

69906-7

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No. 69906-7-I

COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION I

RODNEY LOUIS GARRETT,
Appellant,

v.

STATE OF WASHINGTON,
Appellee.

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STATEMENT OF ADDITIONAL GROUNDS, RAP 10.10

name: RODNEY L. GARRETT
DOC# 855294, Unit A-5/A-29
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520-9504

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
FOR DIVISION I

STATE OF WASHINGTON,
RESPONDENT

vs.

RODNEY L. GARLOTT,
APPELLANT

Case No.: 69906-7-I

STATEMENT OF ADDITIONAL
GROUNDS, PURSUANT TO
RAP 10.10

I, RODNEY LOUIS GARLOTT, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in the brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

STATE'S DELAY IN RE SENTENCING OF APPELLANT DIRECTLY RESULTS IN
THE VIOLATION OF APPELLANT'S DUE PROCESS AND SPEEDY SENTENCING RI-
GHT PROTECTED BY WY. CONST. ART. I, SECTION 3, 32 AND U.S. FEDERAL
CONST. 5TH AMENDMENT (APPLICABLE THROUGH THE 14TH AMENDMENT). ALONG WITH
SEVERAL SEPARATE GUARANTEED PROTECTED U.S. CONSTITUTIONAL RIGHTS, "THE

FEDERAL RULES OF CRIMINAL PROCEDURE ALSO PROTECT CRIMINAL DEFENDANTS
FROM UNREASONABLE DELAYS IN SENTENCING. . . THE DIRECTIVE SET FORTH
IN RULE 32, TAKEN TOGETHER WITH THE GENERAL PROHIBITION OF OPPRES-
SIVE DELAY ESTABLISHED BY THE DUE PROCESS CLAUSE, LOWASCO, 431
U.S. AT 289, 97 S.Ct. 2044, PROTECTS CRIMINAL DEFENDANTS FROM UN-
(SEE ATTACHED SHEETS)

Additional Ground 2

THE 7-YEAR DELAY IN RESENTENCING APPELLANT ON CONVICTIOUS (03-
1-08069-6 AND 03-1-09348-1) RAN CONCURRENT WITH AND FOLLOWING
JURY TRIAL CONVICTION (UNDER CAUSE 03-1-07859-6), FOLLOWING
COURT OF APPEALS REVERSAL AND REMAND FOR NEW TRIAL OF CAUSE 03-
1-07859-6 (DIV. I NO. 54256-7-I, 05/23/05), UPON WHICH FORMER
50-MONTH (DOJA) SENTENCE DEPENDS BOTH PREJUDICES APPELLANT
AND ENTITLES HIM TO DISMISSAL OF CAUSE(S) UNDER RESENTENCE
AS WELL AS IMMEDIATE RELEASE BASED ON KING COUNTY PROSECUTOR'S
VIOLATION OF APPELLANT'S CONSTITUTIONALLY PROTECTED SPEEDY
TRIAL RIGHTS OF WA. STATE CONST. art I, SECTION 22, AND U.
S. CONST. 6TH AND 14TH AMENDS. SPEEDY TRIAL PRINCIPLES APPLY

TO RESENTENCING AFTER A SUCCESSFUL APPEAL. STATE V. MODEST, 106 W.D. APP. 660 AT 664, 24 P.3d 1116 (2001).

A DELAY OF RESENTENCING HEARING FOR OVER TWO YEARS IS EXCESSIVE. FURTHERMORE, AS THE ELLIS COURT FOUND, "[T]HE DELAY OF ALMOST 2 YEARS [IS] PRESUMPTIVELY PREJUDICIAL [.]" ELLIS, 76 W.D. APP. AT 395, 884 P.2d 1360, (CITING STATE V. MODEST, 106 W.D. APP. AT 664). IN GENERAL, A CONVICTED DEFENDANT SHOULD NOT BE SUBJECTED TO NEEDLESS AND UNCERTAIN DELAY BEFORE A NEW SENTENCE IS IMPOSED AFTER REMAND BY AN APPELLATE COURT; THE CRIMINAL JUSTICE SYSTEM IS NOT SERVED WHEN OFFENDER IS NOT PROMPTLY RESENTENCED, STATE V. MODEST, 106 W.D. APP. 660, (SEE ATTACHED SHEETS)

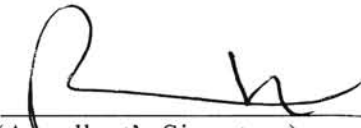
Additional Ground 3

STATE'S FLAGRANT AND ILL-INTENTIONED CONDUCT CONSIST OF COMPLETE DISREGARD FOR ENSURING DUE PROCESS AND FUNDAMENTAL FAIRNESS THROUGH TRIAL PROCESS BY (1) FAILING TO CORRECT SENTENCING ERROR EVINCED BY APPELLATE COURTS REVERSAL OF CAUSE (NO. 54254-7-J, 05/23/05) UPON WHICH SENTENCE IN CAUSE(S) BEFORE THIS COURT DEPENDS, (2) BUT MOVES TO REDUCE OFFENDER SCORE IN SUBSEQUENT RE-

IN MIND OF REVERSED CAUSE TO ENSURE FINALITY, KNOWINGLY, IF NOT ANTICIPATING, SUBSEQUENT SENTENCING OF REVERSED CAUSE AND WA. STATE DOC'S REVOCATION ORDER TO FOLLOW CONCERNING UNCORRECTED SENTENCE SUBJECT TO APPELLATE REVIEWAL (DATED 05/28/04), AN ACTION RESULTING IN ENHANCED IMPRISONMENT OF APPELLANT, UNLAWFULLY, AND SUBJECT TO TWICE PUNISHMENT* FOR REVERSED CAUSE (OR SUCCESSFUL APPEAL) THROUGH VINDICTIVENESS. THUS, SUBSEQUENT PLEA AGREEMENT INVOLVES STATE'S MOVING TO DISMISS ADDITIONAL
(SEE ATTACHED SHEETS)

If there are additional grounds, a brief summary is attached to this statement.

DATED this 6th day of OCTOBER, 2013.


(Appellant's Signature)

RODNEY L. GARROTT
(Appellant's Printed Name)

Stafford Creek Correction Center
191 Constantine Way, Unit # H-5
Aberdeen, Washington 98520

* FIFTH AMENDMENT TO THE FEDERAL CONSTITUTION PROTECTS PERSONS FROM SECOND PROSECUTION FOR THE SAME OFFENSE AND FROM MULTIPLE PUNISHMENTS FOR THE SAME OFFENSE IMPOSED IN THE SAME PROCEEDING, STATE V. TURNER, 16 Q.W.S.3d 442, 454, 238 P.3d 461 (2000).

(CONT) ATTACHED SUBJECTS ADD. GRID: #1 (Pb.1)

REASONABLE DELAYS BETWEEN CONVICTION AND SENTENCING. IN ORDER TO DETERMINE WHETHER A DEFENDANT HAS BEEN DEPRIVED OF HER DUE PROCESS RIGHT TO PROMPT SENTENCING, WE MUST CONSIDER [1] THE REASONS FOR THE DELAY AS WELL AS [2] THE PREJUDICE TO THE ACCUSED. Id. AT 790, 97 S. CT. 2044; SEE ALSO SANDERS, 452 F.3d AT 580 ("THROUGH THE LONG-SERIES LINE OF CASES ADDRESSING PRE-TRIAL DELAYS, WE FIND IT EQUALLY APPLICABLE TO [DELAYS IN RESENTENCING]". (QUOTING UNITED STATES V. RAY, 578 F.3d 184 (2ND CIR. 2009)).

WHERE APPELLANT, IN CASE AT BAR, HAVING SUCCESSFULLY APPEALED PRIOR CONVICTION UPON WHICH MULTIPLE CHARGE JUDGMENT AND SENTENCE DEPENDS, NECESSARILY, PROPERLY, AND "PROMPTLY" REQUIRES RESENTENCING (CORRECTING), A FAILURE WHICH HAS RESULTED IN "SUBSTANTIAL AND DEMONSTRABLE" PREJUDICE, NOT MERELY PRESUMPTIVE, SINCE, ASIDE FROM AN OVER 7 YEAR DELAY WHERE RESENTENCE OCCURS BEYOND ORIGINALLY ESTABLISHED RELEASE DATE (01/30/13 - DATED 07/00), THEN, SUBJECTS APPELLANT TO PUNISHMENT TWICE FOLLOWING SUCCESSFUL APPEAL OF SEPARATE CHARGE, AS WA. DOC, KNOWINGLY AND UNWITTINGLY, REVERSES PRIOR SENTENCE (NOW, BEFORE THIS COURT) INVALIDATED BY SUCCESSFUL APPEAL (05/23/05) AND RECALCULATES APPELLANT'S RELEASE DATE ADDING 25 MONTHS (FROM 01/30/13 TO 04/17/15 - DATED ON OR ABOUT 07/24/08).

A PROMPT RESENTENCING FOLLOWING SUCCESSFUL APPEAL WOULD PROBABLY REDUCE APPELLANT'S RELEASE DATE OF 01/30/13, BY APPROXIMATELY 8 MONTHS, OPPOSE TO SUBSEQUENT DELAYED RESENTENCING RESULTING IN YET, ANOTHER WA. DOC RECALCULATION OF AN ADDITIONAL 25 MONTHS TO AN ALREADY ENHANCED RELEASE DATE (04/17/15) TO 08/18/17 - DATED 03/13.

(cont) ATTACHED SHEETS - ADD. GRD. #1 (Pg. 2)

A DEFENDANT IS PREJUDICED BY A SENTENCING DELAY, AND THUS HIS DUE PROCESS RIGHTS ARE VIOLATED, WHEN IMPOSING THE SENTENCE WOULD INTERRUPT HIS REINTEGRATION INTO THE COMMUNITY/ IN A WAY THAT THE IMMEDIATE IMPOSITION OF SENTENCING WOULD NOT HAVE VIOLATED STATES V. PAUL, 634 F.3d 668, 634-35 (2nd CIR. 2011). NO SHOWING OF PREJUDICE IS REQUIRED WHEN THE DELAY IS GREAT AND ATTRIBUTABLE TO THE GOVERNMENT. UNITED STATES V. SHELL, 974 F.2d 1035, 1036 (9th CIR. 1992) (CITING DOGGENT, 505 U.S. AT 657-58, 112 S.Ct. 2086).

STATE (KING COUNTY PROSECUTOR'S) ACTION / INACTION, KNOWING AND/OR PURPOSEFUL OR OPPRESSIVE, OF DELAYING RESENTENCING (CONNECTING SENTENCE) VIOLATES APPELLANT'S RIGHT TO DUE PROCESS IN CRIMINAL MATTER UNTIL THE ENTIRETY OF FAIR JUDGMENT. "THIS RIGHT GUARANTEES NOT ONLY THAT THE REQUIRED PROCESS WILL BE AFFORDED, BUT THAT IT WILL BE AFFORDED WITHOUT OPPRESSIVE DELAY." UNITED STATES V. LOMASCO, 431 U.S. 785, 789, 97 S.Ct. 2044, 53 L.Ed.2d 752 (1977); SEE ALSO UNITED STATES V. SMITH, 94 F.3d 204, 206-07 (10th CIR. 1996). [COURTS] ARE TO DETERMINE ONLY WHETHER THE ACTION COMPLAINED OF... VIOLATES THOSE FUNDAMENTAL CONCEPTS OF JUSTICE WHICH LIE AT THE BASE OF OUR CIVIL AND POLITICAL INSTITUTIONS, AND WHICH DEFINE THE COMMUNITY'S SENSE OF FAIR PLAY AND DECENCY. "PACCHINO V. CALIFORNIA, 342 U.S. 105, 170, 72 S.Ct. 205, 96 L.Ed. 183 (1952) (INTERNAL CITATIONS OMITTED)... A SHOWING THAT THE GOVERNMENT MADE LITTLE TO NO EFFORT TO SEEK A TIMELY RESENTENCING BY THE DISPARATE COURTS MAY CREATE A PRESUMPTION OF A DUE PROCESS VIOLATION. Cf. DEWITT, 16 F.3d AT 35-36 (FINDING A DUE PROCESS VIOLATION BASED IN LARGE PART ON THE GOVERNMENT'S TAKING NO ACTION TO CORRECT A SENTENCING ERROR) (QUOTING UNITED STATES V. SANDERS, 452 F.3d 572, 581 (10th CIR. 2006)).

(CONT) ATTACHED SHEET(S) - ADD. GRD. #1 (Pg. 3)

"A DEFENDANT HAS NO DUTY TO BRING HIMSELF TO TRIAL; THE STATE HAS THAT DUTY." *BARBER*, 407 U.S. AT 527 (FOOTNOTE OMITTED) (CITING *STATE V. WILKINZ*, 167 W.V. 2d 273, 217 P.3d 768 (2009)). LIKEWISE DEFENDANT HAS NO DUTY TO BE RESENTENCED. SIXTH CIRCUIT CONCLUDED THAT [CERTAIN] DEFENDANT DOES NOT HAVE A DUTY TO PETITION THE COURT FOR RESENTENCING. "THE ONUS FALLS ON THE GOVERNMENT." (CITING *UNITED STATES V. RAY*, 578 F.3d 184 (2009)). THE NINTH CIRCUIT REACHED THE SAME CONCLUSION IN *UNITED STATES V. MURPHY*, HOLDING THAT "JUST AS A DEFENDANT HAS NO DUTY TO BRING HIMSELF TO TRIAL, HE HAS NO AFFIRMATIVE DUTY TO AID IN THE EXECUTION OF HIS SENTENCE." 857 F.2d 861, 866 (9th Cir. 1988) (CITING *UNITED STATES V. SANDERS*, 452 F.3d 572, 581 (6th Cir. 2016))

APPLYING THE FACTS OF THIS CASE (AT B/W) TO *BARBER*'S ANALYTICAL FRAMEWORK, THIS COURT MUST CONCLUDE THE FACTORS OF *BARBER* WOULD BE MET AGAINST STATE'S PROSECUTOR ESPECIALLY WHERE DEMONSTRATED IS AFFIRMATIVE PROOF OF PARTICULARIZED PRACTICE AS WELL AS THE FACT THAT ITS THE STATE'S BURDEN TO RESURANCE APPELLANT IN A TIMELY MANNER (PROMPT). A BURDEN INCURRED BY APPELLANT'S INCARCERATION AND RESULTING CONTINUED IMPRISONMENT BEYOND PERPET DATE BEFORE RESENTENCED.

ON THE FACTS OF THIS CASE, APPELLANT, RESPECTFULLY ASKS THIS COURT TO DISMISS CHARGES WITH PREJUDICE, AND IMMEDIATE RELEASE OF APPELLANT.

(CONT) ATTACHED SHEETS - ADD CARD #2 (Pg 1)

24 P.3d 1116 (2001).

THE CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL INCLUDES THE RIGHT TO A SPEEDY SENTENCING. STATE V. ELLIS, 70 WA. APP. 391, 394, 884 P.2d 1360 (1994). THIS RIGHT IS VIOLATED WHEN A DELAY IN SENTENCING IS "PURPOSEFUL OR OPPRESSIVE." POLLARD V. UNITED STATES, 352 U.S. 354, 77 S.Ct. 481, 1 L.Ed.2d 393 (1957) (CITING STATE V. RICH, 160 WA. APP. AT 652-53); STATE V. AMOS, 147 WA. APP. 217, 235, 195 P.3d 504 (2008). TO DETERMINE WHETHER A DELAY IS PURPOSEFUL OR OPPRESSIVE, WE BALANCE THE LENGTH AND REASON FOR THE DELAY, THE DEFENDANT'S ASSERTION OF HIS RIGHT TO A SPEEDY SENTENCE, AND THE EFFECT OF PREJUDICE TO THE DEFENDANT. MOJEST, 106 WA. APP. AT 663, 24 P.3d 1116 (CITING STATE V. RUIPE, 108 WA.2d 734, 742, 743 P.2d 210 (1987), cert. denied, 486 U.S. 1061, 109 S.Ct. 2834, 100 L.Ed.2d 934 (1988)) (QUOTING STATE V. AMOS, 147 WA. APP. 217, 235, 195 P.3d 573 (2008)).

APPELLANT, THROUGH STATE'S DILATORY (TENDING TO CAUSE DELAY - BAKER'S LAW, 8th Ed.) BEHAVIOR WAS (1) SUBJECTED TO THREE PUNISHMENT FOR CAUSE 03-1-07859-6, WHERE ON 03/20/06, FOLLOWING 02/03/06 RESCINDENCE OF CAUSE 03-1-07859-6 (UNCORRECTED SENTENCE RAN CONCURRENT TO CAUSE(S) 03-1-07809-6 / 03-1-07848-1, NOW BEFORE THIS COURT), WA STATE DOC (W/ KING CTY. PROS) KNOWINGLY AND WRONGFULLY AND PURPOSEFULLY REVOKED. PRIOR SENTENCE RE-INDICTED INVOLVED BY APPELLATE REVERSAL ACTION (05/23/05) OF CAUSE 03-1-07859-6, RESULTING IN DOUBLE JEOPARDY CLAIM BY APPELLANT AND ENHANCEMENT OF 25 MONTH ADDED TO IMPRISONMENT OF APPELLANT (FROM RELEASE OF 01/20/13 TO 01/20/15 - DATED 07/24/08 - DOC RECALCULATION). (2) ON OR ABOUT 02/01/13, APPELLANT, FOLLOWING SEVERAL PRIOR COLLATERAL ATTACKS OF GUNBE

(CONT) ATTACHED SHEETS - ADDENDUM #2 (PG. 2)

URGENT ACTION / INACTION CONCERNING APPELLATE PENSIONAL (REGULATION) OF MA. STATE DOC, STATE CONCERNES UPON FILING OF APPELLANTS PERSONAL RESTRAINT PETITION (NO. 80409-8-08/11), WAS RESENTENCED BASED ON OFFENSIVE SCORE ERROR RELATIVE TO APPELLATE REVERSAL 05/23/05 AND DELAYED SOLELY TO TAKE ADVANTAGE "TACTICAL AND VENUE" FOLLOWING SUCCESSFUL APPEAL. (DOUBLE JEOPARDY RIGHTS PROTECTED: U.S. CONST. 5TH AMEND / WA. STATE CONST. ART. 1, SECTION 1)

THERE IS NO AUTHORITY TO DELAY SENTENCING FOR A DEFENDANT ON THE CHANCE THAT HE MIGHT BE CONVICTED OF A CRIME. NOR IS THE FACT THAT THE DEFENDANT PREVIOUSLY PLEADED GUILTY TO A NOW VACATED CONVICTION SUFFICIENT TO DELAY SENTENCING. THE FACT THAT A DEFENDANT IS AMENDING PLEAS OR CHARGES, CANNOT BE UTILIZED TO DELAY IMPOSITION OF A CORRECT SENTENCE. IN RE PERSONAL RESTRAINT OF HUNTON, 152 W. 2D 853, 860-61, 100 P. 3D 801 (2004) (CITING IN RE PERSONAL RESTRAINT OF SUTTON, 134 W. 2D 1068 NOT REPORTED IN P. 3D (2006)).

APPELLANT HAVING PRESENTED SUBSTANTIAL PREJUDICE (IT INCLUDES CHARGES, IMPRISONMENT AND RESENTENCING OUTSIDE ORIGINATE AND PROPER RELEASE DATE, STILL UNCORRECTED) ALONG WITH STATE'S CLAIM THAT "IF HE HAD COMPLETED THESE BACK IN 2005, HE WOULD HAVE BEEN RESENTENCED", IS UNSUPPORTED BY LAW OR FACT WITH NEITHER SCHEDULING OF RESENTENCING HEARING NOR GOOD CAUSE FOR DELAY, CLEARLY PRESENTS "PURPOSEFUL OR OPPRESSIVE" RESENTENCING DELAY, THEREBY, APPELLANT SEEKS, RESPECTFULLY, DISMISSAL WITH PREJUDICE OF CHARGES BEFORE THIS COURT. SEE VJP AT 65

ALTHOUGH THE ANALYSIS USED TO IDENTIFY A SILENT TRAIL VIOLATION IS FLEX-

(CONT) ATTACHED SUPPLS - ADD. GRAD. #2 (Pg. 3)

IBLE, THE REMEDY IS CATEGORICAL: DISMISSAL OF THE CHARGES. IN
STRANIK V. UNITED STATES, THE SUPREME COURT MADE CLEAR THAT "DISMISSAL
[IS]... THE ONLY POSSIBLE REMEDY" FOR A VIOLATION OF THE RIGHT PRO-
TECTED BY THE SPEEDY TRIAL CLAUSE. 412 U.S. 434, 440, 93 S. CT. 2260,
37 L. ED. 2D 56 (1973) (INTERNAL QUOTATION MARKS OMITTED) (CITING
UNITED STATES V. RAY, 578 F.3D 184, 191 (2nd Cir. 2009)).

(CONT) ATTACHED SHEETS - ADD. CALD #'S (PG. 1)

CHARGE OF TRAFFICKING IN STOLEN PROPERTY ON THE CHARGE THAT ISSU-
UE OF UNCORRECTED SENTENCING ERROR (OFFENDER SCORE) DOESN'T
MATERIALIZE, AND IF SO WOULD BE LIMITED TO REVERSED MATTER,
NOT SUBSEQUENT SENTENCES WHICH ALSO INVOLVE ASSIGNED/AP-
POINTED COUNSEL'S (AND APPELLATE COUNSEL) AND THEIR INEFFECTIVE
ASSISTANCE THROUGH CONFLICT OF INTEREST. SEE STATE'S RESPONSE
TO P.R.P. AT PGS 3, 4, AND 11 AND PETITION FOR CONSERVATION OF MATTER
SUB. CT. NO. 87924-5 (ESMBUSING DIRECT RELEVANCE).

A PROSECUTOR OWES A DEFENDANT A DUTY TO ENSURE THE RIGHT TO A
FAIR TRIAL IS NOT VIOLATED. STATE V. MUNDAY, 171 W.D. 2d 667, 676, 257
P. 3d 551 (2011) (CITING STATE V. RIMOS, 104 W.D. APP. 327, 333, 263 P.
3d 1268 (2011)). UNDER THE EXPRESS TERMS OF RULE PERMITTING DIS-
MISSAL OF A CRIMINAL CASE FOR PROSECUTORIAL MISCONDUCT, THE COURT
MUST FIND (1) THAT THE PROSECUTOR ENGAGED IN ARBITRARY ACTS
OR MISCONDUCT, AND (2) THAT THE DEFENDANT WOULD BE PREJUDICED.
COURT 8.3(b). SIMPLE MISMANAGEMENT WITH ERRORS TO GOVERN-
MENTAL MISCONDUCT. STATE V. MITCHELL, 132 W.D. 2d 229, 239-
40, 937 P.2d 587. THEY (COURTS) CAN DISMISS ACTIONS WHILE
GOVERNMENT ATTORNEYS HAVE "WILLFULLY DECEIVED THE COURT AND
ENGAGED IN CONDUCT UTTERLY INCONSISTENT WITH THE ORDINARY AD-
MINISTRATION OF JUSTICE." UNITED STATES V. NAT'L MED. ENTERS.,
INC., 792 F. 2d 906, 912 (9th CIR. 1986).

THESE ACTIONS / INACTIONS DEMONSTRATE KNOWING AND INTENTIONAL VIOL-
ATIONS ON THE PART OF KING COUNTY PROSECUTOR AND SMITZ AGENCY'S VIOL-
ATION OF APPELLANT'S CONSTITUTIONALLY PROTECTED RIGHTS UNDER BOTH
WA STATE CONSTITUTION'S ART I, SECTION 3, AND U.S. CONSTITUTION'S
5TH AND 14TH AMENDMENTS. THUSLY, APPELLANT RESPECTFULLY SEES

(Court) ATTORNEY SUBJECTS IND. CIV. #3 (R.2)

DISMISSAL OF CAUSES BEFORE THIS COURT WITH PREJUDICE. STATE
V. KORUM, 157 IND. 2d 614, 650, 141 P. 3d 13 (2000); SEE STATE V.
EASER, 130 IND. 2d 228, 242, 922 P. 2d 1285 (1996) (ON DI-
RECT APPEAL, PROSECUTORIAL MISCONDUCT THAT IMPLICATES CONSTITU-
TIONAL RIGHTS OF DEFENDANT REQUIRES REVERSAL UNLESS THE STA-
TE SHOWS THE ERROR WAS HARMLESS BEYOND A REASONABLE DO-
UBT).

Additional Ground #4

Appellant objects to Trial Court's failure to address the filed motion for relief from judgment or order (pursuant to Rule 60.2(b)) (Order of 10/13 concerning D.C. 03-1-090678 and 03-1-07848-1 before this court) as well as searching and violated his constitutionally protected right to speedy trial (speedy search) guaranteed by the sixth amendment of the U.S. constitution and his state constitution, art. 1, section 22.


Claims/Grounds presented in Appellant's supplemental and final grounds before this court, now, are based on similar claims and issues in its motion for relief from judgment.

Appellant, according to (21.1.6(b)) sought relief from judgment or order based on (5) Any other person shifting relief from the operation of the judgment. The procedure or vacation of judgment (c)(2) The court shall transfer a motion filed by a defendant to the court of appeals for consideration as a permanent restraining order unless the court determines that the motion is not issued in violation of 3.090, as is the case above, and (7) The defendant has made a substantial showing that the on site is entitled to relief, as does Appellant. Believing is so, or (1) The substantiality of the motion: the defendant's motion here.

AFFIDAVIT

I, RODNEY L GARRETT, APPELLANT, CONCERNING SUPPLEMENTAL APPOINTMENT GROUNDS (SIG) BEFORE THIS COURT, SWORE UNDER THE PENALTY OF PERJURY OF THE STATE OF WYOMING THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING.

DATE: 10/06/13

 #3552910
SIGNATURE / OCC NUMBER