

FILED
SUPREME COURT
STATE OF WASHINGTON
1/19/2023 3:45 PM
BY ERIN L. LENNON
CLERK

NO. 101428-7

WASHINGTON SUPREME COURT

PETITION FOR DISCRETIONARY REVIEW

BLAKELY IS INDIGENT

RALPH HOWARD BLAKELY, dba,
BLAKELY FARMS TRUST,
Plaintiff,

vs

YOLANDA BLAKELY, et.al., AND
TRUSTEE JAMES P. SPURGETIS,
Defendants.

APPEAL FROM SPOKANE SUPERIOR COURT
ORIGINAL CASE NO. 96-2-04155-1
MISCHARACTERIZED FROM BLAKELY FARMS TRUST
TO FRAUDULENT CREATED Ralph H. Blakely Special Person Care Trust
CASE NO. 10-4-00660-7

WASHINGTON SUPREME CONSTITUTION
NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY,
OR PROPERTY, WITHOUT DUE PROCESS OF LAW
BLAKELY WAS NOT PROVIDED NOTICE OF
DUE PROCESS OF LAW, **NOR the MANDATES**
of RCW 4.08.060 and RCW 11.88 et seq
SHALL APPEAR AT ALL TIMES IN PERSON

NOTICE OF APPEAL TO REVISE FRAUDULENT
NOVEMBER 23, 2020 RULING [Treated as a Petition for Review](#)

Blakely is indigent e-MAIL TO:
Beverly Anderson bla@winstoncashatt.com

Ralph H. Blakely 7-2-22
Ralph H. Blakely 817995 *1-12-2022*
WSP W 3 120 *7-11-22*
1313 N 15 Ave *RAP 10.5(5) 1278* *1-18-23*
Walla Walla WA 99362-8817 *9-14-22* *P45*

Removed are legal documents proving fraud on the court and that trustee Spurgetis paid Kahrs \$35,000 to keep Blakely in prison, when he is actually innocent.

ASSIGNMENTS OF ERROR FOR RECONSIDERATION

I. THE COURTS VIOLATE BLAKELY'S DUE PROCESS NOTICE APPEARANCE UNDER RCW 11.88 et.seq. RCW 4.08.060 et.seq. (WSC) Article I sec 3,7,10, 12,14,15,22; RCW 74.34.110 et.seq.

II. WHY DOES THE COURT OF APPEALS COVERUP THE GENUINE ISSUE OF MATERIAL FACT THAT Blakely WAS DECLARED COMPETENT BY EXPERT STATE DOCTORS CRESSEY AND FREDRICKSON FIFTEEN MONTHS BEFORE THE FRAUDULENT ***"incapacitated person"*** Order by Judge Tompkins Order of July 11, 2000 ? ? ?

III. WHY DOES THE COURT OF APPEALS COVER UP THE MAFIA ASSOCIATED LAWYER THEFT OF 86 year-old blind Blakely hard earned savings and then add insult stating that he ^{HAS PAID 12-22-21} ~~had to pay~~ highly skilled *adverse* lawyer to defend THIEF TRUSTEE Spurgetis and also for court records ?

SEE: TABLE OF CONTENTS AND AUTHORITIES, and ARGUMENT ~~to~~ 12/21/20; 7/16/21; 10/13/21; 11/3/21; 12/22/21; 12/29/21 briefs of appeal to COA III

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I, Ralph Howard Blakely declare under penalty of perjury of Washington laws that all my EXCERPTS ER 1-61;2:61-65;3:61-66;4:61...85;5:....:6:.... are true and correct and must be attached herewith all arguments December 22,2021

Ralph H Blakely
 Ralph Howard Blakely 817995
 WSP V A 1FS
 1313 N. 13th Ave
 Walla Walla WA 99362-8817

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I INTRODUCTION--REPLY

1. Ralph Howard Blakely, age 85, wrongfully convicted, illegally restrained, emphatically declares that the Ralph H. Blakely Special Person Care Trust was created by fraud, under fraud, with false fabricated testimony of avarious lawyers and people out to PLUNDER the assets of my real estate business, Blakely Farms Trust. (ER 14-20;45-48;59-61;*ER 11-17**)

2. This genuine issue of material facts of Blakely being "FRAMED"(ER 11-17) by a clever cabal is the highly disputed fact leading to the FRAUDULENT CREATED RHB Special Person Care Trust July 11,2000 by fraudulent Judge Tompkins 6 page Order declaring Blakely an "INCAPACITATED PERSON".

3. The highly skilled lawyer Anderson (page 1) is erroneous in stating that BLAKELY FARMS TRUST is the respondent and is improper, but is right that RHB Special Person Care Trust is fraud and was and is used to financially exploite blind left eye, sporadic right eye vision of 85 year old Blakely !Who has been denied type ribbon, typewriter, paper, dental and medical, \$9.00 monthly hygeine allowance and the use of his seven million dollar real estate business of Blakely Farms Trust. It is a real shame trustee Spurgetis pay other people to keep Blakely in prison with more than two and half million dollars of Blakely's money. (ER 11-17) ERG

4. HOW CAN BLAKELY argue against the highest skilled Spokane Lawyer, that trustee Spurgetis should be terminated and the fraudulent created RHB Special Care TRust be rescinded ? Spurgetis is using Blakely's funds to pay Attorneys to keep Blakely in prison without expert medical or dental is a real SHAME !

5. Attorney Anderson declares the the approval of 10th and 11th trustees Reports are not fraud, when according to (ER #5 and # 6) THERE IS NO PROOF OF THESE FUNDS OR 40 Acre Pend Oreille land. AND WHEN trustee Spurgetis pays Kato \$8,500 to DO NOTHING AND Michael Kahrs, \$35,000 to DO NOTHING IS FINANCIAL EXPL_ OITATION of a vulnerable adult RCW 73.34.110 et seq.

II. STATEMENT OF CASE -- REPLY

2.1 Attorney Anderson has MISCHARACTERIZED Ralph H. Blakely, dba Blakely Farms TRust to RHB Special Person Care TRust, which is wrong 12/13/21.

2.2 The RHB Special Person Care TRust was created WITHOUT DUE PROCESS NOTICE, NOR MANDATORY APPEARANCE before the court before July 11, 2000. RCW4.08.060

2.3 Attorney Anderson FAILS to abide by the rules of RCW 11.88 et seq and RCW 4.08.060, December 13, 2021. (ER 3:61-3:66 emphasis added)

2.4 Respondent Anderson FAILS TO MENTION the Grant County Superior Court held a JURY TRIAL ON BLAKELY'S MORE THAN COMPETENT during 1999 before Tompkins July 11,2000 incapacitated person ORDER, CREATING FRAUD, FRAUD, AND FRAUD. /In

2.5 Highly skilled Attorney Anderson is misrepresenting the FRAUDULENT created RHB Special Person Care Trust to the "SELF-INTEREST" of a thief financially exploiting vulnerable blind 85 year-old Blakely in violation of RCW 74.34.110 et seq; RCW 4.08.060 et seq; RCW 11.88 et seq; RPC 8.4(et seq); 1.5A.

/fnl Blakely submitted Dr. Cressy and Frederickson's Eastern Hospital Report and the Grant Co. Superior Court JURY TRIAL DECLARING Blakely more than competent, the Court returned them, BECAUSE THEY SHOWED FRAUD ALLOWED BY THE COURT AND ON THE COURT IN THE CREATION OF RHB Special Person Care Trust. AIDING AND ABETTING THEIVES?

2.6 ? ?page 3 "account opened for payments made on behalf of Mr. Blakely for various incidental expenses for Mr. Blakely's HEALTH AND WELFARE ? ? ? (Trustee's 11th Accounting OF LAWYER SELF-INTEREST THEFT FROM A VULNERABLE ADULT IN VIOLATION OF RCW74.34.110 et seq; RCW4.08.060 et seq.

2.7 During 29 years of illegal restraint (which is a genuine issue of material fact of actual innocence and a wrongful conviction) Blakely has "NEVER" received \$ 9.00 a month for ANTISEPTIC MOUTH WASH NOR A TYPE RIBBON THAT HE WAS ATTORNEY FEE BILLED more than \$^{250.00}50.00 plus a check of \$15.90 IS FRAUD AND misrepresenting the Statement of the CASE. Blakely has filed Motions with the Court for CRITICALLY NEEDED DENTAL AND MEDICAL that WDOC refuses to provide ! ! ! !

2.8 Commissioner Stine refused to send Blakely "AN ORDER FOR TELEPHONIC hearing 11/19/2020 and FAILED TO ABIDE BY THE MANDATES OF RCW 11.88 et seq and RCW 4.08060 et seq Blakely "SHALL" APPEAR" and with GAL the Court violates Blakely's DUE PROCESS RIGHTS and the mandates of RCW 4.08.060.

III. LEGAL ARGUMENT -- REPLY

3.1 Attorney Anderson misrepresents the genuine issue of material fact that 85 year old brain concussion, blind vulnerable Blakely is NOT TO BE HELD to the same procedural rules. Haines v. Kerner, 404U.S.519,30L.Ed 2d 653(1972)

3.2 Blakely with impaired vision doesnot have access to properly quote court rules and case authority. Attorney Anderson evades the genuine material factual issue of RHB Special Person Care Trust is FRAUD AND CREATED BY FRAUD, based ON genuine issue of material fact that Blakely WAS PROVEN COMPETENT BY A JURY TRIAL during "1999" and by EXPERTS DR CRESSEY AND FEDERICKSON ! ! ! ! !

3.3 ALL Blakely's documents submitted to the Court CLEARLY SHOW FRAUD, FRAUD ON THE COURT AND ALLOWED BY Judge Stine, which is a MANIFEST OF INJUSTICE, WHEN Spurgetis bambossal the Court, for his SELF-INTEREST of double billing.

IV. COUNSEL IS ADDING AND ABETTING the theft of Blakely's LIFE ESTATE IN THE FRAUDULENT CREATION OF RHB Special Person Care Trust, WHEN DUE PROCESS NOTICE WAS NOT ALLOWED Blakely MANDATORY SHALL APPEAR RCW 11.88 et seq and RCW 3.08.060; RCW 74.34.110 et seq.

4.1 Counsel misrepresent the genuine issue of material facts in violation of RPC 8.4 (c) et seq. Blakely does not have sufficient PAPER TO DOUBLE SPACE using discarded paper from the trash.

Spurgetis 12/22/21 PAYS ANDERSON WITH Blakely FUNDS Is Self-Interest!

4.2 Counsel Anderson "Opens the door doctrine" to all of Blakely's legal documents being submitted to the Court of Appeals by quoting IN re Marriage of Blakely with Courts ruling "in favor of" is a magnitude miscarriage of justice. (please view authority excerpts ER"E" 11-17 as a very clever scheme)

4.3 When the genuine material issue of FRAUD, EMBEZZLEMENT, THEFT, MISREPRESENTATION is before any court; legal documents supporting THAT must be submitted to show trustee Spurgetis SELF-INTEREST, misrepresentation, and EMBEZZLEMENT of funds from Ralph H. Blakely dba BLAKELY FARMS TRUST(a real estate bussiness)

V. SPOKANE COUNTY SUPERIOR COURT COMMISSIONER VIOLATED Blakely's DUE PROCESS RIGHTS, RCW 4.08.060; RCW 11.88 etseq MANDATES IN AIDING AND ABETTING EMBEZZLEMENT OF FUNDS BELONGING TO BLAKELY, AS SHOWN BY fraudulent 10 and 11th Accounting.

5.1 COUNSEL IS IN ERROR by stating that Blakely appear by phone, when the LAW CLEARLY STATES RCW 4.08.060 et seq SHALL APPEAR IN PERSON AND BY GAL; Counsel violates RPC 8.4 (c) et seq by MISREPRESENTING the genuine issue of material fact that during this period Blakely was locked down twenty-four hours everyday without access to a phone. Lexecon v. Milberg Weis Bershed Rynes & Lerach, 523 U.S.35 "THE MADATORY SHALL" Keene Corp v. Coss, 532 U.S 304(2001) In re matter of Dill, 60 Wn 2d 148 (1962); In re Dependency of P.H.V.S.,186 Wn. App. 167(2015)

5.2 The Spokane County Superior Court (SCSC) canNOT HAVE IT BOTH WAYS VIOLATING RCW 11.88 et seq and RCW 4.08.060 et seq and DUE PROCESS NOTICE: WHEN the Grant County Superior Court takes JURISDICTION AND VENUE WITH A COMPETENCY JURY TRIAL AND SUPPORTED BY Dr. Cressey and Federickson's COMPETENCY REPORTS 1999!!!! THE RHB Special Person Care Trust IS FRAUD AND MUST BE RESCINDED TO STOP FURTHER EMBEZZLEMENT.

5.3 The GENUINE MATERIAL ISSUE OF FACT IS DOES THE Spoakne Co Superior Court HAVE OR HAD JURISDICTION AND VENUE TO ALLOW Trustee Spurgetis to EMBEZZLE, FINANCIALLY EXPLOIT ELDERLY ALMOST BLIND BLAKELY AGE 83 ? ? ? ?

(a) The FRAUDULENT RHB Person Care Trust had NO JURISDICTION FOR Trustee Spurgetis to pay lawyer Jeffrey Finer \$13,992. when Mr. Finer altered a PRO BONO CONTRACT to embezzle, financially exploit Blakely's critically needed DENTAL AND MEDICAL FUNDS IS FRAUD ALLOWED BY THE COURT AS CLEARLY SHOWN BY trustee Spurgetis DOUBLE FEE BILLING STATEMENT that he produces refuses to produce and the court refuses to issue Blakely's SUBPEONA DUCES TECUM. Finer was paid to do nothing and keep Blakely in prison ! ! !

(b) Counsel "Open Door" "In July 2018 Blakely..." "appropriate MEDICAL CARE (which over the two year peaiod,ABSOLUTELY NEVER SOUGHT NOR PROVIDED as a pro bona lawyer who stole \$13,992 from elderly Blakely.

5.4 Lawyer **Finer** concealed his "PRO BONA" ALTERED contract from **Blakely** so that he could financially exploit, and trustee **Spurgetis** violated **Blakely's** DUE PROCESS RIGHTS NOTICE, RCW 4.08.060 et seq MANDATES "SHALL APPEAR IN PERSON AND BY GAL" IS FRAUD ALLOWED BY THE COURT ! In.re **Gaddis**, 12 Wn2d 114,123(1942)

5.5 Respondent Counsel "OPENS THE DOOR" with **Blakely v. Kahrs** and **Blakely v. Kato** as true examples of PRIOR severe abuse by trustee **Spurgetis**, who paid **Kahrs** \$35,000 to DO NOTHING, but to keep **Blakely** in prison.

(a) IT ALSO "OPENS THE DOOR" for the U.S. Department of Justice to make an investigation of INTERSTATE COMMERCE THEFT OF **Blakely's** Franklin funds (ER#6 and \$307,000 Montana Securities Account.)

(b) Respondent **Anderson** April 2021 filed a NOTICE OF APPEARANCE and has had 8 months to obtain supplemental Court records. The Court should deny any further supplement - - -

5.6 Respondent Counsel MISREPRESENTS trustee **Spurgetis** DOUBLE BILLING embezzlement, theft, fraud, (which can be clearly shown and proven by the Court Subpoena duces tecum of April; September; November, 2021)

(a) Trustee **Spurgetis** attorney fee billing REFLECTS SELF-interest, embezzlement and ABSOLUTELY NO DENTAL, MEDICAL, OR CARE FOR 85 year-old **Blakely**.

5.7 Respondent Counsel MISREPRESENTS THE EVIDENCE THAT DURING 20 years of FRAUD ON THE COURT AND ALLOWED BY THE COURT (pages 13,14,15) when the RHB Special Person CARE Trust IS A FRAUD and does not have JURISDICTION, and was created by FRAUD for the self-interest of others.

VI. CONCLUSION AND FINAL REPLY FOR THE COURT TO CORRECT A MISCARRIAGE OF JUSTICE

6.1 Appellant **Blakely** does not expect this Court to turn the tide against brother associate lawyers when there is a magnitude miscarriage of justice, But when lawyers conceal coverup wrongdoing of other lawyers, our judicial system is broken !

6.2 DOES this EXPENSIVE RESPONDENT COUNSEL get paid from the FUNDS THAT trustee **Spurgetis** embezzled by almost blind INNOCENT 85 year-Old **Blakely** ? ? ? Will trustee **Spurgetis** be allowed to DOUBLE BILL **Blakely** for this expensive counsel and also his time to be allowed to bambozzle the Court ?

6.3 Appellant **Blakely** asks this Court to reverse trustee **Spurgetis** 10th and 11th Trustee's Accounting Reports and to terminate **James P. Spurgetis** as trustee due to EXTREME CONFLICT AND FINANCIAL EXPLOITATION OF BLIND LEFT EYE 85 year old **Blakely**, who need a new typewrittern, critically needed dental and medical before they release him in a BODY BAG.

I **Ralph H. Blakely** declare under penalty of perjury of Washington law that the foregoing REPLY TO Respondents 12/13/21 BRIEF is true and correct with all Exhibits excepts ER ^{January 18, 2021} ~~December 22, 2021~~

Ralph H. Blakely 817995
W SR; VA 19; Walla Walla WA 99362-8817

SPOKANE COUNTY SUPERIOR COURT OF WASHINGTON

RALPH HOWARD BLAKELY, dba,
BLAKELY FARMS TRUST,
Plaintiff,

vs

YOLANDA BLAKELY, et.al.
JAMES P. SPURGETIS,
Defendants.

SCSC # 10-4-00660-7
Original # 90-4-04155-1
DECLARATION AND MOTION TO STOP
"FRAUD" on/by and ALLOWED BY
THE COURT AS A COVERUP
SIXTH TIME**terminate*Spurgetis***

NOTICE COMMISSIONER JOHN STINE, I DONOT HAVE FUNDS FOR \$ 1,30 Q-tips or for copies to all concerned parties

THIS COMPLAINT HAS BEEN SHUFFLED FROM Judge Tompkins to Judge Hazel, to Judge Fennsey, to Judge ^{Hazel}, to Judge Bjelkegren, Back to Judge Hazel, to Commissioner Stine, to Judge McKay, back to Judge Bjelkegren TO COVERUP FRAUD ALLOWED BY THE Court and the embezzlement by James P. Spurgetis.

Plaintiff Blakely asks this COURT to terminate trustee James P. Spurgetis for embezzeling \$68,912.51 from Washington Trust Simplified checking account ordered by Judge Tompkins for the ***BENEFIT" to Blakely, BUT BLAKELY HAS NOT RECEIVED THAT BENEFIT for \$1.30 Q-tip, typeribbons, typewriter, PAPER ! ! !

Spurgetis pays his Lawyer \$6,957.20 but REFUSES TO PAY BLAKELY'S \$240 SCSC filing fee Blakely v. Finer# 21-2 0651-32, where Spurgetis paid Finer to keep Blakely in prison without critically needed dental and medical ! ! !

IT IS TIME TO STOP COVERING UP trustee Spurgetis paying lawyers with Blakely's funds to keep him in prison without dental and medical when he absolutely took no substantial step to kill, rob, assault, or injury anyone.

Spurgetis charged \$250 Notary Fee and wrote a check for \$15.90 for type ribbons that Blakely absolutely did not receive. Spurgetis 9/29/21 to 4/25/22 took \$32,398.79 from Blakely funds for Spurgetis ***SELF-INTREST** and Blakely received ***nothing***!

This is the SIXTH TIME I Have asked the Court to terminate James P. Spurgetis as trustee of a fraudulently created RAB Special Person Care Trust check account.

I declare under penalty of perjury of Washington laws that the aforementioned is true with direct personal knowledge

*January 4, 2023 Ralph H. Blakely 817995
WSPVA113*

THE COURT MUST NOTIFY LIASISON B. MUNNS

9
ERY

1:21 PM

09/02/22

Cash Basis

Blakely Trust Balance Sheet Detail As of May 31, 2022

| Type | Date | Num | Name | Memo | Clr | Split | Paid Amount | Balance |
|--------------------------------------|------------|-----|--------------------------|--------------------|-----|--------------------|------------------|------------------|
| ASSETS | | | | | | | | 7,053.45 |
| Current Assets | | | | | | | | 7,053.45 |
| Checking/Savings | | | | | | | | 7,053.45 |
| WTB Blocked PMA | | | | | | | | 2,412.29 |
| Deposit | 06/30/2021 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.06 | 2,412.35 |
| Deposit | 07/31/2021 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.07 | 2,412.42 |
| Deposit | 08/31/2021 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.06 | 2,412.48 |
| Deposit | 09/30/2021 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.06 | 2,412.54 |
| Deposit | 10/31/2021 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.06 | 2,412.60 |
| Deposit | 11/30/2021 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.06 | 2,412.66 |
| Deposit | 12/31/2021 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.06 | 2,412.72 |
| Deposit | 01/20/2022 | | Deposit to PMA | Morgan Stanl... | X | Morgan Stanley | 17,600.00 | 20,012.72 |
| Deposit | 01/31/2022 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.18 | 20,012.90 |
| Deposit | 02/28/2022 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.46 | 20,013.36 |
| Deposit | 03/31/2022 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.51 | 20,013.87 |
| Deposit | 04/30/2022 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.49 | 20,014.36 |
| Deposit | 05/31/2022 | | Deposit to PMA | Interest Deposit | X | WTB PMA | 0.51 | 20,014.87 |
| Total WTB Blocked PMA | | | | | | | 17,602.58 | 20,014.87 |
| WTB Certificate of Deposit | | | | | | | | 0.00 |
| Total WTB Certificate of Deposit | | | | | | | | 0.00 |
| WTB Non Blocked Simp Checking | | | | | | | | 4,641.16 |
| Check | 09/29/2021 | 132 | Spokane Superior C... | clerk's papers... | X | Clerk's Papers ... | -77.50 | 4,563.66 |
| Check | 11/30/2021 | 133 | Spokane Superior C... | Certified Copy | X | Certified Copy | -6.00 | 4,557.66 |
| Deposit | 12/22/2021 | | Deposit to Simplicity... | from Morgan ... | X | Morgan Stanley | 5,000.00 | 9,557.66 |
| Check | 12/22/2021 | 134 | Winston & Gashatt | attorney for tr... | X | Atty Fees for A... | -6,957.20 | 2,600.46 |
| Check | 12/28/2021 | 135 | Spokane Superior C... | Certified Copy | X | Certified Copy | -6.00 | 2,594.46 |
| Deposit | 01/20/2022 | | Deposit to Simplicity... | Morgan Stanl... | X | Morgan Stanley | 7,400.00 | 9,994.46 |
| Check | 01/20/2022 | 136 | James P. Spurgetis... | trustee fees a... | X | Trustee Fee S... | -5,663.09 | 4,331.37 |
| Check | 04/14/2022 | 137 | United States Treas... | 2021 1041 V | X | 1041 V Payment | -15,940.00 | -11,608.63 |
| Check | 04/14/2022 | 138 | United States Treas... | 2022 1041 ES | X | 1041 ES Paym... | -3,429.00 | -15,037.63 |
| Check | 04/14/2022 | 139 | Schmedding & Asso... | income tax ret... | X | Schmedding | -350.00 | -15,387.63 |
| Check | 04/18/2022 | 140 | Void | | X | Voided Check | | -15,387.63 |
| Deposit | 04/25/2022 | | Deposit to Simplicity... | Morgan Stanl... | X | Morgan Stanley | 20,400.00 | 5,012.37 |
| Total WTB Non Blocked Simp Checking | | | | | | | 371.21 | 5,012.37 |
| Total Checking/Savings | | | | | | | 17,973.79 | 25,027.24 |
| Accounts Receivable | | | | | | | | 0.00 |
| Total Accounts Receivable | | | | | | | | 0.00 |
| Other Current Assets | | | | | | | | 0.00 |
| Total Other Current Assets | | | | | | | | 0.00 |
| Total Current Assets | | | | | | | 17,973.79 | 25,027.24 |
| Fixed Assets | | | | | | | | 0.00 |
| Total Fixed Assets | | | | | | | | 0.00 |
| Other Assets | | | | | | | | 0.00 |
| Total Other Assets | | | | | | | | 0.00 |
| TOTAL ASSETS | | | | | | | 17,973.79 | 25,027.24 |
| LIABILITIES & EQUITY | | | | | | | | 7,053.45 |
| Liabilities | | | | | | | | 0.00 |
| Current Liabilities | | | | | | | | 0.00 |
| Accounts Payable | | | | | | | | 0.00 |
| Total Accounts Payable | | | | | | | | 0.00 |
| Credit Cards | | | | | | | | 0.00 |
| Total Credit Cards | | | | | | | | 0.00 |
| Other Current Liabilities | | | | | | | | 0.00 |
| Payroll Liabilities | | | | | | | | 0.00 |
| Total Payroll Liabilities | | | | | | | | 0.00 |

101

CASE # 37893-4
COURT OF APPEALS DIVISION III

RALPH HOWARD BLAKELY, dba.
BLAKELY FARMS TRUST,
Plaintiff/Appellant,

vs

YOLA DA BLAKELY, et.al., AND
JAMES P. SPURGETIS,
THIRD PARTY,
DEFENDANTS.

Original Case # 96-2-04155-1
SCSC Case # 10-4-00660-7
MOTION FOR RECONSIDERATION RAP 12.4(c)
AND DECLARATION

Appellant Ralph H. Blakely asks this Court of Appeals to Reconsider the erroneous September 1, 2022, unpublished Opinion for the following errors and facts of fraud allowed by the Court and by the Court.

1. This Court illegally confiscates (7) Seven million dollars ^{from} Ralph H. Blakely dba Blakely Farms Trust (real estate business - federal Identification #81- and over 24 years of illegal restraint REFUSES TO ALLOW BLAKELY \$9.00 a month for critically needed hygiene and TYPEWRITER RIBBONS, OR FUNDS FOR TRANSCRIPTS, AND OTHER SUPPORTING LEGAL DOCUMENTS !!!

2. The SCSC (John P Stine and Tony Hazal both refused Blakely's three SUBPOENA DUCES TECUMS that would produce EXTREME FRAUDULENT checking account expenditures of ~~24,300~~ ^{+32,399} that Blakely HAS NOT RECEIVED ANY BENEFIT for a typewriter, paper and absolutely did NOT RECEIVE TWO TYPEWRITER RIBBONS THAT STINE COVERS UP Spurgetis fraudulent billing fee of \$150 plus Check# 116 for \$1500. WHERE HAS ~~\$24,300~~ ^{56,699} been embezzled to whom and by whom ?? ?ER#18

3. The Court erred (page 2) OPENS THE DOOR, HALF OF seven million dollars is three million and NOT \$509,995.08 WHICH WAS EMBEZZLED BY SPURGETIS who can't account for that amount (the many times that Blakely has SUBPOENAED .

4. THE COURT IS GROSS WRONG (Blakely was declared COMPETENT by Eastern State Hospital EXPERTS VERN CRESSEY AND FREDICKSON ISSUES OF COMPETENCY AS DEFINED IN THE COURT ORDER DATED NOVEMBER 2, 1999 cause # 98 1 00610-5)(ER2:61,5 AND ER2:65 APRIL 30, 1999) THIS CLEARLY SHOWS THAT THE COURT OF APPEALS AND THE SPOKANE COUNTY SUPERIOR COURT ARE WRONG IN DECLARING THAT Blakely was a "INCAPACITATED PERSON" JULY 11, 2000 (ER 61-66) COMPARED TO ER 2:61-2:65) THIS A VERY CLEAR SHOWING OF FRAUDULENTLY CREATED Ralph Howard Blakely SPECIAL PERSON CARE TRUST AND THE THEFT OF THREE AND HALF MILLION DOLLAR real estate business. The Courts allowed FRAUD AND CREATED FRAUD of Blakely's wrongful conviction when he is actually innocent.

GROSS MANIFEST ERROR FOR RECONSIDERATION

5. The Court of Appeals 9/1/22 opinion page 2 is gross error "parties reached a settlement of trust litigation in late 1999" is false Blakely has NEVER RECEIVED \$ 9.00 a months for hygiene or a TYPEWRITER OR PAPER OR MEDICAL.

"IN THE DECREE OF DISSOLUTION FILED IN 2000, MR BLAKELY RECEIVED ONE-HALF of *(what)* THE MARITAL PROPERTY AND THE PROCEEDS FROM THE TRUST AS SETTLED. Id at 357" *(joke blakely has received NOTHING!!!!)* ER#6 \$2,379,936.53 | 307,683.46
FALSE JOKE "... mr.blakely IS MENTALLY HANDICAPPED (page 3 opinion) and/or INCAPACITATED, AND WILL REQUIRE MEDICAL AND PSYCHOLOGICAL CARE AND ASSISTANCE WITH FINANCIAL AFFAIRS FOR THE REMAINDER OF (HIS) LIFE." CP at 151 (this is grossly false to be printed by a bias Court of Appeals JUDGE ! ! !) When experts Dr. Vern Cressey and Dr. Fredrickson of EASTERN STATE HOSPITAL (SEE THEIR APRIL 30, 1999 EMPHASIS ER 2:60-2:65 CREATING FRAUD CREATED BY THE COURT AND ALLOWED BY THE COURT ! ! !

6. MANIFEST MAGNITUDE COURT ERROR IS the Court cannot have Blakely incapacitated FIFTEEN MONTHS after Blakely was declared COMPETENT BY EXPERTS Dr. Vern Cressey April 30, 1999, This is wrong based on genuine FACTS that the Spokane County Superior Court created FRAUD AND ALLOWED FRAUD by denying Blakely Due process Notice appearance violation (WSC) Article I Sec 2,10,15,22. ONE Court cannot have Blakely incompetent on one hand and another Court have Blakely competent; THAT IS WRONG WITHOUT DUE PROCESS NOTICE APPEARANCE. RCW 4.08.060.

7. Trustee Spurgetis *(SELF-INTEREST)* has paid out Blakely's hard-earned savings to people to KEEP BLAKELY IN PRISON WITHOUT FOOD, CLOTHING, SHELTER OR HEALTH CARE OR A TYPEWRITER OR RIBBONS OR DENTAL. (SEE ER6:6)

8. "Mr. Spurgetis must make a annual statement of the transactions and ASSETS..." Spurgetis and the Court have REFUSED Blakely's three SUBPEONA DUCES TECUM to produce PROOF of \$ 509,955.08 investment account In his 11th accounting or PROOF of \$24,300 SIMPLIFIED Bank of Washington Trust checking account that Blakely has NEVER RECEIVED ANY BENEFIT FROM. WHERE IS ONE-HALF OF Franklin-Templeton Account #111-1111088304 ⁶⁹⁹⁰⁵¹ \$2,379,936.523??? (ER # 6)

9. Court error of page 4 " half-interest in a 40 acre property co-owned with ex-wife (ER # 5) Spurgetis values manipulated to \$45,000, when there is absolutely NO PROOF that it exists to coverup Spurgetis embezzlement of Blakely's million dollars.

10. Clark TEMPO page 4 "Disbursements totaled \$0,622.01. During that period \$3,931.05 had been paid toward trustee's fees and \$1,992.09 was paid to attorney Fier for his representation of Mr. Blakely" Blakely absolutely did NOT receive DUE PROCES NOTICE APPEARANCE the mandates of RCW 4.08.060 of a FRAUDULENT CREATED RIB special person care trust AND NEVER RECEIVED TYPEWRITER RIBBONS (FEE OF \$150.00)
ck #116 + 15.90

11. The Court of Appeals has aided and abetted trustee Spurgetis' THEFT EMBEZZLEMENT OF \$ 509,955.08 from Ralph H. Blakely doing business as Blakely Farms Trust (real estate) that was valued at more than Seven Million dollars ! Spurgetis submitted absolutely NO PROOF OF \$ 509,995.08 or 1/2 of \$7,000,000.00 The Court ERRED in NOT considering Blakely's supporting documents of THEFT AND EMBEZZLEMENT by trustee Spurgetis and that he has paid lawyers to KEEP BLAKELY IN PRISON!

12. Page 5 Court of Appeals FAVORS commissioner Stine "THERE ABSOLUTELY via NO "ZOOM, video hearing given to legal liaison B. Munnass of WSP VIOLATING DUE PROCESS NOTICE APPEARANCE of Blakely pursuant to the mandated of RCW 4.08.060; which the Courts IGNORE to FAVOR Spurgetis THEFT RCW 9A.96.020(1).

13. Court erred, expecting Blakely to provide a transcript when the Court and Spurgetis tie up and steal all of Blakely's funds. Spurgetis refuses to provide typewriter, ribbons, PAPER AND ABSOLUTELY NO \$9.00 a month for critically needed dental mouth wash or \$ 1.50 for cotton cue tips. BUT TRUSTEE spurgetis has NOT accounted for \$ 23,300 spent from Washington Trust Simplified checking Account. THE COURT OPINIONS WRONG and must be corrected.

14. The Court ERRED, PAGE 6 MANDATE COURT RULES OF RCW 11.88 and RCW 4.08.060 et. seq COURT SHALL PROVIDE DUE PROCESS NOTICE APPEARANCE OF BLAKELY WITH GAL AND ATTORNEY NOT paid to robb Blakely or to KEEP BLAKELY IN PRISON!

15. The Court OPINION is egregiously contrary WITHIN ALL PAGES. The Court must stop covering up Stine's coverup of trustee Spurgetis' THEFT and paying lawyers to keep Blakely in prison without critically needed dental and medical. At this time Blakely cannot pay for the Walla Walla Co Superior Court records to the Court of Appeals or for paper or \$1.50 Q tips, or antiseptic mouth wash.

But the court states Blakely has \$530,000 "IS ABSURBED AND RIDICULOUS OF COURT JUDGES! Page 6 Court opinion. WHERE IS THE PROOF OF \$530,000 and \$24,200^{56,699} checking???????

ANALYSIS - 16. The Court ERRED Court CANNOT HAVE BLAKELY INCAPICITATED ON ONE HAND WITHOUT A GAL or attorney, THEN DECLARE that Blakely failed to cause any record of that proceedings (page 8) to be filed with this court. THEN On the other HAND HE IS COMPETENT AND THE COURT STEALS \$7,000,000 from him declaring Blakely INDIGENT AND NOT ABLE TO PAY FOR COURT RECORDS TO BE TRANSFERRED TO THE COURT IS GROSS RIDICULOUS AND CONTRARY TO DUE PROCESS NOTICE APPEARANCE OF BLAKELY. CONTRARY: THIS COURT HAS TAKEN BLAKELY IN TWO DIFFERENT DIRECTIONS AND THE COURT CANNOT HAVE IT BOTH WAYS. IF BLAKELY CANNOT AFFORD PAPER OR \$1.50 Q tips THEN HE IS INDIGENT WHEN SPURGETIS PAYS LAWYERS TO KEEP BLAKELY IN PRISON WITHOUT DENTAL OR CRITICALLY NEEDED MEDICAL WITHOUT A TYPEWRITER THAT WORKS IS WRONG! DISCRIMINATION AND MISREPRESENTATION ARISES - IS BLAKELY INCAPICITATED OR COMPETENT?????????

I RE MATTER OF RALPH HOWARD BLAKELY dba BLAKELY FARMS TRUST # 37803_5_III

17. THREE TIMES, 2020, 9/24/21, 12/8/21, Blakely submitted Declaration and MOTIONS TO TERMINATE TRUSTEE SPURGETIS (BASED ON FRAUD, THEFT, EMBEZZLEMENT TO Spokane Co Superior Court Judge Tony Hazel and Charelle Bjelkengren. They have refused to rule on them showing coverups of Spurgetis theft.

18. IT IS THE DUTY, AUTHORITY, OF THE COURT OF APPEALS III TO CORRECT THIS GROSS MANIFEST OF INJUSTICE with an Order to rescind the FRAUDULENTLY CREATED RHR special person care trust and STOP DISCRIMINATION AND COVERUP OF trustee Spurgetis theft, embezzlement of Ralph H. Blakely's LIFE SAVINGS and Blakely Farms Trust real estate business.

19. The Court refused to view FRAUD OF Blakely's Funds in violation of (WSC) DUE PROCESS OF Article I Sec 3,10,12,14,15,22 as assignments of Error by the Court. This amounts to grand theft of Blakely's Funds by trustee Spurgetis. IT IS TIME THE COURT STOPPED DISCRIMINATION AND COVERUP OF THIS THEFT. Blakely's four page Declaration and MOTION TO TERMINATE "THIEF trustee Spurgetis; HAS MERITS, constitutional violations and concealment coverup by the Court.

20. THIS COURT OPINION IS MORE INCAPACITATED, INCOMPETENT THAN THE Court that fraudulently declared Blakely incapacitated. IT IS WRONG THAT THEY NOW HOLD BLAKELY TO A HIGHER STANDARD THAN the highly skilled misrepresenting lawyer Anderson who is representing lawyer thief Spurgetis. This Court is more criminal than a persons violating a lower statute, THEY VIOLATE THE SUPREME CONSTITUTIONAL LAW. Stating that Blakely is incapacitated on one HAND, then allowing a crooked lawyer robb Blakely age 86 of his life savings; IN FRAUD ALLOWED BY THE COURT.

21. Blakely filed 2/17/22 Motions to Strike MISREPRESENTING the facts lawyer Anderson who represents the thief highly skilled lawyer Spurgetis ! ! ! ! ! This Court NEEDS TO STOP associated mafia coverup for their brother lawyers ! ! ! NOW THEN this Court did NOT answer WHO IS PAYING THIS HIGHLY SKILLED MS ANDERSON TO REPRESENT THEIF SPURGETIS ? ? ? WHY IS BLAKELY BEING HELD TO A HIGHER STANDARD THAN THE LAWYER REPRESENTING the lawyer Spurgetis ? ? ?

22. The Court is wrong, Blakely does identify FRAUD AND MISLEADING FACTS BY highly skilled lawyer Anderson of violating the MANDATORY "SHALL" DUE PROCESS NOTICE APPEARANCE of Blakely in all Court Actions pursuant to RCW 11.88 et.seq. and RCW 4.08.060 et.seq.; Wash Rem.Sect 1565,0897. In re Gaddis, 12, Wm 114,123(1942) Blakely also IDENTIFIES trustee Spurgetis embezzlement of \$28,800 Washington Trust Simplified Checking Account WITHOUT ABSOLUTELY NO BENEFIT TO Ralph H. Blakely. THIS COURT FAILS TO IDENTIFY Blakely as being ***incapacitated*** and should NOT be held to a higher standard than the MISREPRESENTING LAWYER ANDERSON REPRESENTING the thief trustee Spurgetis who pays others to keep Blakely in Prison.

? WHO PAYS ANDERSON 12/21/21 \$6,957 ?

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23. COA III bias opinion page 12 line 6 is FALSE "the fact that a jury found him competent to stand trial a 'year' after the GAL was appointed and 4 months after settlement of the trust"... THIS IS FLAGRANTLY FALSE !! (SEE EXPERT ER2:58-65 DOCTOR VERN CRESSEY AND DR. FREDRICKSON REPORTS OF NOVEMBER 5, 1999, MORE THAN A YEAR BEFORE judge Linda Tompkins JULY 11, 2000 5 page FRAUDULENT REPORT declaring Blakely "incapacitated person" WITHOUT DUE PROCESS NOTICE ***SHALL APPEAR WITH LAWYER GAL MANDATORY OF RCW 11.88 et. seq. RCW 4.08.060 et. seq. also violating (WSC) Article 3, 9, 12, 14, 22 the SUPREME CONSTITUTIONAL LAW !!! bias court !!!

24. The Court erred in stating "This Court's 2002 decision foreclosed Blakely from rearguing trust complaints ..." IS A MISCARRIAGE OF JUSTICE, WHEN THE fraudulent created RHB special person care trust WAS CREATED WITH FRAUD; WITHOUT Blakely's DUE PROCESS APPEARANCE MANDATES OF RCW 4.08.060 et. seq. ???res judicata??? STOP DISCRIMINATORY COVERUP OF FRAUD ALLOWED BY THE COURT AND BY THE COURT !! HOW CAN BLAKELY ARRANGE FOR THE TRANSCRIPTION OF ALL THOSE PORTIONS OF PROCEED CS WHEN THE COURT ALLOWED THIEF SPURGETIS TO STEAL ALL BLIND 86 year-old Blakely's life savings and won't allow him funds for a critically needed Listerine mouth wash.

28. CONCLUSION AND REQUEST FOR RECONSIDERATION

The genuine issue of material fact is that the court cannot allow a miscarriage of justice to continue by allowing the Superior Court and thief Spurgetis to continue to pay lawyers to keep INNOCENT blind Blakely in prison at age 86. The genuine issue of material fact is that the Spokane Court allowed the creation of RHB special Personcare trust in ORDER TO PAY LAWYERS TO KEEP blakely in Prison. The genuine issue of material fact is the FRAUDULENT CREATED RHB special person care trust was created with false fabricated evidence FIFTEEN MONTHS AFTER Blakely was declared COMPETENT by experts Dr. Vern Cressey and Dr. Fredrickson at State Hospital NOVEMBER 5, 1999 LONG BEFORE Judge Tompkins FRAUDULENT July 11, 2000 5 page order that allowed mafia lawyers to steal Blakely SEVEN Million dollar real estate business.

I declare under penalty of perjury of Washington Laws that the aforementioned is true with direct personal knowledge, September 14, 2022. *Ralph W. Blakely, 817995*
at WSP WB120 W.W. WA 99362

15

SPOKANE COUNTY SUPERIOR COURT OF WASHINGTON

RALPH HOWARD BLAKELY, dba,
BLAKELY FARMS TRUST,
Plaintiff,

vs

YOLANDA BLAKELY, ET.AL.and
JAMES P. SPURGETIS,
Defendants.

Original CASE NO. 96-2-04155-1

Case No. 10-4-00660-7

MOTION AND ORDER FOR SUBPOENA DUCES
TECUM OF SPECIFIC LEGAL DOCUMENTS
PURSUANT TO CR 45 secs(a)(1)(4)(6)(2)

The Defendant Terminated Trustee James P. Spurgetis of the Ralph H. Blakely "Special Person Care Trust" are commanded to mail to Ralph H. Blakely; WSP W B120 Box 520; Walla Walla, WA 99362 the following specific documents:

1. Copies of substantial proof of securities accounts(name of business) current date, amount that are the property of Ralph H. Blakely in the amount of \$ 619,798.52 for accounting period starting 5/31/20 and ending 5/31/2021/
2. Copies of substantial proof of securities accounts (exact security business, current date, amount of total assets at market value as of the beginning of review period of 5/31/20 amounting to \$ 509,995.08
3. PRODUCE copies of Pend Oreille County 40 acre timber parcels #44311023001 and 44311023002 paid tax receipts for 2021!
4. DEMAND copies of Attorney, trustee FEE BILLING(S) for 2019,2020,2021.
5. Copies of FRAUDULENT accountant /Tax preparation Fees: Schmedding Allen for amount of \$350 and \$2,126.25 and copy of THAT TAX RETURN !
6. Copies of all Bank (Simplified chekking account) from 2016 to current with deposits amounting to about \$28,500.

Having reviewed Plaintiff Blakely's March 31, and September 15,2021 Declarations, 23 pages of supporting exhibits and FRAUDULENT 12th trustee accounting statement of 9/2/21 as a basis for Plaintiff's request for this SUBPOENA DUCES TECUM.

IT IS HEREBY ORDERED that trustee James P. Spurgetis supply the Plaintiff Blakely with the above mentioned specific documents before 2021.

Done in open Court September 2021

Judge



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
B32-23 • PO Box A • Medical Lake WA 99022-0045

February 17, 2000

The Honorable Evan E. Sperline
Judge of the Superior Court
Grant County Courthouse
Ephrata, Washington 98823



RE: HOWARD RALPH BLAKELY
DOB. 06-03-36
ESH NO. 543534
CAUSE NO. 98-1-00610-5

Dear Judge Sperline:

Mr. Howard Ralph Blakely is a 63-year-old, estranged, multiple-divorced, Caucasian male who was admitted to Eastern State Hospital for the first time on March 10, 1999 under RCW 10.77.060 for evaluation of legal sanity and competency from Grant County. He has pending legal charges of Kidnapping in the First Degree (two counts). On November 2, 1999 Mr. Blakely was ordered back to Eastern State Hospital for 90 days.

Mr. Blakely was evaluated by the attending psychiatrist, was observed on the CETP ward, and participated in individual sessions with the competency therapist.

Mr. Blakely's current diagnoses are:

Axis I (Clinical Disorders):

1. Adjustment Disorder with Depressed Mood
2. Elective Mutism (Resolved)

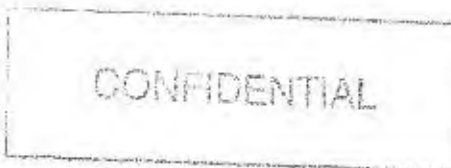
Axis II (Personality Disorders, Mental Retardation):

1. Paranoid Personality Disorder with Schizotypal Traits
2. Narcissistic Personality Disorder with Antisocial Traits

Axis III (General Medical Conditions):

1. Non Contributory

Pertinent Social and Psychiatric History



Mr. Blakely's social and psychiatric history has been documented in our letter to the court dated April 30, 1999. We have received no information at this time that would modify our previous statements.

Course of Hospitalization

Mr. Blakely returned to the ward on November 5, 1999. At first he did not speak to anyone and looked no one in the eye. However, on November 6, 1999 he spoke on the phone to a friend (Ms. Wise) for about ten minutes. According to staff his speech was clear and appropriate. By November 18, 1999 Mr. Blakely talked at length with his attending psychiatrist. He stated that his teeth and his kidney pain caused him to be mute. He also alleged that he was pushed down on the ward and that also caused his mutism. Mr. Blakely was offered medications at this time but he refused them stating, "My mind is in control, medications would throw it off balance." "If I could get my freedom, I could go back and deal with the ranch - then I would take medication."

On November 26, 1999, however, Mr. Blakely agreed to take medication for his depressed mood and his problems with sleep. At first he complained that the medication made him dizzy but continued to take the medication. He is on the same medication at this time.

Throughout his stay on the ward, Mr. Blakely frequently complained about somatic problems. According to medical staff (December 22, 1999), Mr. Blakely is struggling to find something wrong with himself physically. "Apparently he doesn't want to be well." It should be noted, however, that some of the somatic complaints were legitimate and resolved with treatment while other complaints continued despite every effort to treat them.

After Mr. Blakely's elective mutism resolved, he began to attend all scheduled groups and one-to-one sessions with the competency therapist. During these sessions Mr. Blakely stated that he did not have a mental illness but that all his life he was rather "slow." In addition the issues of his psychosomatic complaints were addressed. According to the competency therapist, Mr. Blakely has used this behavioral pattern - one of victimization - as a means of controlling his environment and those around him.

As Mr. Blakely's stay on the ward progressed, we concluded that his behavior was a product of his rather severe and extensive personality disorder. After reviewing all the materials available to us, we added a paranoid personality component to his diagnosis as we believe that Mr. Blakely does not suffer from an Axis I Disorder other than Adjustment Disorder.

The Honorable Evan E. Sperline
February 17, 2000
Page 3

RE: HOWARD RALPH BLAKELY
ESH NO. 543534
CAUSE NO. 98-1-00610-5

Issues of Competency as Defined in the Court Order dated November 2, 1999

It is our opinion that Mr. Blakely has the capacity to understand the proceedings against him and has the capacity to assist in his own defense.

Mr. Blakely is well aware of the court proceedings and the participants involved with these proceedings. He is well aware of the plea options and the potential consequences of each plea.

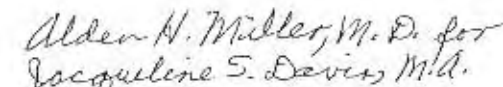
Throughout the one-to-one sessions Mr. Blakely expressed anger and disappointment in his attorney for "delaying the court proceedings." He stated that he wanted to get on with the trial and get this part of his life over with. It is our opinion, however, that Mr. Blakely can work with his attorneys.

It should be noted that Dr. Grubb did not prescribe medication to Mr. Blakely, nor did he visit with Mr. Blakely at Eastern State Hospital. Because Mr. Blakely's elective mutism resolved, no M.R.I. or neuropsychiatric evaluation was conducted as per Court Order 3.9.

Our opinion on Mr. Blakely's capacity to (1) know or appreciate the nature and consequences of criminal conduct or to know or appreciate the criminality of such conduct and (2) to form the intent to commit a crime, has not changed from our opinions presented in our letter to the Court dated April 30, 1999. In addition our opinion, as presented in the Court Letter dated April 30, 1999, as to whether Mr. Blakely is a substantial danger to himself or others, has not changed.

Sincerely,


W. Timm Fredrickson, Ph.D., FACFE
Licensed Psychologist


Alden N. Miller, M.D. for
Jacqueline S. Davis, M.D.
Jacqueline S. Davis, J.D., M.A.
Competency Therapist


Verne E. Cressey, M.D.
Psychiatrist

rg

pc: John Knodell, Prosecuting Attorney
Dennis Cronin, Attorney for Defendant
Lisa Cordova, Grant County Mental Healthcare
Grant County Jail Medical, Rick Llewellyn, c/o Kathleen Holloway, RN

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STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

B32-23 • PO Box A • Medical Lake WA 99022-0045

February 17, 2000

The Honorable Evan E. Sperline
Judge of the Superior Court
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CONFIDENTIAL

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ER2:61
20

The Honorable Evan E. Sperline
February 17, 2000
Page 2

RE: HOWARD RALPH BLAKELY
ESH NO. 543534
CAUSE NO. 98-1-00610-5

Axis III (General Medical Conditions):

1. Non Contributory

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Pertinent Social and Psychiatric History

Mr. Blakely's social and psychiatric history has been documented in our letter to the court dated April 30, 1999. We have received no information at this time that would modify our previous statements.

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As Mr. Blakely's stay on the ward progressed, we concluded that his behavior was a product of his rather severe and extensive personality disorder. After reviewing all the materials available to us, we added a paranoid personality component to his diagnosis as we believe that Mr. Blakely does not suffer from an Axis I Disorder other than Adjustment Disorder.

The Honorable Evan E. Sperline
February 17, 2000
Page 3

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ESH NO. 543534
CAUSE NO. 98-1-00610-5

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Throughout the one-to-one sessions Mr. Blakely expressed anger and disappointment in his attorney for "delaying the court proceedings." He stated that he wanted to get on with the trial and get this part of his life over with. It is our opinion, however, that Mr. Blakely can work with his attorneys.

It should be noted that Dr. Grubb did not prescribe medication to Mr. Blakely, nor did he visit with Mr. Blakely at Eastern State Hospital. Because Mr. Blakely's elective mutism resolved, no M.R.I. or neuropsychiatric evaluation was conducted as per Court Order 3.9.

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Sincerely,

W. Timm Fredrickson, Ph.D.
W. Timm Fredrickson, Ph.D., FACFE
Licensed Psychologist

*Alden H. Miller, M.D. for
Jacqueline S. Davis, M.D.*
Jacqueline S. Davis, J.D., M.A.
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CONFIDENTIAL

rg

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The Honorable Ivan E. Sperline
April 30, 1999
Page 10

CONFIDENTIAL

RE: HOWARD RALPH BLAKELY
ESH NO. 543534
CAUSE NO. 98-1-00610-5

Mr. Blakely's general mental ability was measured with the GAMA - a nonverbal test that required Mr. Blakely to answer reasoning and problem-solving questions using abstract geometric designs - and he earned a GAMA IQ score of 113. This score falls in the High Average range of mental ability. His GAMA IQ score is ranked at the 81st percentile, which means that his performance was equal to or greater than that of 81% of individuals his age.

Mr. Blakely's performance on the WMT was within normal limits, which means that he exhibited no memory problems (recall or recognition) as measured by this assessment.

On the Trails A portion, Mr. Blakely completed the task in 45 seconds with no errors. This score placed Mr. Blakely in the 50 - 75th percentile range for individuals of similar age. On the Trails B portion, Mr. Blakely completed the task in 106 seconds with no errors. This score also placed him in the 50 - 75th percentile range for individuals of similar age.

The results from the above assessments suggest that Mr. Blakely is of normal intelligence with no significant memory problems or significant neuropsychological deficits. These results are consistent with earlier assessment results (neuropsychological assessment, MRI, and CT Scan).

On the first presentation of the MPS - an objective inventory that assesses whether an individual is attempting to produce false evidence of psychological distress - Mr. Blakely responded to the test statements in contradictory ways invalidating the results. When he was given the MPS a second time, Mr. Blakely responded to the questions in a consistent fashion. Mr. Blakely's responses indicated that he responded to the statements without exaggeration or false claims of symptomatic distress.

Mr. Blakely's MMPI-2 profile was marginally valid due to his tendency to deny even the most common human faults and is trying to create an unusually favorable impression of him. The profile can be interpreted, however. Mr. Blakely presented with a 2/6 Codetype with clinical elevations on Scales 1, 3, 4, 8. These individuals are angry, depressed individuals with so much anger that it is directed both against themselves and others. These individuals are very sensitive to criticism and prone to overinterpret the most innocuous of comments. This individual appears to have a chronic neurotic reaction with mixed symptomatology. Multiple somatic complaints, depressed mood, and hysteroid features are typical and because of the rather significant elevation of Scales 1,2,3, this is quite likely. These individuals seem to operate at low levels of efficiency for extended periods. The elevated Scale 4 indicates the presence of some antisocial behavior and attitudes, but it does not necessarily mean that this behavior will be expressed overtly. Because the Scale 8 score is mildly elevated, the presence of a thought disorder is unlikely.

On the MCMI-II, Mr. Blakely produced a valid profile with no unusual test-taking attitude that would distort the results. The Narcissistic Personality Scale was elevated in the disorder range with the Avoidant and Schizoid Personality Scales also clinically

ER264


The Honorable Evan E. Sperline
April 30, 1999
Page 16

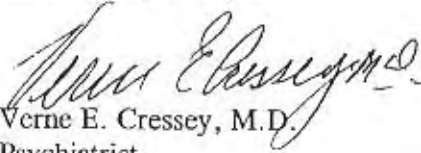
RE: HOWARD RALPH BLAKELY
ESH NO. 543534
CAUSE NO. 98-1-00610-5

protection of the patient. If they are desired for court, please address a specific request to our Medical Records Department (299-4268). This can be done by either the prosecuting attorney, defense attorney or the Judge.

We trust this information will be helpful in further adjudication of this case.

Sincerely,


W. Timm Fredrickson, Ph.D., BCFE
Licensed Psychologist


Verne E. Cressey, M.D.
Psychiatrist

rg

pc: John Knodell, Prosecuting Attorney
Bevan Maxey, Attorney for Defendant
Grant County Jail Medical Unit, Rick Llewellyn, c/o Kathleen Holloway, RN
Grant County Mental Healthcare, Lisa Cordova

CONFIDENTIAL

24
ER-2-65

SPOKANE COUNTY SUPERIOR COURT OF WASHINGTON

RALPH HOWARD BLAKELY, dba,
BLAKELY FARMS TRUST,
Plaintiff,

vs

YOLANDA BLAKELY, et.al.,

vs

JAMES P. SPURGETIS,
THIRD Party,
Defendants.

ORIGINAL CASE No. 96-2-04155-1

Case No. 10-4-00660-7

AFFIDAVIT OF RALPH H. BLAKELY IN
SUPPORT OF MOTION TO TERMINATE TRUSTEE
James P. Spurgetis and to RESCIND THE
FRAUDULENTLY CREATED SPECIAL PERSON
CARE TRUST

I, Plaintiff Ralph H. Blakely, declare under penalty of perjury of the laws of Washington that the following list of improper payments to people is not the exact amount, but a close approximate paid to each of the following:

2. \$200,000. was improperly paid to Ralph H. Blakely ,SR without Due Process.
3. \$6,000. was paid to Melvin Champagne without Due Process Hearing.
4. \$40,000. was paid to Dennis Cronnin & Maxey to keep Blakely in Prison.
5. \$295,000 was paid to Douglas Phelps to keep Blakely in Prison.
6. \$28,000 was paid to Matthew Dudley to head the cabal of exploiters.
7. \$15,000 was paid to Larry A. Weiser to mastermind the cabal. as GAL.
8. \$90,000 was paid to John P. Bjorkman to seized Blakely Business Funds.
9. \$500,000 was confiscated by Gary Cormier to liquidate Blakely Estate.
10. \$195,000 was seized by Gary Gainer & Dennis Hession as manipulators.
11. \$11,000 was paid to Richard L. Sayre to prepare FRAUDULENT Special Trust.
12. \$39,000 was paid to Clifton Larson Allen to file tax returns for 20 years.
13. \$80,000 has been paid to trustee James P. Spurgetis to cover FRAUD.
14. \$8,000 was paid to Eric Schumaker to cover for the fraud of others.
15. \$10,000 was paid to Steve K. Gustafson to cooperate with the cabal.
16. \$6,000 was paid to Debie Kurbitz to secure fruad payments to RHB.
17. \$70,000 was paid to Paul F. Blakely to quite him of the fraud
18. \$70,000 was paid to Becky B. Barker as financial explotation of Blakely.
19. \$70,000 was paid to Lorene L. Blakely as financial exploitation.
20. \$1,874,000 was stolen by Lorene and Yolanda Blakely as Fed interstate Com.
21. \$80,000 was paid to Jeffrey Fisher to create grounds for life prison.
- 21A. \$27,000 was paid to John L McKean to enforce the 'incapacitated person'!
- 21B. \$65,000 was paid to W DSHS at request of Grant County Superior Court.

22. ^{45,000 a DOLLAR 2010} \$35,000 was paid to Robert Cossey as cabal directive to allow a conviction.
23. \$35,000 was paid to John C. Perry not to appeal the Farce of Blakely conv.
24. \$35,000 was paid to Michael C. Kahrs to keep Blakely in prison without M&D.
25. \$8,500 was paid to Kenneth H. Kato to do nothing.
26. \$13,992 was paid to Jeffry K. Finer to keep Blakely without medical and dental.

The approximate Total illegally paid to people without due process notice to Plaintiff Ralph H. Blakely is about \$2,814,492.00 from a PLUNDERED profitable real estate business with clear assets valued at more than SEVEN MILLION DOLLARS....

27. Plaintiff Blakely was stopped 2002 by Larry A. Weiser from purchasing 10,000 share of AMAZON stock with security funds in Salomon Smith Barney of \$307,683... (please view ER # 6 which was prepared by John Bjorkman of Clifton Larson Allen)
28. Due Process notice was not served on Plaintiff Blakely on the interstate Commerce disappearance of 2,379,936.53 \$\$\$ from Franklin Templeton Acct# 699051...
29. Plaintiff Blakely was never given Due Process notice for the sale of Logan 119 Acre twelve million dollar subdivision and half million dollar lumber warehouse with sawmill and lumber. Blakely has asked many times for the trustee to provide an accounting of that and the \$628,000 Royal Apples Sales Contract.
30. Plaintiff Blakely has many times asked for PROOF of the "MANIPULATED" securities account of a half million dollars, and trustee Spurgetis refuses.
31. Plaintiff has too many times asked for an accounting of construction equipment, mechanical, electrical, farm and orchard equipment of more than a half million dollars. Trustee Spurgetis self-interest of financially exploiting a vulnerable almost blind elder Blakely.
32. Trustee Spurgetis has too many times charged ATTORNEY FEES and has always represented the theft, of funds from Plaintiff Blakely. Spurgetis must be terminated as trustee of the Ralph Blakely Special Person Care Trust, which has only been a benefit to the cabal.
33. About \$80,000 paid to Long, Meyers, Vaino, More was not included in the \$2,814,492. mentioned above, that was not paid out by trustee Spurgetis.
34. February 27, 2020, check#116 for \$15.90 was paid for typewriter ribbons that Plaintiff critically needs, but absolutely did not receive them!
35. Trustee Spurgetis as an employee of Clifton Larson Allen have been TRIPLE BILLING vulnerable Blakely every year for the SAME ACCOUNTING, TAX, INVESTMENT SERVICE AS A SCHAM "RICO" SCAM. When they have never filed a tax refund return for Blakely on \$200,000 that was mistakenly paid to the I R S and \$100,000 that was mistakenly paid to the Montana Department of Revenue ! ! !

36. Re #34 in addition to \$15.90 for ribbons never received, but was charged over \$50.00 for writing check, attorney fee for signing, paralegal fee for ordering them; which creates fraud and trustee Spurgetis must be terminated.

37. May 31, 2019, Blakely Trust Balance Sheet Detail, Clifton Larson Allen (CLA) was paid \$1,910 and \$1,970 for tax accounting and filing, when all accounts are blacked and closed accounts? ? ? And James P. Spurgetis is paid \$1,801. to audit the SAME: REFUSING TO supply Blakely with itemized attorney fee statements for August 2013 to August 2020 without one that I have for 8/23/18.

38. COMPARATIVE ! ! ! (CLA) has never supplied Blakely is specific itemized monthly tax accounting statement as a RICO SCAM. Must Blakely do a Subpoena Duces Tecum for (CLA) tax accounting statements of fraud? ? ?

39. Excerpt (ER) 15-19; 15-20; 15-21; 15-22; 15-23 clearly and conclusively have evidence gross financial exploitation of blind left eye, sporadic right eye 85 year old Ralph H. Blakely, who has been wrongfully convicted and has substantial evidence proving actual innocence.

40. Excerpts (ER) 15-10, 11, 12, 13, 14, 15, 16, ?, 18 clearly and conclusively show that Ralph H. Blakely is more than an expert of high intelligence to manage his financial property and matters, when during 2002, 2003 he was not allowed to purchase 10,000 shares of AMAZON at \$ 25-35 per share, and his security accounts were improperly seized by the cabal.

41. Excerpt (ER) is page 6 of Accountant John P. Bjorkman of Clifton Larson Allen of December 28, 2002 clearly showing Salomon Smith Barney with two Blakely Security Accounts of \$307,683 and \$ 148,450, which would have covered the purchase of 10,000 AMAZON shares at \$30. What happened to \$2,379,936. Franklin-Templeton account # 11119083051 ? ? ?

I, Ralph Howard Blakely age 85, declare under penalty of perjury of the laws of Washington that all excerpts, exhibits and the aforementioned approximate funds, people were improperly paid by trustee Spurgetis is true. *Ralph H. Blakely 3/31/21*

CERTIFICATION OF SERVICE

I, Ralph H. Blakely Excerpt #5, #7 do not have funds for copies to serve on Trustee James P. Spurgetis, nor postage for the 30 pages, March 31, 2021

Ralph H. Blakely
Ralph H. Blakely 817995
WSP 413 1210
Box 520
Walla Walla WA 99362

Expedite
Judge: McKay

SPOKANE COUNTY SUPERIOR COURT OF WASHINGTON

RALPH HOWARD BLAKELY, dba,
BLAKELY FARMS TRUST,
Plaintiff,

vs

YOLANDA BLAKELY, et.al.,
AND JAMES P. SPURGETIS, ET.AL.
Defendants.

ORIGINAL # 96-2--04155-1 .

10-4-00660-7

DECLARATION AND MOTION TO STOP THE
EMBEZZLEMENT OF FUNDS RCW 9A.56.030(1)
RCW 74.34.110 et.seq.; RPC8.4(b)(c)(C)

NOTICE JUDICIAL ASSISTANT: I HAVE BEEN DEPRIVED OF FUNDS AND DO NOT HAVE RESOURCES FOR COPIES AND MAILING TO EVERYONE !

Plaintiff Ralph H. Blakely age 86, blind left eye, illegally imprisoned for 24 years has been deprived of his Seven Million dollar real estate business by lawyer theft and embezzlement. (ER16-17) FRAUD

2. SINCE June 2018, James P. Spurgetis (through or out of) the Ralph H. Blakely (Special Person CARE trust) Simplified Checking Account HAS EMBEZZLED ABOUT \$ 68,912.51 for his personal SELF-INTEREST and not that of ADA Blakely's benefit ! Excerpt(ER 18-21)

3. Spurgetis has over the years, paid out more than TWO AND HALF MILLION dollars to people and lawyers to KEEP BLAKELY in prison. NOW this is EXTRAORDINARY! Blakely has absolutely received NO BENEFIT, NO DENTAL, NO MEDICAL. (ER 18-21)

4. Spurgetis paid Lawyer Kahrs \$35,000 to make sure that Blakely did NOT get needed medical, just as he paid Finer \$13,992. and \$8,500 to Kenneth Kato to make sure Blakely would NOT get out of prison alive ! NOW IS THE TIME FOR THIS COURT TO STOP THIS EMBEZZLEMENT OF Blakely funds. (ER 20)

5. In viewing Excerpt (ER 18) everyone of Ralph H. Blakely (Special person CARE trust) (Washington Trust Bank) ^{check} were FOR LAWYER SPURGETIS SELF-INTEREST and ~~NOT~~ \$ 1.30 to the benefit of Blakely. ^{check} NOW THIS MUST BE STOPPED !

6. Extraordinary FRAUD arises, when Spurgetis pays himself \$6,454.00 lawyer FEES in addition to paying LAWYERS WINSTON & Cashett \$6,957.00 to embezzle Blakely's critically needed dental and medical FUNDS. Blakely received absolutely NOTHING. This amounts to Theft RCW 9A.56.030(1) violation. (ER 18-

7. Spurgetis has prevented Blakely from getting a COURT HEARING DATE for his termination by Judicial Assistant Lisa Gutkowski, which DENYS Blakely his DUE PROCESS RIGHTS.

8 *. Why has Judge McKay's Court refused to give Blakely a Order for (zoom computer hearing) ?

AS CLEARLY AND CONCLUSIVELY evidenced by the April 13, 2016, Petition for Writ of Habeas Corpus, the COURT is required, as a matter of law, to either unconditionally RESCIND the unlawful created 'Ralph Howard Blakely Special Person Care Trust and return care, ciutody and control of the current bank accounts and assets over to competent Ralyph Blakely, consistent with Exerpts (ER or, "if on the other hand", the COURT is required by LAW to appoint a 'GuardianAd Litem' for that incapacitated person, pursuant to the mandates of RCW 4.08.060 et.seq.; NOT withstanding the legal fact that James P. Spurgetis cannot validly proceed because he has an actual conflict of interest resulting from embezzlement and SELF-interest, (WSBA) grievances of fraud against James P. Spurgetis, where he misrepresents facts about Blakely.

The clear statutory language of RCW 4.08.060 et.seq., "WHEN AN INCAPACITATED PERSON is a party to a action in the Superior Court, HE SHALL APPEAR BY GAL...." deprives this COURT of competency to proceed over the so-called RHB Special Person CARE trust, in the absence of compliance with the mandatory language of "SHALL APPEAR BY GUARDIAN" cf., Lexecon v. Milberg Weis Bershed Rynes & Lerach, 523 U.S.26,35,118 S.Ct.956, 140 L.Ed.62 (1998)("the MANDATORY "SHALL"... normally creates an obligation impervious to judicial discretion"); Keene Corp. v. Coss, 532 U.S.394,(2001)(Failure to appoint Counsel ... is a unique constitutional defect arising to a level of a jurisdictional defect").

CONCLUSION: This COURT lacks competent jurisdiction to proceed, absent one of two alter ative~~s~~es: first, this court should make a ruling that Ralph H. Blakely is currently not a "INCAPACITATED PERSON" and cause to have care, custody and control of all Ralph H. Blakely's remaining financial and property assets returned to him. Or second, appoint a GAL as MANDATED by RCW 4.08.060 and appoint counsel JUST AS lawyer spurgetis PAID WINSTON & Cassett \$,6,957 of Blakely's FUNDS FOR HIS COUNSEL !!!!!!!!!!! THIS IS WRONG.

This is the FIFTH request to terminate Spurgetis here and now and STOP HIS EMBEZZLEMENT. RCW 9A.56.030(1); RCW 74.34.(110) et.seq. RPC 8.4(b)(c)(C)

I, Ralph H. Blakely declare under the penalty of perjury of the laws of Washington that the foregoing is true with direct knowledge. October 26, 2022.

Ralph H. Blakely
WSP W B 120
1313 13th Ave
Walla Walla WA 99362

& TERMINATE TRUSTEE SPURGETIS

JUDGE TONY HAZEL
SPOKANE COUNTY SUPERIOR COURT OF WASHINGTON

Ralph Howard Blakely, dba,
BLAKELY FARMS TRUST,
Plaintiff,

vs

YOLANDA BLAKELY, et.al,
Attorney James P. Spurgetis,
Defendants.

Original CASE NO. 96-2-04155-1
DECLARATION & NO. 10-4-00660-7
MOTION FOR HEARING TO TERMINATE
TRUSTEE JAMES P. Spurgetis
COMBINED WITH DECLARATION OF LAW
RCW 2.24.050 & LRO.7(WSC) Art IV s 6
RCW 4.08.060 et seq

NOTICE: CLERK, JUDICIAL ASSISTANT MORMON, TRUSTEE, I DO NOT HAVE ACCESS TO A COPY FOR EVERYONE AND HAVE BEEN DENIED ACCESS TO THE COURTS

A: Plaintiff Blakely is asking this Court for a hearing to terminate trustee Spurgetis and rescind the fraudulently created trust based on the following

DUE PROCESS NOTICE WAS NOT GIVEN, NOR WAS RALPH HOWARD BLAKELY ALLOWED TO ATTEND THE SPOKANE COUNTY SUPERIOR COURT APRIL 11, 2000, ACCORDING TO MANDATES OF RCW 11.88 & RCW 4.08.060 et seq DECLARING BLAKELY AN "INCAPACITATED PERSON"

The provisions of RCW 4.08.060 et seq are mandatory and not satisfied by the person under a legal disability being represented by an attorney. Dill v. Superior Court, 60 Wn.2d 148, 372 P.2d 541 (1962).

Beings Judge Tompkins exercised custody, care and control over the legal personage of Ralph Howard Blakely, April 11, 2000, under RCW 11.88 et seq the Grant County Superior Court "LACKED JURISDICTION AND VENUE" to prosecute Blakely for his wife's 'scheme' to have herself kidnapped. THEN, according to Court record testimony of state chief witness communicated offer of solicitation took place in (AHCC) Kunit SPOKANE COUNTY October 7, 2002?? (VENUE AND JURISDICTION ?

1. When an "incapacitated person" is a party to an action in the superior court, he "SHALL APPEAR BY GAL" or if he has no guardian, (1) the opinion of the court the guardian is an improper person, the court SHALL BE appointed as follows (1) When the 'incapacitated person' is Plaintiff, upon the application of a relative or friend of the 'incapacitated person', WHICH GIVES Blakely a state created, federally protected right to representation by an (honest, loyal) attorney (NOT PAID TO KEEP Blakely in prison without DENTAL OR MEDICAL) depriving him of his life estate and business.

a) ALSO DEPRIVING the Grant County Superior Court of competent jurisdiction and venue to convict Plaintiff Ralph Howard Blakely of two counts of solicitation.

2. Plaintiff Blakely was fraudulently and unlawfully stripped of his legal personage without being given "NOTICE" or allowed to attend the proceedings, and such denial of procedural "DUE PROCESS" renders the "Special Person Care Trust" invalid and it must be rescinded

a) ALSO RENDERING the Grant County wrongful conviction invalid based on the aforementioned Court record VENUE.

at law, but also, apparently, the fact that the trust was not a charitable trust, and that the trust was not a trust for the benefit of the public, but a trust for the benefit of private individuals. The fact that the trust was not a charitable trust, and that the trust was not a trust for the benefit of the public, but a trust for the benefit of private individuals, is a fact which is not in dispute. The fact that the trust was not a charitable trust, and that the trust was not a trust for the benefit of the public, but a trust for the benefit of private individuals, is a fact which is not in dispute. The fact that the trust was not a charitable trust, and that the trust was not a trust for the benefit of the public, but a trust for the benefit of private individuals, is a fact which is not in dispute.

The trust was created by will, and the trust was not a charitable trust, and the trust was not a trust for the benefit of the public, but a trust for the benefit of private individuals. The fact that the trust was not a charitable trust, and that the trust was not a trust for the benefit of the public, but a trust for the benefit of private individuals, is a fact which is not in dispute. The fact that the trust was not a charitable trust, and that the trust was not a trust for the benefit of the public, but a trust for the benefit of private individuals, is a fact which is not in dispute. The fact that the trust was not a charitable trust, and that the trust was not a trust for the benefit of the public, but a trust for the benefit of private individuals, is a fact which is not in dispute.

Plaintiff Blakely, April 12, 2010, filed a 23 page Petition for writ of habeas corpus to Judge Hamilton for an order to terminate the John Lewis Blakely 'Special Person Care Trust, based on fraud and/or deed improperly. And before, during 2007-2008, Blakely filed a motion to rescind this fraudulently created trust, to return custody of his life's assets and bank accounts.

1. Each year, Blakely has filed a sworn declaration to trustee's annual accounts and proposed budget as financial & violation of a valid trust. (See 74.36.110 (1-3) et seq. re self-interest and assets plundering Blakely's life estate and real estate business without DPL approval of law.

As is clearly and conclusively evidenced by the April 12(20), 2010, Petition by Blakely, the respondent is required, as a matter of law, to either unconditionally rescind the defendant Blakely 'Special Person Care Trust and return full, custody and control of the trust's bank accounts and assets over to the Plaintiff Blakely, or, on the other hand, according to the provisions of WA 74.36.110 et seq. the Plaintiff may by use of Blakely's will & power of attorney appoint "Bill" Blakely was certainly named "Bill" Blakely of WA" and may never have allowed the Blakely 'Special Person Care Trust to be subject to the public interstate commerce trust of his life and real estate business assets and security accounts. By action Blakely has been filed with the Washington State Bar Assoc. by Blakely's attorney, that he has been practicing, misrepresentation, self-interest in each and every annual trustee accounts. (See exhibits)

2. Judge Blakely's January 6, 2011, 'ORDER DENYING PETITION' is in gross conflict (erroneous) when Blakely is not allowed a parole once or twice a month for medical, dental, type paper, type numbers, hygiene and lawyers are paid by trustee to keep Blakely in prison with 2 monthly 120 mg. psychotropic medicine to create mental illness. Blakely critically needs PHYSICIAN MEDICAL

and 1/11/21 order for recognition of 1/21/21 order. If Blakely had custody of his rights like a WOULD BE AN EQUITY !!! Lawyers claims and order have made it very clear that they were paid to keep Blakely in prison without dental and medical.

3. CLAIMS AND REQUESTS FOR JUDICIAL RELIEF January, 2011

1. Plaintiff seeks to have Blakely ask this Court for an order to RESCIND the so-called 'Special Person Care Trust' and immediately return all custody and control over all Blakely's financial assets, security accounts, and property assets to Blakely. (attached proposed ORDER)

2) I shall Blakely declare under penalty of perjury of the State of Washington that the attached exhibits and statements are true and correct 1/21/21.

Ralph N. Blakely 61775; apt 101; box 329; 4111 4111 St 99002

Trustee James Spurtakis

COURT OF APPEALS III
STATE OF WASHINGTON

In RE:

RALPH H. BLAKELY, JR.,
SPECIAL PERSON CARE TRUST,
APPELLANT

vs

JAMES P. SPURGETIS,
APPELLEE,

C O A CASE NO. 37893-4
APPEAL FROM SPOKANE COUNTY SUPERIOR
COURT CASE NO. 10 4 00660 7
RAP ? ?

TO:CLERK OF COURT OF APPEALS, Ralph H. Blakely, is illegally restrained without resources, access to copies for all concerned parties, would you please e-mail to concerned parties . . .

I. IDENTITY & HISTORY

Appellant Ralph Howard Blakely, age 85, labored twelve hours everyday and saved for over forty years to assemble a Seven million dollar agriculture real estate business. Until Family members cleverly schemed to have him convicted and imprisoned for life, so that they could plunder his savings estate. The Cabal and Courts as a double standard of weight given to substantial facts have black-balled Appellant Blakely, as will be shown.

II. STATEMENT OF CASE AND JURISDICTION ? *

2. The Spokane County Superior Court took jurisdiction of Appellant Ralph H. Blakely about August , 1995, Case No.95-3-01916-0 & 96-2-04155-1 and fraudulent adjudication for "incapacitated person" July 11, 2000. (ER 61-66)

2.1 The July 11,2000 Adjudicated "Special Person Care Trust" appointing (GAL) guardian ad litem has 'too numerous' jurisdictional and structural defects rendering that Order for appointment of GAL ineffectual for lack of competent jurisdiction and fraud. (ER 61-66 is the basis for that fraudulent Order) (ER 339-342)

2.2 Appellant Blakely was not given "NOTICE" nor was he allowed to attend the hearing for appointment of GAL in violation of RCW 11.88.040 et.seq. and there was NO VALID BASIS for an 'incapacitated person' finding within the meaning of RCW 11.88.010 et.seq. The Ralph H. Blakely Special Person Care Trust is fraud.

2.3 The Spokane Court Allowed FRAUD by not abiding by the MANDATES OF RCW4.08.060 et.seq. and DUE PROCESS NOTICE in violation of (WSC) Article I, Sections 3,9,10,14,15 the Supreme Law of the Land.

2.4 The February 17,2000, Department of Social and Health Services(ER 2+61-65) confidential evaluation COMPETENCY REPORT declaring Ralph H. Blakely competent by the Grant County Superior Court competency trial during 1999 ! (ER 2+61-65)

2.5 The aforementioned substantial facts clearly show fraud allowed by the Superior Court and therefore the Ralph H. Blakely Jr. Special Person Care Trust is invalid and must be rescinded based on fraud.(ER 3:61-66;2/20/20 Appeal from)

2.6 The Spokane County Superior Court lacks subject matter jurisdiction for (terminated) trustee James P. Spurgetis to further embezzel and/or steal funds from Appellant Ralph H. Blakely Jr. dba, as Blakely Farms Trust #96.2-04155-1 case suing Yolanda Blakely for the recovery of about three hundred thousand dollars that she stole from Appellant's safe May, 1995.(ER 3:61-66;2/20/20) (Conflict argument verses 12/4/2019 Court Order allowing Spurgetis to financially exploit Appellant Blakely.

2.7 The Court allowed Attorney James P. Spurgetis to mislead, misrepresent, mischaracterized the Original Complaint No 96-2-04155-1 of Blakely suing Yolanda Blakely for recovery of stolen funds from Blakely Farms Trust Safe May 1995, by the May 20, 2010 filling No.10 4 00660-7 Ralph H. Blakely, Jr.Special Person Care Trust that is fraud. (ER 4:61-...85 amended without SIGNATURES of all parties is fraud on the Court)

2.8 February 24,2021, Appeal of Comissioner Stine 12/4/19 Order of 10th trustee accounting to COA III #37893 4;"#4,Many times, I have asked the trustee and Court for an accounting for the \$628,000 Royal Apple Sale and the multiple million dollar "Logan Subdivision" Land Sales of no avail".(ER 5:1

2.9 ER 5.1) 2/24/21, MANY TIMES,"#5 I have asked the trustee to explain the difference between \$508,000 current and \$596.000 (2018) blocked trustee account AND FOR DOCUMENT PROOF of no avail ! (ER 5.1)

2.10 January 11,2021, (ER 5:2) Motion for ReconsideraTION OF 1/6/21 Order Denying Indigency(31 pages) #2 "Example of FRAUD, trustee Spurgetis pays FINER \$13,992 to get me a \$40 Salvation Army wheelchair and \$2 monthly medication of 125 Mcg cyancobalamin for balance, stamina (BUT) deliberately FAILS !! ? (ER 5:2) "Example" Trustee Spurgetis paid Attorney Kahrs \$35,000 to keep Blakely in prison and to do NOTHING!/?/!??20 years and NO \$9 a month for hygeine vitamins ?? Spurgetis -- SELF INTEREST . . .

2.11 September 11, 2019, Appellant Blakely's Declaration and OBJECTION TO 9/3/19

Order approving Trustee's 10th accounting and budget. (ER 5:3,4)
#2." Blakely objects to trustee refiling the "FRAUDULENT" August 16, 2002, copy of (SCSC)#96-2-04155-1: WHEN A seven million dollar real estate business disappears"!

#5."Blakely has never received an accounting from the Sale of \$400,000 worth of lumber, sawmill, truck, sawmill equipment, WAREHOUSE" ? ? ?
When the U.S.Internal Revenue Service bills Blakely for over \$900,000 is a showing of fraud on the Court, mandating an investigation and an accounting . . . for \$ 6 million dollars thats missing ? ? ?(ER 5:3,4)
DOES THIS COURT HAVE JURISDICTION, AUTHORITY, TO PROVIDE A RESOLUTION TO THIS MOST SERIOUS FRAUD PROBLEM ? ? ? (ER 5:4

2:12 December 21, 2020, Blakely Declaration and Motion For An Order to Terminate

Trustee James P. Spurgetis and to Rescind "SPECIAL PERSON CARE TRUST" (ER 6:1)

1 paragraph "disputed issue of material facts: The Spokane Court does not have, and never had competent jurisdiction over Blakely's financial or property assets BASED on any LEGAL DUE PROCESS finding of "incapacitated person" ? ? ? . . . #2

3"Blakely was ORIGINALLY DENIED "DUE PROCESS OF LAW" and has never been allowed DUE PROCESS APPEARANCE TO DIRECTLY OBJECT to the outright THEFT (RCW 9A.56.030(1);RCW 74.34.110 et seq. RCW19.86; RPC 1.15A; 8.4(b)(C) of Blakely's life estate". (ER 6:1)

4 "Commissioner Stine and trustee Spurgetis have abused discretion by not complying with the MANDATES OF RCW 4.08.060 et. seq. Blakely's DUE PROCESS RIGHTS of strong obejctions to lawyer payments for SELF INTEREST to keep Blakely in prison without medical or dental or a television or type ribbons, paper or \$2 monthly medication! ? ! ? ! ? (ER 6:1)

2:13 September 9, 2020, Appellant Blakely's Declaration and OBJECTION TO

"FRAUDULENT" trustee's 11th accounting and budget as OUTRIGHT THEFT, FINANCIAL EXPLOITATION RCW 74.34.110 et.seq.: RCW9A.56.030(1). (ER 6:2,3,4)

1 "BASIS FOR OBJECTION: April 23, 2016, Plaintiff Blakely filed 400 page Writ, exhibits, and proposed Order Rescinding the Ralph Howard Blakely Special Person Care Trust as legal fraud and villian lawyer THEFT.(ER 6:2)

2 "Blakely OBJECTS to trustee refiling the "FRAUDULENT" August 16, 2002, copy of (SCSC) cause # 96-2-04155-1 as a Ralph Blakely Special Person Care trust WHEN a seven milliondollar real estate business disappears"(ER6:2) (This MISLABELS ORIGINAL COMPLAINT, MISREPRESENTS, MISCHARACTERIZES)

#7-I critically need type ribbons as this one has been rejuvenated with BenGay)

9 "Plaintiff asks this Court and trustee for an accounting \$ 24,300.00 THEFT of \$ 5,000 withdrawals from blocked account from 5/15/to 5/17/19 to a simplicity checking account WHEN PLAINTIFF BLAKELY HAS NOT RECEIVED ANY BENEFIT ? ? ? (ER 6:3)

13 "DOES THIS TRUSTEE AND COURT CRIMINALLY VIOLATE Wabbington Supreme Constitutional LAW (WSC) Art I secs 3,*10*15: WHEN DUE PROCESS NOTICE WAS NOT GIVEN, NOR WAS Plaintiff Blakely allowed to attend ? ? ?(ER 6:3) Trustee Spurgetis paid Douglas Phelps close to \$300,000 to keep Blakely in prison without typewriter, television, radio, type ribbons ? ? ?

2:14 (ER 6:4) # 14 "AS CLEARLY AND CONCLUSIVELY EVIDENCED by the 4/23/2016, Petition ... the Respondent is required, as a matter of law, to either RESCIND the unlawful Ralph Blakely Special Person Care Trust and return ... or on the other hand appoint a GAL for an incapacitated person ... pursuant to the MANDATES OF RCW 4.08.060.... HE SHALL APPEAR BY GAL at all times...

15 "DEPRIVES THIS COURT (SCSC) of competency to proceed over the ILLEGAL SOCALLED Ralph H. Blakely Special Person Care Trust, in the absnese of compliance with the MANDATORY language of "SHALL APPEAR" by GAL RCW 4.08.060 et seq cf, Lexecon v. Milberg Weis Bershed Rynes & Lerach, 523 U.S. 35 ("THE MANDATORY "SHALL" ... normally creates an obligation impervious to judicial discretion"; Keene Corp v. Coss, 532 U.S. 204 (1998) 2001)

16 "FRAUD IS VERY CLEAR ... MANIPULATING value of property when there is absolutely NO PROOF ? ? ? (ER 6:4) ;(ER 6:5)

2:15 (ER 6:7,8,9) Trustee Spurgetis failed to account for (20 year ago valude of farm and construction equipment amounting to a value of \$ 626,470.00, which at todays value would be double. (ER 6:7,8,9)

(ER 6:6) Trustee Spurgetis illegally had California Franklin Templeton account of \$2,379,936.53 to disappear and the Salomon Smith Barney account of \$307,683.46 of Montana to also desappear. I, Ralph Blakely declare under penalty of perjury that ER 6.6 is a true copy of James P. Spurgetis representing Clifton Allen Accounting Firm 12/31/2002. *(ER 6:19)* LETTER TO (WSBA) Complaint.

(ER 6:10-18) Declarations, Affidavits supporting the competency of Ralph Howard Blakely in addition to supra 2.4 (ER 2:61-65

(ER 6:20-23) Motion and Declaration (19 pages) OBJECTION AND TO TERMINATE TRUSTEE James P. Spurgetis Original # 96-2-04155-1 was illegally filed to Case No. 10-4-0060-7 w/out changing Ralph H. Blakely dba as Blakely Farms Trust as a matter of SCAM AND financial exploitation of a vulnerable adult age 85, who is almost blind without medical and dental care. ER6:20-23) attached as part of argument.

2:16 (ER 6:24) Appellant Blakely's Motion to Compel Production of supporting documents and Notice of Hearing for OBJECTION to FRAUDULENT trustee's 11th Accounting. Blakely is asking Judge Stine to compel production of documents to support the fraudulent trustee's 11th accounting RCW 74.34.110 (20(9) 10/7/2020.

2.17 (ER 6:25) Appellant's Declaration and Motion For an Order to TERMINATE TRUSTEE Spurgetis and to rescind special person care trust as FRAUD AND THEFT.

2.18 (ER 6:26) Appellant's Declaration and Motion For an Order for Paid Medication Cause No. 10-4-0060-7 pursuant to RCW 74.34.110(1-9); RCW 4.08.060.

2.19 (ER 6:27) Appellant's Original Case No. 96-2-04155-1 NOTICE OF APPEAL AND Declaration in support of abuse of discretion and FRAUD . . .
#6 . . . "thus I have survived by eating discarded food from garbage can"
...#6 "I am in the state of imminent death without immediate release from prison to obtain expert medical and dental treatment ? ? ?

IV. SUMMARIZED ARGUMENT

§. DOES THE SPOKANE COURT LACK COMPETENT JURISDICTION TO FRAUDULENTLY DECLARE RALPH HOWARD BLAKELY INCOMPETENT WITHOUT DUE PROCESS NOTICE AND DIRECT MANDATORY APPEARANCE ??

a) Spokane Judge Stine and trustee Spurgetis violate the MANDATES of RCW 11.88 et.seq.,RCW 4.08.060 et.seq. DUE PROCESS NOTICE "BLAKELY**SHALL** APPEAR DIRECTLY AND BY GAL" ? ? ! . . .

4.1 In re Matter of Gaddis, 12 Wn. 2d 114,124 (1942) ... The Court held that as long as the ward remained SUBJECT to his disability and remained within the state, the original court, which originally acquired jurisdiction retained the same. 1) Under Wash. Rem. Rev. Statute 1565 Sec 9897, the Superior Court of the county in which an "incapacitated person" resides has EXCLUSIVE JURISDICTION....

4.2 In re Matter of Dill, 60 Wn. 2d 148 (1962) was deprived of DUE PROCESS OF LAW because the record showed error that the "incapacitated person" never appeared by GAL.Wash Rem. Rev. Statute 1565 sec 9897: In re Dependency of P.H.V.S. 186 Wn. App. 167 (2015).

4.3 The Spokane County Superior Court (SCSC) can NOT HAVE IT BOTH WAYS VIOLATING RCW 11.88 et.seq. and RCW 4.08.060 et.seq and DURE PROCESS NOTICE: WHEN the Grant County Superior Court (GCSC) held a 2000 competency jury trial,ER2:61-66 declaring Appellant Blakely more than competent prior to (SCSC) July 11,2000, fraudulent adjudication of incompetency and status of "incapacitated person". ER61-66

4.4 The (SCSC) has violated Appellant Blakely's DUE PROCESS RIGHTS to appear directly and by GAL at all disputed hearings "NO PERSON SHALL BE DEPR*IVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OP/LAW"? (WSC) Art.I sec 3

4.5 The extraordinary exception is that Appellant Blakely was WRONGFULLY CONVICTED and is actually innocent, but the Courts have him 'blackballed' and refuse to view substantial recantation affidavits correlated with false fabricated Court testimony (RP 630-652) ER 11-21 plus

4.6 The (SCSC) ERRED in allowing trustee Spurgetis to file 5/20/10, Ralph H. Blakely Special Person Care Trust as Blakely Farms Trust for his embezzlement.

V. DUE PROCESS NOTICE ARGUMENT

5. DOES THE SPOKANE SUPERIOR COURT ALLOW FRAUD BY NOT ABIDING BY THE MANDATES OF RCW 4.08.60 et.seq. RCW 11,88 et.seq. and DUE PROCESS NOTICE AND DIRECT MANDATORY APPEARANCE IN VIOLATION OF (WSC) Art. I Secs 3,9,10,14,15 THE SUPREME LAW ? ?

5.1 EXTRAORDINARY CIRCUMSTANCE OF NOT ALLOWED ADEQUATE DUE PROCESS AUTHORITY LEGAL RESEARCH based on NOT able to handwrite notes from the computer because of blind left eye, sporadic right eye vision and severe tremors.

5.2 The six page Appeal of February 20, 2020, page 3 of 6 has limited argument, but as a whole is the opposite argument to the aforementioned argument.

5.3 Supporting 25 pages of supporting declarations, affidavits, Grant Co. Sherrif's Report stating that State Chief Witness Juarez LIES.

VI. CONCLUSION

6. Appellant Blakely age 85, asks this Court of Appeals to Reverse the wrongful actions of trustee James P. Spurgetis and Order the Court to terminate STOP HIS FURTHER manipulation, misrepresentation, mischaracterization of the FRAUDULENT created Ralph H. Blakely Jr. Special Person Care Trust.

6.1 Appellant suffering shocking migraine head pain from April 12,2020, severe brain concussion beating is unable to properly summarize with authority all necessary Due Process Notice argument and to include the additional 25 pages of supporting exhibits to support the extraordinary legal FOUNDATION of a wrongful conviction THAT FORMED THE creation of a fraudulently created Ralph H. Blakely, jr. Special Person Care Trust.

6.2 Appellant asks this Court to reverse and STOP trustee Spurgetis from further financial exploitation and theft from Blakely Farms Trust.

I, Ralph Howard Blakely, age 85, declare under penalty of perjury of the law of Washington that the aforementioned and all supporting EXCERPTS (ER) are true and correct, October 13, 2021

STATE OF WASHINGTON)
COUNTY OF WALLA WALLA) ss:Scribe and Sworn

*Ralph H Blakely 817995
WSP B-120*

Notary in and for the State of Washington

I. INTRODUCTION

Petitioner, Ralph H. Blakely, age 84, worked diligently until family member cleverly schemed to have him convicted and imprisoned for life. Petitioner has been blackballed by the Courts as a double standard of weight given to facts. Petitioner Blakely is asking this Court for an evidentiary hearing.

II. STATEMENT OF CASE AND JURISDICTION

The Spokane Superior Court took jurisdiction of Petitioner Ralph Blakely about August 1995, Case No. 95-3-01916-0 & 96-2-04155-1, & 4/11/00 adjudication.

This Court and the Supreme Court have competent jurisdiction over all grounds, claims and issues herein presented. *Strenge v. Clarke*, 89 Wn.2d 569 P.2d 60 (1977). (WSC) Art. 4 S 6 Amend 28 invests the Superior Court with original and general jurisdiction in all cases and in all proceedings in which jurisdiction is not exclusively vested by in some other court or forum.

In re the PRP of Runyan, 121 Wn. 2d 432, 441, 853 P. 2d 424 (1993):
Our State suspension clause protects the right of citizens to utilize the writ of habeas corpus.

In re Matter of Gaddis, 12 Wn.2d 114, 125 120 P.2d 849(1942)... The Court held that as long as the ward remained SUBJECT to his disability and remained within the state, the original court, which originally acquired jurisdiction retained the same.

(1) Under Rem. Rev. Statute Sec. 1565, 59897 the Superior Court of the County in which an 'incapacitated person' resides has EXCLUSIVE JURISDICTION... In re Dill, 60 Wn 2e 148 No Other superior court in the state has that jurisdiction.

(WSC) Art. IV. 3 6(Amend)28 invests the Superior Court with original and general jurisdiction in all cases and in all proceedings in which jurisdiction is not exclusively vested in some other court or forum. In re PRP Runyan, 121 Wn. 2d 432, 441(1993); In re Denny #70312-9-1-70610-1(2016) RCW 4.08.060 the Guardian at Litem does not have authority to waive a substantial right of the 'incapacitated person'. RCW 11.88.010(1)(b).

October 16, 2019, Judge Charnell M. Bjelkengren (SCSC) abused discretion by denying substantial evidence of a wrongful conviction and actual innocence, and the critical need for a Medical Furlough, when (SCSC) has exclusive jurisdiction. *Exh. 1*

December 4, 2019, Judge John Stine granted Attorney James P. Spurgetis an ORDER No. 10-4-00060-7, which was not received until January 24, 2020. *Exh. 1*
This order granted him his double billing of \$3,811.50 for attorney fees, but

40

but Judge John Stine grossly disregarded Blakely's too many requests for an accounting of where a 'seven million dollar' real estate business disappeared, that had no liabilities. (Exhibits #1).

Trustee and Attorney James P. Spurgetis has refused to subpoena Defendant Yolanda Blakely, et al for an accounting of the Royal Orchard and home, warehouse, and equipment that was sold to Royal Apple Sales for \$ 628,000.00, Ex.#1

Where did the \$1,200,000.00 California Franklin Templeton Fund disappear? Did the Spokane Superior Court have jurisdiction or venue to seize this account?

Why has trustee Spurgetis refused an accounting ~~of~~ the \$1,300,000.00 Logan 119 Acre subdivision land and a \$400,000 lumber warehouse with sawmill?

The Blakely homestead in Galatin County Montana of 160 Acres and a half-million dollar home was assayed in 1987 by geologist Mathwig as having at least \$1,400,000 in fine gold, then valued at \$278 per ounce. The Blakely homestead also had, had a half million dollars worth of construction equipment, farm equipment, cabinet woodworking equipment, and \$75,000 worth of furniture and appliances, and lumber?

There has never been an accounting of the parcelled out 1,800 acre Missouri River ranch values at \$ two million in 1996. Trustee and Attorney Spurgetis has an ethical lawyer duty to supply me with an accounting after the too many requests. Did the Washington Spokane Superior Court have jurisdiction for the sale of this ranch?

Trustee Spurgetis and Accountant John P. Bjorkman have refused to provide an accounting of why my securities account was reduced from \$307,000 to \$150,000 when if it had been invested in 5,000 shares of Amazon Comm ten years ago; it would now be worth more than \$8,000,000?

Why were a group of lawyers paid over a million to keep me in prison beyond my life, when I have substantial documented evidence that I was wrongfully convicted and an actually innocent?

Why was Lawyer Michael Kahrs paid \$35,000 to avoid getting adequate medical and mental treatment? why was lawyer Jeffery Finer paid \$12,000 to obtain a \$20.00 Salvation Army wheelchair, that I have never received?

why can't I after 21 years of illegal restraint get \$ 9.00 twice a month to purchase a critically needed bottle of mega-max vitamin and a bottle of peanut butter?

May 20, 2010, attorney trustee James P. Spurgetis 'refiles' the "fraudulent" August 16, 2002 copy of 24 page Ralph H. Blakely Special Person Care Trust No. 96-2-04155-1 of which Ralph H. Blakely has not received any benefit.

III. WHETHER OR NOT THE SPOKANE SUPERIOR COURT VIOLATED PETITIONER BLAKELY'S DUE PROCESS, INTER-STATE COMMERCE, (WSC) Article I, Secs 3,9,10,12,13,15,22; PURSUANT TO MANDATES OF RCW 11.88 et seq and RCW 4.08.060 et seq and Rev.Stat. 1565 Sec 9897 of the APRIL 11,2000, SPOKANE SUPERIOR COURT ADJUDICATED "SPECIAL PERSON CARE TRUST" ?

WHEN THE TRUSTEE AND ACCOUNTANT SERVE THEIR "SELF-INTEREST" BY FRAUD ON THE COURT AND THE COURT ABIDES BY THEIR REQUEST ?

A. When as in this case, Petitioner Ralph H. Blakely is claiming that the Spokane Co. Superior Court (SCSC) is devoid of competent jurisdiction when ruling that Petitioner Blakely was then and currently is, an "incapacitated person" thereby unlawfully and unconstitutionally depriving Petitioner Blakely of his legal personage, resulting in the Grant County Superior Court (GCSC) lacking competent jurisdiction over the legal personage of Petitioner Blakely: culminating in Petitioner Blakely being deprived of his right to challenge his 'invalid conviction' giving rise to illegal restraint.

1. The April 11,2000 adjudicated "Special Person Care Trust" appointing guardian ad litem has 'too numerous' jurisdictional and structural defects rendering that Order for appointment of GAL ineffectual for lack of competent jurisdiction and fraud.

a) Petitioner Blakely was not given "Notice" nor was he allowed to attend the hearing for appointment of GAL in violation of RCW 11.88.040; and there was no valid basis for an 'incapacitated person finding within the meaning of RCW 11.88.010.

b) Petitioner Blakely did not sign any motion for appointment of GAL nor give anyone authority to file said motion, nor was Petitioner made aware that any such motion for appointment of GAL was going to be filed.

c) The Motion for appointment of GAL was filed by Attorney Matthew Dudley for the 'fraudulent' purpose of unlawfully committing theft of Petitioner Blakely's financial and property assets.

d) The determination of incapacity is a legal not a medical decision and age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity, the Motion for appointment of GAL was not made on the application of relative or friend of the Petitioner as required by the Mandates of RCW 4.08.060 et seq.

e) Trustee Attorney Spurgetis violated Petitioner Blakely constitutional rights and fraud upon the court by refileing a fraudulent August 16,2002, copy of Ralph Howard Blakely 'Special Person Care Trust' No.96-2-04155-1 of which I, Ralph H. Blakely have not received any personal direct benefit.

2.. Whether the (SCSC) has competent jurisdiction over all grounds, claims and issues herein within the meaning of RCW 11.88.010..

In re Matter of Gaddis, 12 Wn. 2d 114,124, 120 P.2d 849 (1942)... The Court held: That as long as the ward remained SUBJECT TO his disability and remained within the state, the original court, which originally acquired jurisdiction retained the same.

1) Under Wash.Rem. Rev. Statute 1565 Sec 9897, the Superior Court of the county in which an 'incapacitated person' resides has EXCLUSIVE JURISDICTION In re Matter of Dill, 60 Wn. 2d 148, 372 P.2d 541(1962) was deprived of Due Process of Law because the record showed error that the 'incapacitated person never appeared by GAL. Wash Rem.Rev. Statute 1565 Sec 9897: In re Dependency of P.H.V.S. 186 Wn. App.167,339 P.3d 225(2015)

2) The Superior Court in which an 'incapacitated person' resides (Spokane County) has EXCLUSIVE JURISDICTION over that person, estate OR EITHER THEREOF, AND NO OTHER superior court in the state has that jurisdiction. The (SCSC) cannot divest itself of that jurisdiction, and those conditions have not ceased or changed. Rupe v. Robinson, 139 Wash 592,595, 247 P.954 (1926), In re Miller, 26 Wn.2d 202, 172 P.2d 538(1946).

3.. This specific ordered jurisdiction has never been reversed, nor set aside, showing that the Grant County Superior Court lacked jurisdiction during CrR 3.5 probable cause hearing and during the jury trial of March 5-9,2005, to wrongfully convict an 'incapacitated person' with false testimony.

a) The extraordinary exception is that state chief witness Robbie Juarez clearly testified that alleged communicated offer of solicitation to commit murder occurred in Spokane County AHCC K unit. That positively gives rise to a miscarriage of justice, when the Grant County Prosecutor knowingly uses false testimony of state chief witness Juarez, who was out to extricate himself from a conviction, as is clearly shown and explained in attached exhibit Number *11* and #2,4. (RP 629-652)

b) The extraordinary origin of jurisdiction is Spokane County Superior Court not considering the mandates of RCW 4.08.060; Wash Rem.Rev statute 1565 sec 9897 referring to an 'incapacitated person' which has not been changed.

c) Therefore (SCSC) mandates jurisdiction and venue according to (RP 629-652) Exhibit 4,11 State v. Reanier, 157 Wn. App. 194, 201,202,211,214,237 P. 3d 299 (2010) n 15; CrR 7.8 (b)(3)(4) the judgment and sentence of Blakely is void and invalid on its face as it exceeds the duration allowed by statute and the alleged defect is evident on the face of the charging documents, Id 215.

c) Even though defense counsel advised Blakely to admit to communicating with state chief witness.

3

The court transcript testimony of state chief witness Juarez (RP 629,630,640,645) is very clear that the alleged offer of solicitation to commit murder took place in AHCC K Unit, Spokane County **October ? 2002** to Dec. 18, 2002. The Blakely inmate placement records clearly show that August 5, 2002 to August 13, 2003, that Blakely was in a different prison. (Please view exhibits Nos. 4,*11* confirmed by RP 629-652, recantation of Juarez, Espinosa, Barr)

d) However, after Juarez's third letter of apprehension and scam, I appeasingly replied (RP 796,802-6). This third and/or fifth appeasement letters do not contribute to any offense/offer no matter how they are interpreted, and are the only elements to cover the charging information of September to December 2003. (please view exhibits ## 2,3,4,5,6,*11)

e) Extraordinary circumstances of repeated legal document confiscation (notorized recantation affidavit of Robbie Juarez, transcript, Grant County Sheriff's Report with specific dates were all seized 9/10/09; 8/7/15; 5/6/17; 10/8/18) have prevented Petitioner Blakely from proving a wrongful conviction beyond a reasonable doubt.

IV. THE SPOKANE COUNTY SUPERIOR COURT ABUSED DISCRETION OCTOBER 2019, AND **DECEMBER 4, 2019**, BY DENYING PETITIONER BLAKELY JURISDICTION AND VENUE IN VIOLATION OF WASHINGTON STATE CONSTITUTION AND STATUTES.

Does the (SCSC) violate Petitioner Blakely's Due Process Rights to an evidentiary hearing on "NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW?"?

"JUSTICE IN ALL CASES SHALL BE ADMINISTERED OPENLY, AND WITHOUT DELAY"

A. Accordingly, when there is "**FRAUD SUBMITTED TO THE COURT**" under CR 60(b) (4)(5); RCW 10.73.100(1-6) there is no time bar or procedural bar to declare Petitioner Blakely's judgment and sentence invalid on its face. (please read the too many fabricated wild statements in the Robbie Juarez March 9, 2005 Court record (RP 608-708) This along creates a wrongful conviction, because there is no evidence to cover the charging information dates. (Ex.# 4,11)

1. The Spokane Superior Court cannot give away Petitioner Blakely's **property without jurisdiction, due process, venue, while giving his life, liberty** to a wrongful conviction in the Grant County Superior Court!

a) Admitted, Petitioner Blakely is a resident of Spokane County, but the abuse of discretion of Judge Charnell M. Bjeikengren (SCSC) refusing to consider fraud and perjury on the court is wrong. **Ex 1**

b) Judge John Stine (SCSC) erred in granting Attorney Spurgetis's ORDER 1274/19 No. 10-4-00660-7; which gives away Blakely's property without consideration of **his life, liberty, or property, without DUE PROCESS.** **Ex 1**

V. WAS THERE A MISCARRIAGE OF JUSTICE CREATED BY THE COURT OF ORIGINAL JURISDICTION AND VENUE, THAT DEPRIVED BLAKELY OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW ?

A. The alleged clear testimony RP 629,630-652 chief witness Robbie Juarez states that the offer of solicitation to commit murder occurred in Spokane at AHCC K Unit OCTOBER ? 2002 while Petitioner Blakely was in a different prison. The **third time** amended charging information is fatally flawed with dates of September to December 2003.

1. Judge John Stine's Order granting Attorney Spurgetis Blakely's pro-~~per~~erty December 4, 2019 supports the ultimate fact that Spokane County Superior Court maintains jurisdiction and that Grant County Superior Court lacks jurisdiction as a miscarriage of justice. Petitioner Blakely's judgment and sentence is invalid on its face.

VI. ATTACHED ARGUMENT OF EXHIBIT NO. 11 supported by 2,4,5,8

VII. . . CONCLUSION AND REQUEST FOR RELEASE FROM A WRONGFUL CONVICTION

The extraordinary 'ultimate fact' is the Courts have refused to consider and read state chief witness Robbie Juarez's wild fabricated testimony.(RP608-708) Judge Charnell M. Bjelkengren (SCSC) abused discretion 10/19/19 by not taking responsible duty and jurisdiction. Just as Judge John Stine (SCSC) 12/4/19 took Spokane County exclusive jurisdiction and erred by granting that Order to give away Petitioner's legal property against Blakely's many objections. Ex.No.1

Petitioner Blakely, after serving 21 years of a wrongful conviction asks this Court for an Order of Release from a wrongful conviction under RAP 1b.15b). Based on critically needed medical and dental treatment that is deliberately refused by Washington Department of Corrections AHCC. Blakely has fallen too many times suffering brain concussion causing blind left eye, distorted right eye vision and the disability to participate in daily activities.

I Ralph Howard Blakely 817995 declare under penalty of perjury of the laws of the state of Washington that the exhibits and attachment # 11 are true and correct February 20, 2020.

Ralph H. Blakely
Ralph H. Blakely 817995
AHCC NA 14
Box 2049
Airway Heights, WA 99001

INMATE

January 19, 2023 - 3:45 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 101,428-7
Appellate Court Case Title: In the Matter of Blakely Farms Trust, et al. v. Ralph H. Blakely Jr.
Superior Court Case Number: 10-4-00660-7

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