

THE COURT of Appeals for The
State of Washington

89833-2

DIVISION III

DAVID PONZONA
(CLERKS ACTS REQUIRED)

State of Washington
Respondent

✓
Thomas Leland Floyd
910 Tacoma Ave
Tacoma, WA 98402
Petitioner

COA # 42396-1-4/43021-5-11

FILED

Motion for Furtherance of
Order on Appeal

MAR 17 2014
CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

This matter comes on Regular to set

the dispensation of the Court of Appeals order
to correct the sentence and judgment granted
on DEC 17, 2013. "SEE Attached motion Judge McCarley Refused to Accept"

The Superior Court Judge John McCarley HAS
ABUSED his discretion in Refusing to correct the
Good Time credits, (EARNED EARLY RELEASE TIME) OR
THE INCORRECT OFFENDER'S SCORE, CLAIMING THAT
THE [C.O.A] HAS NOT FORWARDED THE ORDER YET.

ON FEB 7 2014 Judge McCarley fail to consider
the defendant motions concerning being unlawfully
detained even though the petitioner has completed
50 months on a 48 month TRD. The defendant is
held past his release date due to miscalculation
and the court's failure to Act.

FOR WHATEVER REASON THE COURT OF APPEALS HAS
FOR NOT ISSUING THE ORDER TO THE SUPERIOR COURT

For compliance with the Appraal Judges findings;
this petitione moves the court to direct the
Deputy Clerk David Ponzona to prepare and pro-
duce said order for the Appraal Justice to sign.

Therefore the petitione is Agrived thereby
As the maximum sentence imposed is six years
in totality. This petition has completed four
year on six equaling 33% off for earned good
time credit, Pursuant to [RCW 9.94A.150] sentencing
courts have no Authority to restrict the imposition

of early release time. This is a defect which
Justifies collateral relief. [IN RE RESTRAINT OF
REIF SCHNEIDER] 130 WN App 498 And [IN RE RESTRAINT
OF DOCKAR] 141 WN App. 755 MR Floyd is qualified for
community custody, approved for Housing Voucher,
Financial Aid and school/work release at Walla
Walla Community College. Now for All intents and

Purposes Judge Gerald Johnson has Jurisdiction over
this petitione, the Superior Court Judge John McCarthy
has illegally held the petitione detained even
though the commitment in CAUSE # 10-1-000196-1 has
been satisfied and completed well over a year
and a half ago. CAUSE # 11-1-02908-1 is consecutive
to McCarthy's sentence 'Not' VISA-VERA AS IS
PERPA TRAVE UPON this petitione unconstitutionally
True to my knowledge:

Dated 2-27-14

Thomas Floyd
THOMAS FLOYD
IN PROPRIA PERSONA

IN THE STATE OF Washington, Superior Court
FOR the County of Pierce
City of Tacoma

2014 MAR 10 AM 9:04
STATE OF WASHINGTON
BY _____

State of Washington
Plaintiff

✓
Thomas Ireland Floyd
910 Tacoma Ave. So.
Tacoma, WA 98402
Defendant

11-1-02808-1
CASE # 10-1-00019-6

Affidavit in Support of Motion
for APPEAL Bond RETRACTION
WARRANT OF BAIL OR PERSONAL RECOGNITION
& CORRECT GOOD TIME CREDITS

That this matter concerns ABOUT PURSUANT TO
RCW 9.94(A) [50] SENTENCING COURTS HAVE NO
AUTHORITY TO RESTRICT THE IMPOSITION OF
EARLY RELEASE TIME. THIS IS A DEFECT WHICH
JUSTIFIES COLLATERAL RELIEF.

CURRENT SENTENCE IS INVALID ON ITS FACE
AND THE CALCULATION OF GOOD TIME CREDITS IS
INCORRECT, "SEE ATTACHED"... WHEN A COURT
DISREGARDS A PERSONS DUE PROCESS RIGHTS
THE RESULTING JUDGEMENT IS VOID ALHANI V
RODGERS 170 WN App. 76 TRIAL JUDGE VIOLATED
THE APPEARANCE OF FAIRNESS DOCTRINE AND THE

Judgment must be vacated under [CR 60(b)(1)] because the defendant demonstrated a risk of injustice if relief were not granted.

[IN RE RESTRAINT OF REITSCHNEIDER] 130 Wn. App 498 and [IN RE RESTRAINT OF DUCHENE] 141 Wn. App 755 THE D.O.C. OR COUNTY JAIL HAD NO AUTHORITY TO ADOPT A POLICY PREVENTING PETITIONER FROM SUBMITTING A RELEASE PLAN FOR COMMUNITY CUSTODY. FLOYD WAS QUALIFIED FOR COMMUNITY CUSTODY, APPROVED FOR HOUSING VOUCHER, FINANCIAL AID AND SCHOOL/WORK RELEASE AT WALLA WALLA COMMUNITY COLLEGE.

ON JULY 6 2012, JUDGE GREGG JOHNSON CORRECTED DEFENDANT'S JES TO REFLECT TWO (2) POINTS ON THE OFFENDER'S SCORE, AS WAS DIRECTED BY THE SUPERVISING FORECAST COUNCIL.

ON JULY 9 2012 THE ACCUSED SOUGHT THE CORRECTION OF EARNED GOOD TIME CREDITS AND THE CORRECTION OF THE OFFENDER SCORE ON THE DEFENDANT'S CRIME IN CHIEF, BUT THE JUDGE PRESIDING JOHN MCCARTHY AND AARON TALNEY REFUSED TO ENTERTAIN THE MOTION.

CAUSING UNDOER INJURY, HEALTH AND SAFETY RISKS AND CRUEL AND UNUSUAL PUNISHMENT ISSUES TO ARISE by:

- (1) Forcing Accused to Remain in custody past his EARNED EARLY RELEASE DATE IN VIOLATION OF EIGHT AND FOURTEENTH AMENDMENTS AND [RCW 9A.150] COURT HAD NO AUTHORITY TO RESTRICT THE IMPOSITIONS OF GOOD TIME CREDIT
- (2) Failing to Allow Equal Access to the Court through ARRON TALNEY'S "EX PARTE" EMAILS to the prosecution claiming that FLOYD has no right to legally apply to the courts for the correction of miscalculated Good time credit or correction of offender's score. (SEE COPY OF EMAIL ATTACHED) "(E)"
- (3) CAUSING MR FLOYD to serve his sentence in UNCONSTITUTIONAL INSTALLMENT PLAN. [IN RE ROACH] 150 Wn.2d 29 Defendant is entitled to credit against his sentence for time he spent at liberty due to negligence of DOC releasing him prior to completion of sentence; Prisoner can not be required to serve sentence in installments. [IN RE WREST] 154 Wn.2d 204 Judge's notation on judgment and sentence that offender "stipulates to flat time - NO EARNED EARLY RELEASE" rendered the judgment and sentence facially invalid because only the Dept of CORP. could grant or prohibit the accumulation of EARNED RELEASE TIME. [IN RE ADAMS] 132 Wn App. 630 miscalculated OF EARLY RELEASE CREDIT [IN RE ALWOOD] 136 Wn. App 23 Petition challenging denial of good time without due process granted. [IN RE KING] 146 Wn.2d 658 Petitioner Improperly DENIED EARLY RELEASE CREDIT EARNED while in presentence detention

[IN RE MAHRE] 88WNA 410 P.R.P. USED TO CORRECT D.O.C. CALCULATION OF GOOD TIME CREDIT.

(4) FORCED TO SERVE MISDEMEANOR TIME IN THE DOC CONFINEMENT WAS UNLAWFUL, FORCING ACCUSED TO SERVE JUDGE JOHNSON'S CONSTRUCTIVE SENTENCE IN THE COUNTY JAIL AND PRETEND THAT JUDGE McCLARAY CARRIES JURISDICTION WITH THE MISDEMEANOR CHARGES OF WHICH TIME HAS ALREADY BEEN SERVED IS "CRIMINALLY FALSE IMPRISONMENT."

(5) Right to REASONABLE Bail is a due process GUARANTEE [CW. 9.95.062] Stay of Judgment CREDIT FOR TIME SERVED UPON NOTICE OF APPEAL. THE DEFENDANT ACCUSED OF A BAILABLE OFFENSE IS ENTITLED TO BAIL (WRIT OF HABEAS CORPUS PURSUANT TO 1891 WASH. LAW § 41-1.350) RELEASED ON BAIL OR CONFINEMENT IN THE COUNTY JAIL PENDING APPEAL. [EX PARTE JONES] 2 WASH 551 APPEAL STAY THE EXECUTION OF A JUDGMENT OF CONVICTION UPON GIVING THE BAIL LOBE FIXED BY THE COURT... (VICTIM OF EXCESSIVE "NO BAIL" IS ACTUAL PER JUDICE.

Attachments in Support of Release

- (A) Prison Good Time SERVED CALCULATIONS ON CAUSE 10-1-000196
- (B) Prison Good Time SERVED CALCULATIONS ON CAUSE 11-1-02808-1
- (C) JUDGE McCLARAY'S INCORRECT Good Time SERVED CALCULATIONS
- (D) JENNIFER JONES' CASeload FORECAST/CONSULT ORDER TO CORRECT, J & S
- (E) ARRON TALNEY'S EMAIL CLAIMING NO DUTY TO CORRECT MISTAKES
- (F) Sentencing TRANSCRIPT OF JAN 13, 2012 "ZERO points" declaration
- (G) LETTER demonstrating conflict of interest Attorney TALNEY
- (H) ALL A day Bail Bond on this case. PLEASE REINSTATE...

(I) JUDGMENT & SENTENCE INVALID ON ITS FACE - REAL GUILTY (NOT)
(A) IS PROSECUTOR KATHLEEN PROCTORS MISREPRESENTATIONS TO SUPREME COURT
THAT THE PETITIONER PLEADED GUILTY AND THAT THE MANDAMUS ORDER WAS IN
COMPLIANCE WHEN IT THROUGH AND UNTO THIS DATE HAS NOT BEEN
SATISFIED AND OUTSTANDING MOTIONS ARE STILL UNHEARD. THE
COURT REFUSES TO COMPLY WITH SUPREME COURT WRIT OF MANDAMUS

DEFENDANTS DECLARATION

I THOMAS LIZARD FLOYD DO HEARBY DECLARE THAT
A PRO SE LITIGANTS MOTIONS AND APPLICATION TO THE COURTS OF
COMPETENT JURISDICTION MUST BE LIBERALLY CONSIDERED
REGARDLESS OF POOR SYNTAX, SENTENCE CONSTRUCTION,
OR HOWEVER, IN ARTFULLY PRACTICE.

THAT THIS LITIGANT IS BEING HELD UNCONSTITUTIONALLY AND
UNLAWFULLY IN THE PIERRE COUNTY JAIL AGAINST HIS WILL AND THE
AFOREMENTIONED SENTENCING TERRORS. THE SEVERAL ATTEMPTS
TO APPLY TO THE COURTS HAVE BEEN INTENTIONALLY DELAYED,
HAMPERED AND DELIBERATELY SUPPRESSED BY ARRON TALNEY
THE UNWANTED PUBLIC DEFENDER ORDERED ON THIS CASE.
OVER THE OBJECTIONS OF THE ACCUSED.

THE STATE HAS CAUSED DEFENDANT TO SERVE HIS
SENTENCE IN THIS CAUSE IN INSTALLMENT PHASIS WHICH
IS NOT ONLY ILLEGAL BUT CRIMINAL WHEN INTENTIONAL.

ANY AND ALL RELEVANT FACTS SUPPORTING THE REVIEW OF A
CONSTITUTIONAL ERROR IS ADMISSIBLE BEFORE A JUDGE OF COMPETENT
JURISDICTION, AND I WOULD ASK TO ONLY PROVIDE THIS PRO SE
LITIGANT WITH THE REINSTATEMENT OF BAIL AND THE CARE
TO CORRECT HIS GOOD TIME CREDITS.

TRUST TOMY KNOWLEDGE
DATE: 2-7-14

THANK YOU
Thomas Floyd
IN PROPRIIS PERSONA

IN THE SUPERIOR COURT FOR THE
STATE OF WASHINGTON
County of PIERCE
TACOMA -

2014 MAR 10 PM 9:07
STATE OF WASHINGTON
BY [unclear]

Type Name of Court Here
State of Washington

11-1-02808-1

Case No.: No. 10-1-00019-6

Plaintiff,

Motion And Notice of Motion
to CORRECT EARN good time
Title CREDITS PURSUANT TO
[28 USC § 1361] § 1651 And
[usc § 2255] (2) WASH REV CODE
§ 7.16.160] MANDAMUS And
THE ALL WRITS ACT.

vs.
Thomas Leland Floyd

Defendant

This matter comes on regularly as a motion
to CORRECT EARN Good time CREDIT calculation,
of Judge John McCarty And Judge Gerald
Johnson respectively, pursuant to Section § 2255
(2) Remedies on motions attacking sentence,
where court was without jurisdiction to
impose sentence, or the sentence was
in excess of the maximum authorized by
law, or is otherwise subject to collateral
attack, may move this court which imposed

THE SENTENCE TO VACATE, SET ASIDE OR CORRECT THE SENTENCE. Bousley v United States, 140 Fed 828, 523 US 614. Under [28 USC § 1361] Action to Compel An officer of the United States to perform his duty. A Mandamus may issue where there is "ABUSE OF DISCRETION OR USURPATION OF JUDICIAL POWER" by "All Writ's Act."

[28 USC § 1651] Refusal to try and set (Docket) calendar the cause in due course [Ex parte Peterson 253 US 300, 312 Los Angeles Brush Mfg. Co. v James 272 US 701, 706 "where the subject concerns the enforcement of the rules which by law it is the duty of this Court to formulate and put into force." Mandamus should issue to prevent such action there under so palpably improper as to place it beyond the scope of the rule invoked, with the court" to find that the rules have been practically nullified by a judge, it would not hesitate to restrain him. [Wash. Rev. Code § 7.16.160] writ of mandamus may be issued to compel the performance of an act which the law especially enjoins as a duty. That the State has granted the immediate defendant a writ of mandamus, which ordered Judge John McCarthy to return pre & post trial outstanding motions, without his compliance, wherefore, due process deprivations, attached

SUBSEQUENTLY, AND TWO YEARS LATER, THE COURT OF APPEALS HAS MANDATED THAT THE ACCUSED BE REMANDED BACK TO COURT FOR RESENTENCING.

UNDER THE DOCTRINE OF COLLATERAL ESTOPPEL THE DEFENDANT SHALL OBJECT TO THE ADDING OF ANY UNCONSTITUTIONALLY CHALLENGED CHARGES TO BE USED IN THE CALCULATION OF THE NEW OFFENDERS SCORE AS MUST BE CORRECTED BY LAW. THE JUDGE PRESIDING INCORRECTLY DETERMINED THAT MR. FLOYD ONLY HAS HAD 608 DAYS TOTAL TIME SERVED. WHEN FLOYD REACHED THE D.O.C. IN SHELTON CORRECTIONAL CENTER ON JAN 30, 2012... THE COUNSEL AT THE RECEIVING CENTER FOUND THAT THE INCORRECT SENTENCING AND CALCULATION HELD THE DEFENDANT IN THE CUSTODY OF THE D.O.C., WHEN DEFENDANT SHOULD HAVE BEEN IMMEDIATELY RETURNED TO HIS PIERCE COUNTY JAIL TO FINISH OUT HIS MISDEMEANOR CHARGE AND THAT THE TWO YEARS SERVED IN THE COUNTY SHOULD HAVE COME WITH "ONE" (1) YEAR CREDIT FOR GOOD TIME EARNED. THUS AND THEREFORE, THE PETITIONER AND THE STATE

D.O.C. officials HAVE timely filed AND MADE CONTACT WITH COURTS OF COMPETENT JURISDICTION ALONG WITH THE JAIL RELEASE OFFICIALS FOR THE CORRECTION OF INADVERTANT MISTAKES AND MISCALCULATIONS

ARRRESTED JAN 4 2010... to date FEB 7 2014 IS FOUR YEARS AND TWO MONTHS 4 YRS 2 MOS....

ALL THAT IS REQUIRED OF MR FLOYD ON HIS COMBINED SENTENCE OF (6) SIX YEAR (ONE) MONTH IS

(4) FOUR YEARS, THREE WEEKS. FLOYD IS BEING HELD

PAST HIS TRANSITORY RELEASE DATE AND IS

BEING DENIED OUR PROCESS RIGHT TO

COMMUNITY CUSTODY AS SUCH. FOR ALL INTENTS AND PURPOSES THE DEFENDANT IS UNCONSTITUTIONALLY BEING FORCED TO DO HIS MISDEMEANOR

SENTENCE IN THE PENITENTIARY AND HIS D.O.C.

TIME IN THE COUNTY JAIL, WHICH IS AN

AVANT TO CRUEL AND UNUSUAL PUNISHMENT.

PLEASE REFER TO THE ATTACHED DOC DOCUMENTS CONCERNING A CLEAR AND UNMISTAKABLE ERROR

TRUST TO MY KNOWLEDGE:

DATE: 2/6/14

Thomas Floyd

THOMAS FLOYD
IN PROPRIA PERSONA

RECEIVED
MAR 10 2014
CLERK OF COURT OF APPEALS DISTRICT
STATE OF WASHINGTON

SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF PIERCE

State of Washington)
Plaintiff/Respondent)

11-1-02808-1 E
No. 10-1-000196

v.
Thomas Ireland Floyd)
Defendant/Petitioner)

NOTE FOR MOTION TO DOCKET
Court Calendar
(CLERK'S ACTION REQUESTED)

TO: KEVIN Stock County Court Clerk and
Judge Johnson And: Judge McCarroll - Supreme Court

PLEASE TAKE NOTICE that the Litigant, Mr. Thomas Ireland
acting Pro Se, moves the above entitled court on the 27th day of FEBRUARY,
2014, at 1:00 o'clock P. m. for a (an) With oral argument, or [] With out oral
argument, and that the undersigned will bring on for hearing a motion, or motions for :

CORRECTION OF GOOD TIME CALCULATION AND RE-
INSTALLING BAIL ON APPEAL [ALLADIN BAIL BONDS]

Nature of the Case: Criminal, or [] Civil

Or as soon thereafter as the motion (s) can be heard.

The address of the place of the hearing is:

930 TACOMA AVE SO. TACOMA WA 98402

DATE: 2-3-14, 20 14.

Thomas Floyd
Signature

THOMAS FLOYD
Print/type Name

IN PROPRIO PERSONA

NOTICE SETTING OF HEARING