Attorney

Yakima County Prosecuting Attorney's Office  
128 North Second Street, Room 329  
Yakima, WA 98901  
Phone: (509) 574-1210 Fax: (509) 574-1211  
Web Site: <http://co.yakima.wa.us/pa/>

---

---

August 26, 2020

TO: Susan Carlson – Supreme Court Clerk  
Washington State Supreme Court  
P.O. Box 40929, Olympia, WA 98504-0929

**RE: State v. Yallup, Supreme Court No. 98693-2 - COA# 36631-6-III**

Ms. Carlson:

This is to inform the court that the State of Washington, by and through, the Yakima County Prosecutor's Office objects to any motion which would allow this Appellant to avoid the rules of this court. Specifically allowing this litigant to file "FTR" recordings in lieu of a verbatim report of proceedings.

The State was served by this court with a copy of a Motion wherein Appellant requests this court to allow him to "Submit Evidence." Yallup's motion contains numerous false statements and is predicated on a claim that the State has somehow prevented this litigant from obtaining the verbatim report of proceedings which he claims are necessary to address his allegations.

As this court can see from the attached letter from Ms. Moore, the certified court reporter whom Yallup contracted to produce these VRP's, Ms. Moore's determination to cease work on this case was based on the actions, the threats, the harassment that has come directly from this litigant. The State has also attached copies of correspondence sent to Ms. Moore those letters increased in harassing statements, baseless claims of conspiracy and outright threats until Ms. Moore determined she could no longer complete this job and returned Yallup's funds and the disc containing the record.

This court has rules for a reason and any litigant whether a licensed attorney or a pro se, as is Yallup, are required to adhere to those rules. Yallup's harassment of this Yakima County employee is unacceptable and will not be tolerated by my office.

Nor should these actions be tolerated or furthered by this court. Yallup should not be allowed to benefit from his own unreasonable actions, the result which was his inability to meet the deadlines of this court.

The State is informing this court of its position by this letter so that before a final determination as to whether to grant this waiver of the rules the State can file a formal objection if needed.

The rules are there for a reason. Yallup's self-inflicted problem is not grounds for waiver of any rule. If anything should occur in this case it is that sanctions should be imposed against Yallup so this pro se litigant realizes that deadlines are just that and claims of conspiracies by the State to hinder his case, harassment, and out-right threats will not be tolerated.

Respectfully submitted this 26<sup>th</sup> day of August 2020,

s/ David B. Trefry  
David B. Trefry WSBA #16050  
Senior Deputy Prosecuting Attorney  
Attorney for Respondent  
Telephone: (509)426-0235  
P.O. Box 4846, Spokane, WA 99220  
David.Trefry@co.yakima.wa.us

Superior Court of the State of Washington  
For the County of Yakima

SUPERIOR COURT JUDGES

Judge Kevin S. Naught  
Judge Elisabeth M. Tutsch  
Judge Douglas L. Federspiel  
Judge Blaine G. Gibson  
Judge David A. Eloffson  
Judge Ruth E. Reukauf  
Judge Gayle M. Harthcock  
Judge Richard H. Bartheld

Yakima County Courthouse  
128 North Second St.  
Yakima, Washington 98901

SUPERIOR COURT COMMISSIONERS

Susan Arb  
Shane M. Silverthorn

Phone: (509) 574-2710  
Fax: (509) 574-2701

August 12, 2020

Dear Mr. Yallup,

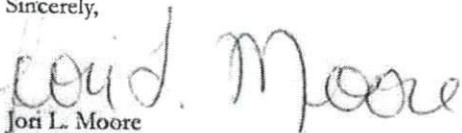
In light of your several accusations, which are all false, I believe it would be unethical for me to continue to try to transcribe the proceedings provided on the disk you sent me. I have communicated with no one regarding your case. I am extremely busy as there are 8 judges, 2 commissioners and 1 court reporter (me) at the Yakima County Courthouse, which means I'm not in my office very often.

I apologize for any delay you feel this may have caused your case, but I don't feel comfortable continuing to try to transcribe these proceedings on the disk that was sent to me since you feel that I'm somehow stalling or trying to hinder your case.

I feel it would be best for you to contact a certified court reporter who does not work for Yakima County since you have such strong feelings about certain personnel who work here, including me.

I am returning the \$350 money order to you along with the disk that was sent to me.

Sincerely,

  
Jori L. Moore  
Official Court Reporter  
Yakima County Superior Court

5



# POSTAL MONEY ORDER

Serial Number

26718622571

Year Month Day  
2020-07-24

Post Office  
989510

U.S. Dollars and Cents

\$350.00

Three Hundred Fifty Dollars and 00/100 ~~XXXXXXXXXX~~

Amount

Pay to

Jori Moore

Clerk

03

Address

128 N. 2nd St  
Yakima, WA 98901



From

Richard Gallup

Address

Clam Bay Crest Way  
Clallam, WA 98326

Memo

© 2008 United States Postal Service. All Rights Reserved.

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

⑆00000800⑆

26718622571⑆

Yakima County Court Reporter  
Jori Moore

in re: Case No. 13-1-01530-2

All orders for indigency available here, retain to  
orders for appellate proceedings.

Please include statement at 10:20:56 on  
October 9<sup>th</sup> 2015 in court...

Past officials have said these statements  
are inaudible, but Judge Micheal McElrathy  
is heard scheduling the Friday 10-23-15  
hearing...

Please include statements after 10:08:40  
on October 30<sup>th</sup> 2015 in court...

When you are finished making the  
transcripts, send the cost for the  
transcripts, and the cost for postage,  
to phone # 509-759-1388, she will  
then relay the costs to me, and I  
will arrange for payment to be sent  
directly to you.

-1-

the mailing address for <sup>the</sup> transcripts  
will be:

"Richard Yallups #313822

H-B-6

Clallam Bay Corrections Center

1830 Eagle Crest Way

Clallam Bay, Wa. 98326"

Richard E. Yallups Jr  
Richard E. Yallups Jr

6-21-20



Yakima County Court Reporter  
Jori Moore

in re: 13-1-01530-2

Why are you stalling the transcripts?  
Who directed you to do this?

I want answers because now it appears you're interfering on the state's behalf, to delay those records needed for a legal proceeding, to prevent me from submitting those records for review...

I want a transcript of ~~the~~ all the hearings on that FTR CD, "including" the statements at 10:20:56 on October 9<sup>th</sup> 2015, and "including" the Judge Michael McCarthy's and Public Defender Charles Dold's statements after 10:08:40 on October 23<sup>rd</sup> 2015...

These statements are audible because I heard and listened to that CD

-1-

myself repeatedly in law library at  
Clallam Bay Corrections Center.

I want answer's!

I'm sending you \$350<sup>00</sup> dollars  
to pay for the transcripts and postage  
fee's for the transcripts and FTR CD.  
Any left over monies, send back to  
"P.O. Box 254  
Wapato, Wa. 98951"

Mailing address for the transcripts  
and FTR CD

Richard Yallups #313822  
Clallam Bay Corrections Center  
1830 Eagle Crest Way  
Clallam Bay, Wa. 98326 "

Richard G. Yallups Jr  
Richard E. Yallups Jr

Dated & Sent 7-23-2020

Yakima County Court Reporter's Office

in re: Case No. 13-1-01530-2

Hello, I'm Richard E. Vallups Jr, I sent a 'FTR CD' in June 2020 to the audio records of my court hearings transcribed.

I was told by Jori Moore it would not take long to have those hearings transcribed, that was the second week of July 2020...

No attempt was ever made by Jori to contact the person she could leave a message with, I called multiple times, I had people call multiple times because I needed those transcripts by August 10<sup>th</sup> 2020 with no success by anyone, why?

Now I have reason to believe Jori Moore was told by Yakima County Court Officials who were involved with the above cause number to stall those records/transcripts in an attempt to hinder those transcripts availability in Washington State Supreme Court Case No. 98693-2

-1-

to fatally damage my case & argument  
in her official capacity, done with the  
intent of doing so.

I need answers immediately because  
your choosing to interfere with an  
official proceeding to protect wrongful  
acts.

Payment has been sent to cover the  
cost of the transcripts, and costs for  
postage fees for the transcripts and FTR  
CD. The mailing address for the transcripts and  
FTR CD also has been submitted.

Richard G. Yallups Jr  
Richard E. Yallups Jr

Dated & Sent 7-29-2020

Yakima County Court Reporter's Office, Jori Moore

in re: FTR CD with audio records submitted  
in June 2020 to be transcribed.

Hello, I'm Richard E. Yallup Jr, I'm writing to ask  
~~how many if any~~ if a audio record was  
submitted to you in July 2020 for transcription,  
and if that transcription was returned to the  
submitting party in July 2020.

"Submitting Party" is some other entity, ~~other~~  
not me personally.

I ask, because I submitted a record I  
wanted transcribed in June 2020.

I ask because of what you said on a recorded  
phone call with me in early July 2020.

I submitted a pre-addressed pre-franked  
envelope for you, to submit your response  
to my questions and sign, print and date  
your response.

The reason for your response, to prepare and

file a grievance/complaint and/or take legal action against you.

In that phone call, you stated you would have those transcripts to me by a August 10<sup>th</sup> 2020 deadline you knew/had knowledge of, but you stalled those transcripts to prevent there availability for a legal proceeding you knew they were needed for.

You intentionally lied and willfully stalled the transcripts to prevent there availability for Supreme Court review, why?

Did someone from Yakima County Superior Court (Judges) or Yakima County Prosecutor's Office or The Dept of Assigned Counsel direct you to stall these transcripts and prevent there availability for an ongoing legal proceeding?

If so, who?

August 10<sup>th</sup> 2020 deadline with the Washington State Supreme Court was known to you.

All calls from me were ignored, all messages and letters ignored, messages from other's ignored, except for one, where she cites you stating that the transcripts will be finished at the end of

the week, that was the week of July 31<sup>st</sup> 2020 when I received the message.

You made sure I would miss the ~~deadline~~ then deadline so I couldn't address issues of misconduct and corruption, why?

The transcripts are ~~going~~ <sup>going to be</sup> used for a Washington State Supreme Court proceeding to address issues involving Judge David Elafson and Michael McCarthy, Deputy Prosecutor L. Joshua Camp, and Public Defender's Randy Cahn and Charles Dold, and the 2015/2016 Yakima County Clerks office. Did any of these persons direct you to stall these transcripts, or did someone ask/direct you to stall these transcripts on ~~your~~ their behalf?

If my assertions are wrong about the course of conduct you've chosen, please explain how and why? please ~~sign, print and sign your name,~~ print your name, and date response. Please send a copy of all letters received from me.

Richard E. Yallup Jr  
Richard E. Yallup Jr

dated 8-9-2020

DECLARATION OF SERVICE

I, David B. Trefry, state that on August 26, 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 26<sup>th</sup> day of August, 2020 at Spokane, Washington,

s/ David B. Trefry  
DAVID B. TREFRY, WSBA #16050  
Senior Deputy Prosecuting Attorney  
Yakima County, Washington  
P.O. Box 4846, Spokane WA 99220  
Telephone: (509) 534-3505  
Fax: (509) 426-0235  
David.Trefry@co.wa.yakima.us



Appendix #B

Apix #B

**FILED**  
MAY 7 - 2019

YAKIMA COUNTY CLERK

RECEIVED  
MAY 10 2019  
Nielsen, Bromar & Koch, P.L.L.C.

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR YAKIMA COUNTY**

STATE OF WASHINGTON,	)	Cause No.	13-1-01530-2	
	)			
Plaintiff(s),	)	Appeal No.	36631-6	-III
Vs.	)			
	)			
RICHARD YALLUP	)			
	)			
Defendant(s).	)			

**INDEX**

(Appellant 's -Yallup's to Designation filed 4-29-2019)

	<u>PAGE:</u>
AMENDED INFORMATION (32) .....	9-13
CONFIDENTIAL RESTITUTION REPORT FORM (108) / Cover Page .....	91
Confidential Restitution Report / <b>See Confidential Volume</b> .....	172-173
CORRESPONDENCE TO DEFENDANT (136) .....	103-120
COURT'S INSTRUCTIONS TO THE JURY (57) .....	20-70
DECLARATION OF PROBABLE CAUSE (1) .....	1-2
DECLARATION OF RICHARD YALLUP / <b>best images available</b> (151) .....	155-158
DESIGNATION OF CLERKS PAPERS (162).....	170-171
FELONY JUDGMENT AND SENTENCE (103) .....	72-80
INFORMATION (7) .....	3-8
MANDATE / #34076-7-III & 34957-8-III (135) .....	92-102
MOTION AND DECLARATION FOR INDIGENCY (138) .....	121-144

**\*\* Continued to page 2 \*\*  
PAGE 1 OF 2.**

**\*\* Continued from page 1 \*\***

MOTION FOR INDIGENCY – CRIMINAL CASE (139) .....	145-147
MOTION FOR WAIVER OF CIVIL FEES AND SURCHARGES (140) .....	148-152
MOTION ON ORDER OF INDIGENCY (156) .....	165-167
NOTICE OF APPEAL TO COURT OF APPEALS (106) .....	81-90
NOTICE OF APPEAL TO COURT OF APPEALS, DIV. III (155) .....	161-164
ORDER ON INDIGENCY (157) .....	168-169
ORDER ON REMAND (153) .....	159-160
PERSONAL AFFIDAVIT (141) .....	153-154
SECOND AMENDED INFORMATION (40) .....	14-19
UPDATED RESTITUTION DETERMINATION FORM / REPORT (102) .....	71

**\*\* END \*\***

5

FILED  
COUNTY CLERK

'15 MAY 26 P1 52

SUPERIOR COURT OF WASHINGTON FOR YAKIMA COUNTY

STATE OF WASHINGTON,

Plaintiff,

NO 13-1-01530-2

vs

AMENDED INFORMATION

RICHARD EUGENE YALLUP  
DOB 10/6/1986

Defendant

TO RICHARD EUGENE YALLUP  
ADDRESS 281 East Mcdonald Rd , Toppenish, WA 98948

By this Information, the Prosecuting Attorney accuses you of committing the following crime(s)

**Count 1 - FIRST DEGREE ROBBERY**  
RCW 9A 56 190 and 9A 56 200(1)(a)(ii), 9 94A 533(3) and 9 94A 825

CLASS A FELONY - The maximum penalty is Life imprisonment and/or a \$50,000 00 fine

On or about October 23, 2013, in the State of Washington, with intent to commit theft, you unlawfully took, from the person or in the presence of Evoni Alvarado-DeLeon, the property of another, a vehicle, against that person's will, by use or threatened use of immediate force, violence, or fear of injury to that person or his/her property or the person or property of anyone in order to obtain or retain the property taken, and in the commission of or immediate flight therefrom, you displayed what appeared to be a firearm or other deadly weapon

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased An additional 5 years shall be added to the standard sentence range for a first offense and an additional 10 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 2 - SECOND DEGREE ASSAULT - RCW 9A 36 021(1)(c), 9 94A 533(3) and 9 94A 825**

CLASS B FELONY - The maximum penalty is 10 years imprisonment and/or a \$20,000 00 fine

On or about October 23, 2013, in the State of Washington, you intentionally assaulted Wilson E Alvarado, with a deadly weapon, a firearm

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased An additional 3 years shall be added to the standard sentence range for a first offense and an additional 6 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

ORIGINAL

17

Handwritten initials and marks at the bottom right of the page.

**Count 3 - SECOND DEGREE ASSAULT**  
RCW 9A 36 021(1)(c), and 9 94A 535(3)(v)

CLASS B FELONY – The maximum penalty is 10 years imprisonment and/or a \$20,000 00 fine

On or about October 23, 2013, in the State of Washington, you intentionally assaulted Deputy Robert Locati, with a deadly weapon, a vehicle

Furthermore, the offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, you knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense, and the court may impose an exceptional sentence above the standard sentence range for this crime (RCW 9 94A 535(3)(v) )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 4 - SECOND DEGREE ASSAULT – RCW 9A 36 021(1)(c) and RCW 9 94A 535(3)(v)**

CLASS B FELONY – The maximum penalty is 10 years imprisonment and/or a \$20,000 00 fine

On or about October 23, 2013, in the State of Washington, you intentionally assaulted Officer Jose Chiprez, with a deadly weapon, a vehicle

Furthermore, the offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, you knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense, and the court may impose an exceptional sentence above the standard sentence range for this crime (RCW 9 94A 535(3)(v) )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 5 - ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE**  
RCW 46 61 024 and RCW 9 94A 533(11) and 9 94A 834

CLASS C FELONY – The maximum penalty is 5 years imprisonment and/or a \$10,000 00 fine

On or about October 23, 2013, in the State of Washington, after a uniformed officer, in a vehicle equipped with lights and sirens, gave a visual or audible signal to bring your vehicle to a stop, you willfully failed or refused to immediately bring your vehicle to a stop, and you drove your vehicle in a reckless manner, while attempting to elude the pursuing police vehicle

Furthermore, one or more persons other than you or the pursuing law enforcement officer were threatened with physical injury or harm by your actions, and your penalty may be increased The court shall impose an additional 12 months and 1 day to the standard sentence range (RCW 9 94A 533(11) and 9 94A 834 )

**Count 6 - SECOND DEGREE MALICIOUS MISCHIEF – RCW 9A 48 080(1)(a)**

CLASS C FELONY – The maximum penalty is 5 years imprisonment and/or a \$10,000 00 fine

On or about October 23, 2013, in the State of Washington, you knowingly and maliciously caused physical damage in excess of \$750 00 to the property located at 635 Rainbow Lane, Sunnyside, Washington

**Count 7 - FIRST DEGREE ASSAULT**  
RCW 9A 36 011(1)(a), 9 94A 533(3) and 9 94A 825 and 9 94A 535(3)(v)

CLASS A FELONY – The maximum penalty is Life imprisonment and/or a \$50,000 00 fine

On or about October 23, 2013, in the State of Washington, with intent to inflict great bodily harm upon the person of Officer Justin Paganelli, you assaulted that person with a firearm

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased. An additional 5 years shall be added to the standard sentence range for a first offense and an additional 10 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, the offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, you knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense, and the court may impose an exceptional sentence above the standard sentence range for this crime (RCW 9 94A 535(3)(v) )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 8 - FIRST DEGREE BURGLARY – RCW 9A 52 020(1)(a), 9 94A 533(3) and 9 94A 825**

CLASS A FELONY – The maximum penalty is Life imprisonment and/or a \$50,000 00 fine

On or about October 23, 2013, in the State of Washington, with intent to commit a crime against a person or property therein, you entered or remained unlawfully in the building located at 1685 Cherry Hill Road, Granger, WA, and in entering, while in, or in immediate flight from that building, you were armed with a deadly weapon a shot gun

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased. An additional 5 years shall be added to the standard sentence range for a first offense and an additional 10 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 9 - FIRST DEGREE KIDNAPPING – RCW 9A 40 020(1)(a) and RCW 9 94A 533(3) and 9 94A 825**

CLASS A FELONY – The maximum penalty is Life imprisonment and/or a \$50,000 00 fine

On or about October 23, 2013, in the State of Washington, you intentionally abducted Conna Barrera, with intent to hold that person as a shield or hostage

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased. An additional 5 years shall be added to the standard sentence range for a first offense and an additional 10 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 10 - FIRST DEGREE KIDNAPPING – RCW 9A 40 020(1)(a) and RCW 9 94A 533(3) and 9 94A 825**

CLASS A FELONY – The maximum penalty is Life imprisonment and/or a \$50,000 00 fine

On or about October 23, 2013, in the State of Washington, you intentionally abducted Nicholas Cervantes, with intent to hold that person as a shield or hostage

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased. An additional 5 years shall be added to the standard sentence range for a first offense and an additional 10 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 11 - FIRST DEGREE KIDNAPPING – RCW 9A 40 020(1)(a) and RCW 9 94A 533(3) and 9 94A 825**

CLASS A FELONY – The maximum penalty is Life imprisonment and/or a \$50,000 00 fine

On or about October 23, 2013, in the State of Washington, you intentionally abducted Efrain Cervantes, with intent to hold that person as a shield or hostage

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased An additional 5 years shall be added to the standard sentence range for a first offense and an additional 10 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 12 - SECOND DEGREE ASSAULT – RCW 9A 36 021(1)(c), 9 94A 533(3) and 9 94A 825**

CLASS B FELONY – The maximum penalty is 10 years imprisonment and/or a \$20,000 00 fine

On or about October 23, 2013, in the State of Washington, you intentionally assaulted Nicholas Cervantes, with a deadly weapon, a firearm

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased An additional 3 years shall be added to the standard sentence range for a first offense and an additional 6 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 13 - SECOND DEGREE ASSAULT  
RCW 9A 36 021(1)(c), 9 94A 533(3) and 9 94A 825**

CLASS B FELONY – The maximum penalty is 10 years imprisonment and/or a \$20,000 00 fine

On or about October 23, 2013, in the State of Washington, you intentionally assaulted Efrain Cervantes, with a deadly weapon, a firearm

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased An additional 3 years shall be added to the standard sentence range for a first offense and an additional 6 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 14 - THIRD DEGREE ASSAULT – RCW 9A 36 031(1)(d), 9 94A 533(3) and 9 94A 825**

CLASS C FELONY – The maximum penalty is 5 years imprisonment and/or a \$10,000 00 fine

On or about October 23, 2013, in the State of Washington, with criminal negligence, you caused bodily harm to Conna Barrera, by means of a weapon or other instrument or thing likely to produce bodily harm, a firearm

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased An additional 18 months shall be added to the standard sentence range for a first offense and an additional 3 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 15 - FELONY HARASSMENT OF ANOTHER – THREAT TO KILL**  
RCW 9A 46 020(1)(a)(i)(b) and (2)(b) and 9 94A 533(3) and 9 94A 825

CLASS C FELONY – The maximum penalty is 5 years imprisonment and/or a \$10,000 00 fine

On or about October 23, 2013, in the State of Washington, without lawful authority, you knowingly threatened to cause bodily injury immediately or in the future to Nicholas Cervantes and the threat to cause bodily injury consisted of a threat to kill Nicholas Cervantes or another person, and did by words or conduct place the person threatened in reasonable fear that the threat would be carried out

[SCOMIS RCW 9A 46 020(2)(B)]

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased An additional 18 months shall be added to the standard sentence range for a first offense and an additional 3 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

**Count 16 - FELONY HARASSMENT OF ANOTHER – THREAT TO KILL**  
RCW 9A 46 020(1)(a)(i)(b) and (2)(b) and 9 94A 533(3) and 9 94A 825

CLASS C FELONY – The maximum penalty is 5 years imprisonment and/or a \$10,000 00 fine

On or about October 23, 2013, in the State of Washington, without lawful authority, you knowingly threatened to cause bodily injury immediately or in the future to Efrain Cervantes and the threat to cause bodily injury consisted of a threat to kill Efrain Cervantes or another person, and did by words or conduct place the person threatened in reasonable fear that the threat would be carried out

[SCOMIS RCW 9A 46 020(2)(B)]

Furthermore, when you committed the crime, you (or an accomplice) were armed with a firearm, and your penalty will be increased An additional 18 months shall be added to the standard sentence range for a first offense and an additional 3 years shall be added to the standard sentence range if you have previously been sentenced for any deadly weapon enhancements after July 23, 1995 (RCW 9 94A 533(3) and 9 94A 825 )

Furthermore, if you are found to be a "persistent offender" by having been previously convicted on two separate occasions of a "most serious offense" as defined by RCW 9 94A 030, the mandatory penalty for this offense is life imprisonment without the possibility of release (RCW 9 94A 570 and RCW 9 94A 030 )

Furthermore, you have committed multiple current offenses and your high offender score results in some of the current offenses going unpunished, and the court may impose an exceptional sentence above the standard sentence range for any of the above listed crimes (RCW 9 94A 535(2)(c) )

DATED May 26, 2015

JOSEPH A BRUSIC  
Prosecuting Attorney

By

L JOSHUA CAMP  
Deputy Prosecuting Attorney  
Washington State Bar Number 40915

Sex Male, Race Native American, Ht 5' 10", Wt 180, Eyes Brown, Hair Black, SID WA22161588,  
DOL YALLURE149PF, DOC 313822, Our File No 13-11262/mlv, Agency No TOPD #13P4532,



Richard Yallup #313822

G-A-9

Clallam Bay Corrections Center  
1830 Eagle Crest Way

Clallam Bay, Wa. 98326

(legal  
mail)

(legal mail)

Washington State Supreme Court

Case No. 98693-2

P.O. Box 40929

Olympia, Wa. 98504



Mailed From  
09/02/2020  
3318 0005

|

|

WASH STATE SUPREME COURT  
P.O. BOX 40929  
OLYMPIA WA 98504  
SEP 02 2020 PM

Letter on 07/01/20

1420

legal mail

THIS WAS MAILED BY AN OFFENDER  
CONFINED AT A WASHINGTON STATE  
DEPARTMENT OF CORRECTIONS FACILITY  
IT'S CONTENTS ARE UNCENSORED

3139