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Joel Christopher Holmes
WA DOC 366312
- Lincoln Unit, Cell No. LA 41-Lower,
Arway Heights Correctional Center,
PO Box 2049,
Arway Heights, Washington
98001-2049

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2011 AUG 20 PM 2:18

Hon. Richard D. Johnson
Chief Clerk / Administrator
Washington State Court of Appeals
- Division One
One Union Square Building
600 University Street
Seattle, WA 98101

RE: Request To Clarify Record in No.
70398-6-1. ~~Joel~~ ~~WA~~ 366312

To The Clerk:

This letter is a request that
the Clerk's Office clarify exactly
what happened to the 50-page

"redacted" Statement of Additional Circumstances
(CRAP 10.10(a)-(f)), that I submitted
to the Court around February 11, 2014. I
was notified from the

2.

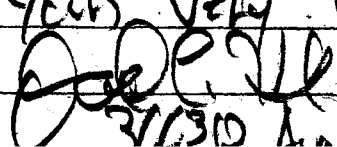
Court or from my appointed Counsel
of the disposition of the 50-page
Statement of Additional Grounds (SAG
10.10). On Feb. 11, 2017, I received the

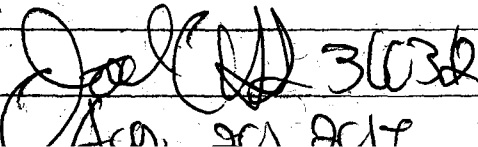
79-page JAG I had submitted on
Jan 25, 2017, with a "Deficiency Notice
[sic]" stating that the Brief exceeded
the 50-page limit (RAP 10.2-10.4). I

NEVER received any Notice from the
Court, or from my appellate Counsel, of the
uphol of the JAG or of my Motions
& Charge Appellate Verne, etc. See

our file, No 70398-6-I. I would
appreciate it if your office would
inform me: (1) Was the 50-page JAG
collected by the Court, and if not, why
& (2) What was the disposition of
my other Motions by the Court?

Yours Very Truly,



 36032
3/1/17

Cover/Title
70398-6-1
or New PRP!

70398-6-1
Leach, Schindler, and
Spearman
Sept. 10, 19

FILED
U.S. DIV. 1
COURT OF APPEALS
STATE OF WASHINGTON
2019 AUG 20 AM 11:20

No. 70398-6-1-Or File As New PRP
IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
-DIVISION ONE.

[RAP 9.1, 9.2; CR 60; CrR 7.0; RCW 7.16]

The State of Washington, Plaintiff/Respondent
King County Prosecuting Attorney's Office
(KCPAO)
554 Fifth Floor,
King County Courthouse, 36632
516 Third Avenue, August 20
Seattle, Washington, 98104. 2019

VEROUS

Mr. Joel Christopher Helmer, Defendant/
Appellant
WA DOC 366312,
Lincoln Unit, Cell No. 41-Lower,
Airway Heights Correctional Center,
PO Box 2049,
Airway Heights, Washington,
99001-2049.

APPELLANT'S PRO SE MOTION TO CLARIFY

4

THE IDENTITY OF PETITIONER:

Mr. Joel Christopher Holmes, the Defendant/Appellant in the above-entitled Case No. 70398-6-1 (Appeal of King County Superior Court No. 12-1-06088-2 SEA), hereby appears,

again, to request information concerning the disposition of

Petitioner's February 11, 2014, Motion To

File a ~~79~~ ¹⁹-page Statement of Additional Grounds (SAG) (1/1/14), the disposal

of the 50-page Statement submitted

on February 13, 2014, and the

outcome of Petitioner's Motion, decided

by the Court, on March 10, 2014. See

Case File, No. 70398-6-1. Appellant has

NEVER received any information, from

the Court or its staff, regarding his appeal or any

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for the appeal of the disposition of his Motions and the Statement of Additional Grounds, on March 10, 2014

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II. PRIOR PROCEEDINGS

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Appellant submitted a 79-page Statement of Additional Grounds (SAG) to the Washington Court of Appeals, Division One, on January 29, 2014. This statement was returned to Petitioner on Monday, February 10, 2014, with a "Deficiency Notice" demanding that the contents be limited to 50 pages (PAP 10.2-10.4)

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and requiring that a "corrected" version be submitted by February 18, 2014. Appellant redacted some 29 pages and returned the brief to the Clerk of this court. This corrected version was filed by the court on February 13, 2014. However, Petitioner was never informed whether this reduced version was accepted, and he was NEVER notified of the disposition of his other Motions by appellate counsel. See Motions, March 10, 2014. No further notice was subsequently received by the Appellant

3.

accepted or not. This case (No 10398-6 -I) is currently set for consideration ~~without~~ argument on Wednesday, September 10, 2014. RAP 11.4(j).

THE ISSUES FOR REVIEW:

I WAS APPELLANT DENIED DUE PROCESS OF LAW AND EFFECTIVE ASSISTANCE OF APPELLATE COUNSEL BY THE HANDLING OF HIS STATEMENT OF ADDITIONAL GROUNDS (RAP 10.10(d)), BY THE WASHINGTON STATE COURT OF APPEALS AND BY HIS APPOINTED (RAP 15.2) COUNSEL THE WASHINGTON APPELLATE PROJECT?

1. Statement of Additional Grounds (SAG) (RAP 10.10(a)-(f))?

2. Court of Appeals' Ruling on Motions (RAP 17.4-17.7)?

I WAS PETITIONER, IN THE CASE(S) AT BAR "CONVICTED" UNDER SECTIONS OF WASHINGTON STATUTE WHICH HAVE BEEN REINDEXED, RE-INDEXED, OR WERE NOT CONTAINED IN THE STATE'S INFORMATION (No 12-1-06088-2 SEA, December 10, 2012). (Inst. No. 10.)

456) a defined in RCW 9A.04.110 (25) [sic]?"
 1981 ~~to~~ RCW 9A.46.020 (2)(b)(i)-(iv)
 TO "Criminal Justice Participant"? (Ct Courts
 Anscript Jury Instruction No. 9, "Judge Julie
 (real) Specter",)
 rank-
 ter,

III. WERE THE STATE'S JURY
 INSTRUCTIONS NO. 7-9, DEFECTIVE
 IN TERMS OF ALLEGING A SPECIFIC
 "VICTIM" AND THE CONNECTION TO
 THE CRIMINAL JUSTICE SYSTEM?
 1. Jury Instruction No. 7, "directed a
 threat to a Judge [sic]"
 2. Jury Instruction No. 9, "Judge [sic]
 Julie Specter," and "felony harassment."

~~THIS~~ IS THE FIRST AMENDMENT, USCA
 AS WELL AS ARTICLE I, § 5, RCWA,
~~AND~~ INTIMIDATING FOR WASHINGTON
 STATE'S TRIAL AND APPELLATE COURTS
 1. Courts Jury Instruction No. 20, "bodily
 injury in the future" — is a "true threat" of
 "bodily injury" or even "death," necessarily
 unprotected speech? (Ct Court v. Jun, 810

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 22] Fed 923, 925 (Ninth Circuit (CA) (1987))

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2 Is the State's "reasonable person" standard, for utterance of a "true threat," unreasonable in the context of an alleged "threat" directed at a prior "ruling or decision of a judge"? RCW 9A.72.160 (1)-(3).

A. Must the speaker, charged under RCW 9A.72.160, have the subjective specific intent to intimidate at the start of the alleged call or other communication, "directed" at a judge?

B. Is the State's so-called "reasonable person" standard for a "true threat," the proper standard for a case involving First Amendment issues or for ANY criminal case?

C. Was Jury Instruction No. 20, overly sweeping and imprecise, in that it defined "threat" as "to communicate... the intent immediately to use force... or to cause bodily injury... and not limited to the intent to [sic] kill... [Judge Julie A. Spector]"

alleged in Instructions 7 and 9?

G.

V. WAS PETITIONER DENIED HIS SIXTH AND FOURTEENTH AND RIGHT TO TO A UNANIMOUS (OR AT LEAST, A PLURALITY!) VERDICT OF 12 JURORS (See e.g. State v. Petrich, 101 Wn2d 566

570, 683 P2d 173 (1984), BY THE STATE'S FAILURE TO SPECIFY EXACTLY WHICH "RULING OR DECISION" OF JUDGE SPECTOR,

PETITIONER'S ALLEGED "THREATS," WERE SUPPOSEDLY "DIRECTED" AT? (See Mathematical Appendix 'A', intra =

VI. WAS APPELLANT ILLEGALLY PLACED TWICE "IN JEOPARDY" BY THE STATE

OF WASHINGTON IN THE CASE(S) AT BAR: I. Courts I and II, "Intimidating A Judge" (RCW 9A:72.160(7)-(3)) and

"Felony Harassment" (RCW 9A:46.020 (A)(b)(i)(b)(ii)-(iv))?

2. June 12, 2011 calls to Judge Julie A. Spector's downtown courtroom (206-296-9160) in violation of the Ordinance

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Violation" (SMC 9.10.430, Harassment;
Case No. ~~7~~ 80248349 SHO, June 18 -
July 05, 2011)?

VII. WAS PETITIONER, DENIED HIS
RIGHTS UNDER THE "CONFRONTATION
CLAUSE" OF THE SIXTH AMENDMENT
TO CONFRONT ALL OF THE WITNESSES

AND "TESTIMONIAL" EVIDENCE
AGAINST HIM? (See Crawford v. Washington

541 U.S. 36, 47, 60-63, 158 L. Ed. 2d 177
(2004) (Scalia, J.) (reversing 147 Wn.2d 424
54 P.3d 656))

1. The alleged November 18, 2012, "911"
Seattle Police/Fire "Emergency"
call?

2. The alleged November 13, 2009
calls, personally "received" and
recorded by UW President William
P. Gerberding, Provost Steven C. Alvarez
and Seattle Police Dept. Detective
Daniel R. Jettke (see State v. Holmes,

141 Wn. App. 1040, 2007 Westlaw 4157303, 91
Wn. App. 1040, 2007 Westlaw 4157303, 91

9.

the appellate court advising the defendant/appellant of the substance of this rule. The clerk will advise all parties

if the defendant/appellant files a statement of additional grounds for review...

RAP 10.10(d) emphasis added. Appellant received NO notice that

the 50-page Statement of Additional Grounds, subsequently submitted on February 11, 2014, had been accepted by this court. Instead, the case was simply set 3 summarily for decision

without oral argument (and probable oblivion) without any notice to the

appellant!

[RAP 11.4 (j)] (g) Submitting Case

without Oral Argument [sic]. The appellate court may, on its own

a party, decide a case without oral argument. If the appellate court decides that the case will be decided without oral argument, the clerk will advise the parties and others who have filed briefs at the date the case is set for consideration on the merits

RAP 11.4(j), emphasis added. So, instead of an appeal, Appellant has been assigned to a ~~§ 1915(a)~~ (PCW 10.73.160 (1)-(6)) guilty plea, by this court, and by the Washington Appellate

Project. Evins v. Lucey, 469 U.S. 387, 393, 105

S.Ct. 830, 834, 83 L.Ed. 2d 821 (1985) (Brennan, J.) (attorneys of counsel on appeal). Rodriguez v. Florida Dept. of

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Circuit (FL) (2014)) (failure of State to
serve Federal habeas corpus Petitioner

with exhibits) (Martin, C.J.). Six v. Thaler,

618 F.3d 569, 572 (Fifth Circuit (TX)

(2010). Randall v. Yakima Nation Tribal

Court, 841 F.2d 897, 901 (Ninth Circuit (WA)

(1988)). The interests of justice, clearly
require this Court to hear Petitioner's
our arguments on appeal - whether by

accepting his original 29-page Statement
of Additional Grounds or by other
means. In re Application of [Cary]

Chesman, 219 F.2d 162, 163 (Ninth Circuit

(CA1 (1955)) (Edmond G. Brown, ~~St.~~ Att. Gen.;

State of California) (loss of trial transcript
on appeal in capital case).

Pet. was "convicted" of "Intimidating
A Judge" (PCW 9A.72.160 (7)-(8) (b)),
PCW 9A.04.110 (5) of

12
The Revised Code of Washington which
has been re-indexed and is no
larger in effect, RCW 9A.04.110 (28),
Laws of 2005, June v. Albright, 144

Wash. App. 566, 570, 183 P.3d 1044 (2008)

Carling State v. Taylor, 97 Wn.2d 727, 728,
649 P.2d 633 (1982), and Jenkins v.

Bellingham Municipal Court, 95 Wn.2d 574,

579, 627 P.2d 1316 (1981) (RCW 9A.44.130
Court's Jury Instruction No. 10, "Threat."

Appellant was also convicted of
"Felony Harassment" (RCW 9A.46.020 (a)(b)
(a)(b)(c)-(iv)), for an alleged November

18, 2012 "Threat" directed at Judge

Julie Spector, "whether in any way clarifying
whether the "Threat" charged under the
statute, was contingent upon the status of
the alleged "victim" as a Judge or Court

Jury Inst. No. 9, "Felony Harassment" The
... also implicitly informed in

In the case at bar, that the charge was a "Felony," ignoring the fact that a criminal jury is NOT supposed to be made aware of the possible penalty for any crime. RP, May 13th, 2013, at

251-252, Curly Jury Inst. No. 7, Wash Prac Guide 13A, Felony Harassment, No. 36.71.

Figure 1 - Time Chart - Feb. / March 2014

Su	Mo	Tu	Wed	Th	F	Sat
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15

Feb 2014
Holiday (Pres. Day)

Mar, 2014

1st SAG (PAP 1010) mailed by Appellant

1st SAG received by Court of Appeals

SAG returned by Court of Appeals

Deadline for SAG

Ruling on Motions

14.

Petricher was "convicted" on three two charges, entirely based on an alleged "threat" supposedly "directed" at a

past "ruling or decision" of Judge

Julie A. Spector. The State NEVER

specified, exactly WHICH "ruling or

decision," supposedly "made" by Judge

Julie A. Spector, out of possibly thousands

or even billions of past such "rulings or

decisions," let alone the ones entered Jan. 30,

2006 - Feb. 2, 2006, in Case No. 04-1-14102-4

JB*, by Judge Spector, Pet. alleged "threat" was supposedly "directed" at, State v. Holmes,

141 Wash App 1040, 2007 Westlaw 4157303, at 14-

* ~~7~~ (Wash App. [Div. 1 (Nov 26, 2007)]) (per

curiam) (discussing myriad of "rulings or decisions"

against Petricher since 1986 "dismissal" [WAC

498-120/124-020/040] from University of

Washington). (Fr. Friedrich Aulayek, Collectivist

Economic Planning (1935 ed.) (discussing failure

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impossibility* of solving billions of simultaneous
equations or decisions, Ludwig von Mises,
Planning for Freedom (1962 ed.) (same), Murray
N. Rothbard, Man, Economy, and State, Volume
II, "Monopoly" (1962 ed.) (discussing true
impossibility of "one Big Cartel" due to
failure to calculate economic values). Exactly
WHICH "ruling or decision" by Judge

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Spector, then, were Petitioners alleged
"threats" supposedly targeted at? RCW
9A.72.160 (1)-(3). RP, May 13th, 2013, at
50-114, RCW ~~9A.72.160~~, is NOT limited to
a "pending" "ruling or decision" by a Judge
but applied to ANY past or present judicial

action.
therefore,
re
note,
or in

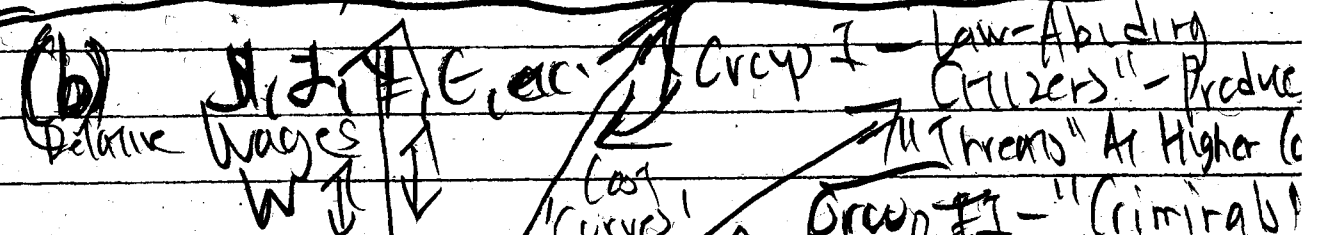
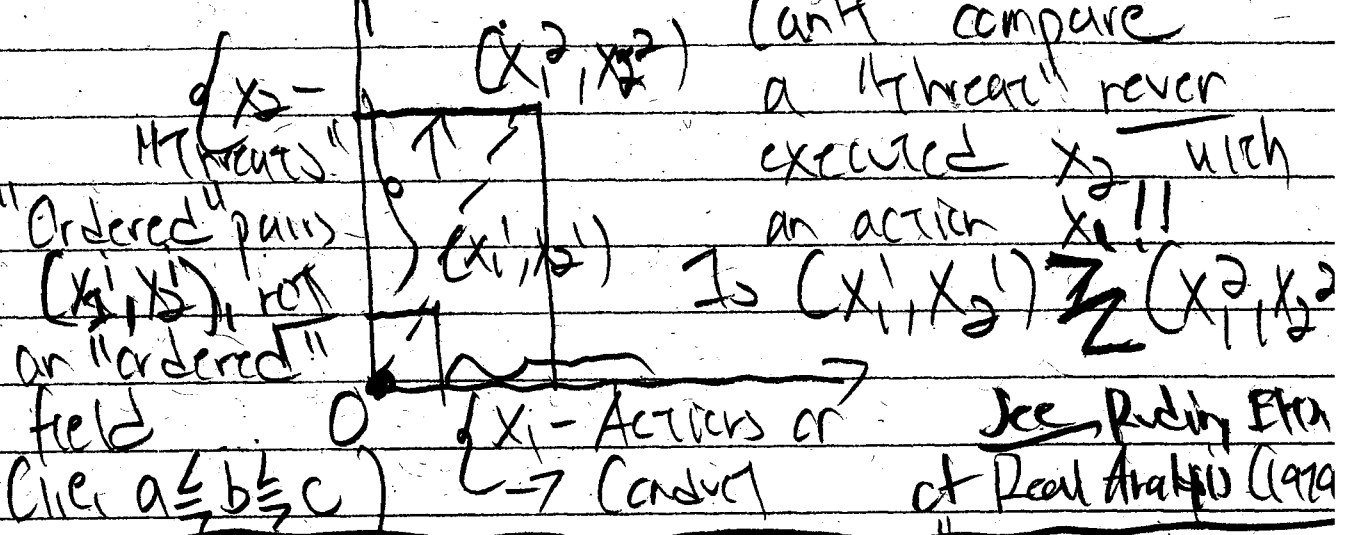
Melugin v. Hanes, 38 F.3d 1478, 1485
(Ninth Circuit (AS) (1991) (AS ~~156510(a)(2)~~,
limited to pending governmental actions), RCW
9A.76.180 (limited to pending official acts),

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Figure 3 The "True Cross of 'True Threat'"
 Analysis - "Time on the Cross" for legal

(a) Analysis: (A. Fogel & Engerman, 1974)



"Threats" as signalling, or "screening"

See A.M. Spence, Signalling: A Analysis of Labor Market Screening (1974 ed.) • Layard and Waters, Microeconomics (1978 ed.), Appendix.

Suppressing "true threats" does nothing to reduce the probability (P) that any given "threat" will be carried out, where $E(X) = (P_1 \cdot x_1) + (P_2 \cdot x_2)$

RE:

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— given "threat" true or otherwise, "will be carried out." CH. RCW 9A.46.020(2)(a) (b) (2)(a)(i)-(iv); RCW 9A.72.150(2)(b)

Suppressing "threats" merely deprives society of an important signal or index of whether the threat will ever be carried out, where p_1 = probability threat will be carried out, $p_2 = (1-p_1)$ = prob. it will NOT be "carried out",

and $E(X) = \{ (p_1 \cdot x_1) + (p_2 \cdot x_2) \}$, and

x_1 = outcome if threat is carried out, x_2 = outcome if it NOT carried out. The

Jury Instructions given in the case at bar, No. 6-10, allowed Appellant to be convicted for ANY "threat," no matter

how low the probability p_1 = threat will be carried out, might be. Corales v

Bennett, 567 F.3d 554 at 564-566

9th Cir. (CA) (2009) (Admission of public school principal, for alleged "threat" to class, reversed). United States v. Richards, 107 F.3d 1100 (9th Cir. 2000)

See (2008) (reversing) 415 F. Supp. 2d 547, 551-3 (Eastern District Pennsylvania (PA) (2005) (alleged "threat" against Hillary Rodham Clinton, dismissed under 18 USC § 879))

Washington state (cure), are creating a new tyranny of mass imprisonment for making ~~the~~ threats similar to the decades-long War On Drugs, starting with the Nixon Administration, circa 1972, in order to replace that term of governmental tyranny, with another one, should allegedly "dangerous" drugs such as marijuana, ever be legalized. See UW v. Elonis, 730 F.3d 321, 330

(Third Circuit (PA) (Sept. 19, 2013)) (Scirica, J. certiorari granted, No. 13-983 (U.S. (PA)

June 16, 2014) (construction of "true threats" under 18 USC § 875(c)). Even if a so-called "true threat" can legally be prohibited, the corollary "objective" "threatworthy person" standard used here in Washington state, is inapposite to the terms written in RCW 9A.72.160 (2), where the alleged "threat" must be made with the "intent to intimidate" the judge or other decision-maker

1a

Ch other communication See State v Lilyblad

WTC 163 Wn.2d 1, 8-13, 177 P.3d 686 (2008),
reversing City of Redmond v

New, Burtchar, 99 Wash App 21, 25-27, 991 P.2d 717

c. (2000) (statutory "intent" under RCW 9A.01.0230)

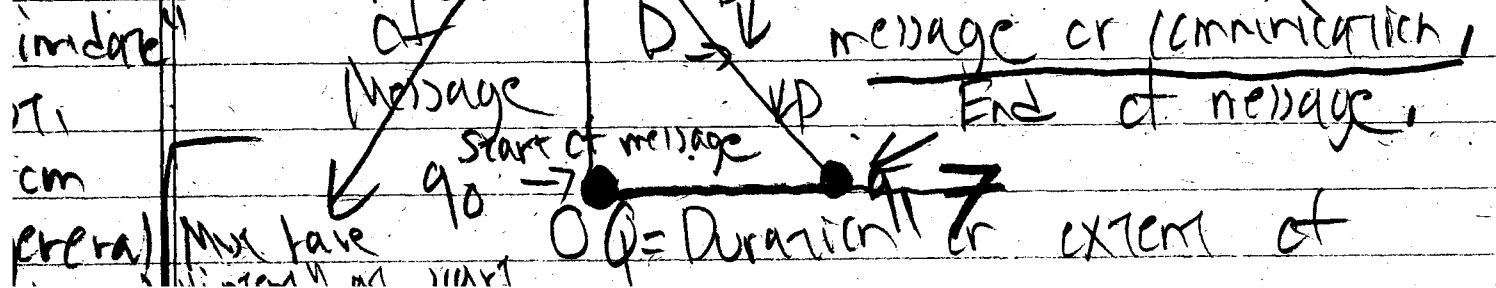
The State has NOT shown that Petitioner had
the requisite statutory "intent to intimidate"
Judge Spector or others, at the start of

the alleged November 18, 2002 "911" call
ascribed to Appellant, and hence this
prosecution, under RCW 9A.72.100 (7), MUST

be dismissed by this court. (See Appendix "A")

370 Figure ~~1~~ The "Lilyblad" Issue:

(a) State v Lilyblad,
163 Wn.2d 1, 8-13,
177 P.3d 686
(2008).



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See United States v. Aitchabaz, 104 F.3d 1492, 1495 (Sixth Circuit (MI) (1997)) ("Jake Bate extortion case) (specific intent to intimidate recipient required under 18 USC 9875(c)).
U.S. v. Landham, 251 F.3d 1072, 1081 -

1085 (Sixth Circuit (KY) (2007)) (47 USC 9223(c), requires "intent to intimidate"). But

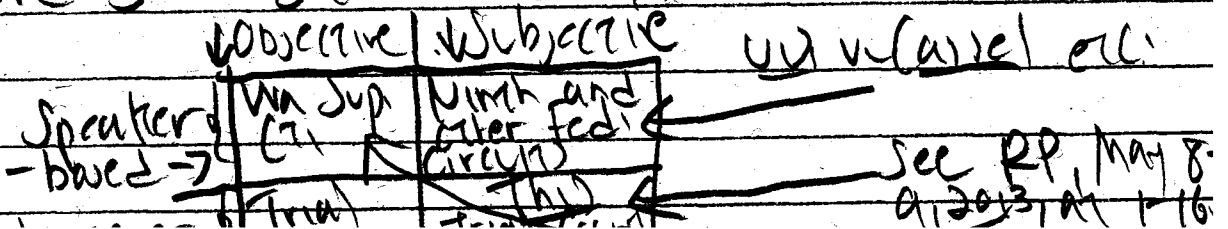
State v. Holmes, 147 Wash. App. 1040, 2007 WL

4157303 at *3-6 (ignoring that "intent to intimidate" is required under Federal First Amendment, not merely 18 USC 9875(c)). State

v. Ballew, 167 Wash. App. 359, 365-367, 27368-370

P.3d 925 (2012) (admitting that higher (see) "subjective" standard was required for "intent to intimidate" as alleged in case at bar.). See Court's Jury Instructions 7-9.

Figure 5 - Standards for "True Threats"



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Petitioner was also deprived of his Sixth Amendment right, to confront the Seattle Police / Fire "Emergency" call dispatchers, and objected several times during the trial (see RP, May 8-9, 2013), nor was he allowed to cross-examine the three witnesses from the Jan. 30-Feb. 2, 2006 trial (No. 04-1-14102-4 JEA), which Judge Specer provided over - Univ. Prof. William P. Gerberding, Provost for Academic Affairs Steven Gudwan and Seattle Police Detective Daniel R. Jackkie - whose voices are heard on several the tape recordings from the 2006 trial re-introduced (over Appellant's objections) at the May 6-May 13th, 2013 trial (No. 12-1-00008-2 JEA) in the case at bar. See VRP, No. 04-1-14102-4 JEA, Feb. 2, 2006; State v. Holme 141 Wn. App. 1040, 2007 WL 4157303 at *1-7 (Nov. 26, 2007) (call recorded by Prof. Gerberding and Provost Gudwan, on November 13, 2004).
Petitioner was prosecuted again, in the case at bar, for the exact same 4145 a.m. Nov. 18, 2012 "911" call, twice (once

for "Felony Harassment"), for an alleged
June 12, 2011 call to Judge Specter's
dormant courtroom which was also
the subject of a City of Skaneateles
probation revocation proceeding, and
for his alleged statements and demeanor
during the 2006 trial Judge Specter

had provided over See Information No.
12-1-06088-2 JEA, Dec. 10, 2012, Revocation

Hearing No. 9 80248349 JHO, July 5, 2011,
<http://www.fortherecord.com>, July 5,

2011, 3:30-4:00 p.m., testimony of Nicolas D
Argel, City Clerk District Court Probation Office
Brief of Respondent, KOPAD, at 1-8, Feb. 11
2011, No. 10398-6-I. Petitioner was improperly
sentenced to "one year" at WA DOC
"Community Work" in the case at bar See
Judgment and Sentence ("JES"), No. 12-1-
06088-2 JEA, at 4-8, when neither of the
two (curv I and II), charged Appellant
with a "Crime Against A Person" (PLW 91.41
41(6)). See In re PSR at bench, 161

ARGUMENT

I, APPELLANT WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF APPELLATE COUNSEL, AS WELL AS OF DUE PROCESS OF LAW, BY THE COURT OF APPEALS' POOR HANDLING OF HIS STATEMENT OF ADDITIONAL GROUNDS, AS WELL AS OTHER MOTIONS, January 29, 2014 - March 10, 2014.

PRP of Wilson, 168 Writ 2d 1007, 227 P. 3d 1271 (2000)
Statement of Additional Grounds (SAG)
(RAP 10.10)

Petitioner was NEVER informed, either by the Court or by his appointed counsel, whether or not the "redacted" 50-page version of his Statement of Grounds, was ever filed and docketed with this Court. Rodriguez v

Florida DOC, 2014 WL 1344466 (11th Circuit

FL (2014) (failure to serve Pet. with Jags' exhibits). Evitt v. Lucey, 469 U.S. 387, 393

105 S.Ct. 830, 834, 83 L.Ed.2d 821 (1985) (Brennan, J.) (effectiveness of appellate counsel). In re: he submitted a redacted 50-page

and was NEVER advised whether or not it was ever accepted by this Court. Application

of [redacted] Chesman, 219 F.2d 162, 163-5 (Ninth

Circuit (CA) (1955) (loss of trial transcript on appeal). Petitioner hereby refuses to pay the appellate costs (RCW 10.73.160 (4)-(6), in this case, unless the full version of his appellate brief is docketed and read by this Court. Douglas v. California, 372 U.S. 353, 355-57,

83 S.Ct. 814, 9 L.Ed.2d 811 (1963) (right to counsel on direct appeal); Estridge v. Wash

State Bd. of Prison Terms, 357 U.S. 214, 215,

78 S.Ct. 1061, 1062, 2 L.Ed.2d 1269 (1958)

2. March 10, 2014 ("Ruling on Motions.")

Again, Pet. was never notified, either by this Court or by his appointed counsel, of the outcome of these "rulings," for of the 30-day deadline to appeal. RAP 17.4; RAP 17.7; RAP 13.5(A)(a)-(c). Sixia v. Traler, 65 F.3d 569, 572 (Fifth Circuit (TX) (2001) (State required to serve Pro Se habere corpus the petitioner.)

21 PETITIONER WAS "CONVICTED" UNDER RCW

I BLE OPARDY 2 c 7C W (rev), 9 WA 1. RCW 9A.72.100 (2)(b), "Threats" as defined in RCW 9A.04.110 (25). "

This part of the code [RCW 9A.04.110 (25)] was re-indexed in 2005, and was misapplied in the case at bar. See State v. Albright, 144 Wri App 560, 579 183 P. 3d 1044 (2008), State v. Taylor, 97 Wri App 514, 519, 627 P.2d 13

2. RCW 9A.46.020 (2)(b)(i)-(iv), "Criminal justice participant." See Jury Instruction No. 9, "Judge Julie Spector..." RCW 9A.46.020 (2)(b)(ii)-(iv).

III. JURY INSTRUCTIONS (See Jury Inst. 16-10)

1. No. 7. Phrasing used: "directed a threat to a Judge [sic] or without naming Judge Spector or ANY specific Judge or anyone else. State v. Foster, 97 Wri App 2d 466, 470-478, 481, 589 P.2d 889 (DATA) (Jury Inst. 7) ["repeal" vs. "repel"].

2. No. 9. "Judge Julie Spector" did NOT clarify whether this charge was based on "victims" or not as a "criminal justice participant." RCW 9A.46.020 (2)(b)(ii)-(iv) or NOT. Included "felony" in charge.

~~II~~ FIRST AMENDMENT (See Appendix A, for I.)

1. Inst. No. 10. A "true threat" is NOT "unprotected" speech. See e.g., Cant v. Dunn, 810 F.2d 923, 925 (9th Cir. 1987); UN v. Pillard, 2013 WL 4402809 (D. Kan. 2013), 11-1

2. Instructions Nos. 7-10, A-B-C. See State v. Ballo 167 Wri App 359, 368-369, 272 P.3d 925 (2012)

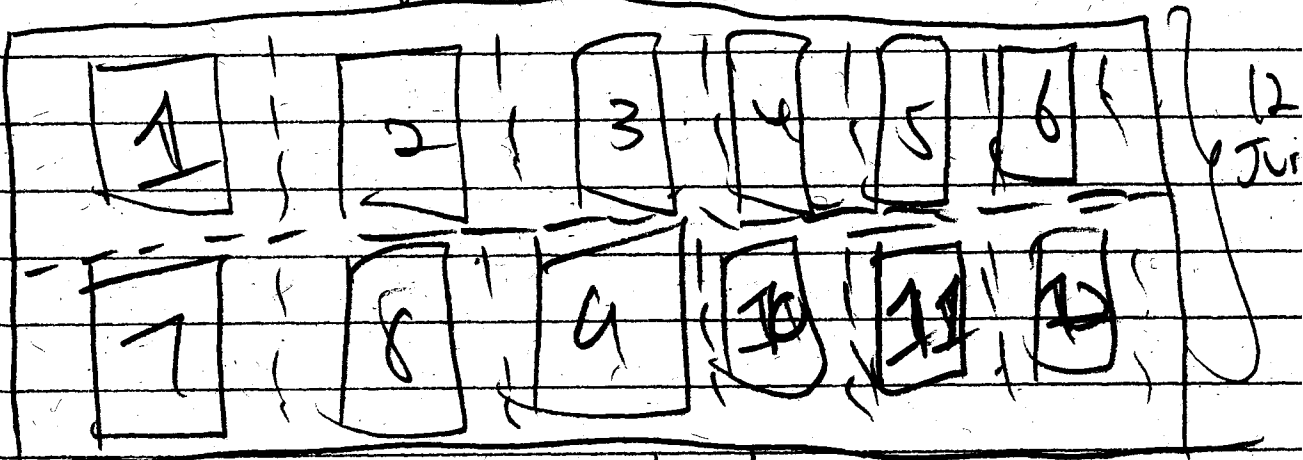
VI. CONFRONTATION CLAUSE, 1-2. Nov 18, 2010 "911" Tapes and Pre-Recorded Nov. 13, 2004 Messages See State v. AA

Appendix 'A': P. A-D
 MATHEMATICAL APPENDIX.

ASSIGNMENT OF ERROR ~~VI~~
 "UNANIMOUS" (OR AT LEAST "PLUR-
 ALITY") JURY. (See Wash. Const. Article

~~7 § 1-22.~~

The jury could have found "guilt" based
 or literally hundreds (if not billions) of
 "findings or decisions" made in the
 case No. 04-1-14102-4 SEA used as
 the gravamen of the case No 12-1-
 06088-2 SEA at bar.



~~This~~ Juror 1 could have voted
 "guilty" based on Ruling 1, Juror 2 on
 Ruling 2 (attributed in case to Judge
 Specter) -- thereby denying per a unanimous
 (or even 7500% plurality verdict). See
Stone v. Perich, 101 Wn 2d 566, 570, 68

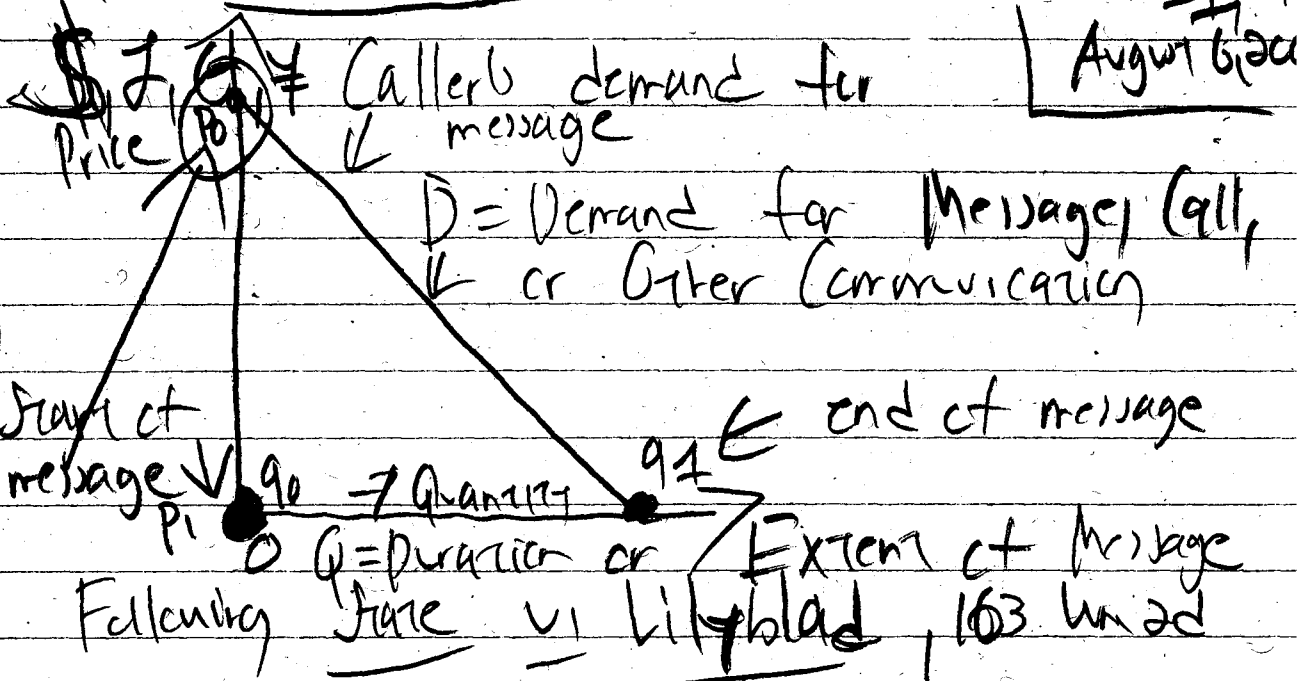
A-1

403,411, 750 P.2d 105 (1988) (right to unanimous verdict), State v. Locke, 175 Wash

App 779 at 802-805 (2013), review

denied, 179 Wn.2d 1021 (Feb. 6, 2014).

ASSIGNMENT OF ERROR IV -
THE "LILYBLAD" ISSUE - See PRP No. 63060



Following State v. Lilyblad, 163 Wn.2d

7, 8-13, 177 P.3d 686 (2008) (Owens, J.), as well as State v. Ballew, 100 Cr. 368-370, speaker must have the "intent to intimidate" at the start of the call or message.

proved "Tarrenment" Process for Public Goods, "Review of Economic Studies" (June 1971). Hence, a "reasonable person" standard for a "true threat".

Appendix 'B':

70398-6-1
Appendix 'B': Subpoena Duces Tecum

Leach, Schindler
and Spearman
Sept. 10, 11

Case No. 70398-6-1 / King Co. No. 12-1-06088-2 JB
IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON -
DIVISION ONE,

State of Washington Plaintiff / Respondent
VERSUS

Joel C. Holmes,
Defendant / Appellant
Subpoena Duces Tecum

SUPERIOR COURT CIVIL RULES CR 5, 11,
45; RULES ON APPEAL RAP 9.1, 9.2, CR 60
MOTION TO COMPLETE THE RECORD.

(Comes Now The Defendant And States)

Mrs. Joel Christopher Holmes, the named
Defendant in the above-entitled action, hereby
requests that the Court, pursuant to CR 5, 11, 45,
60 and RAP 9.1, 9.2, as well as CrR 7.8,
issue a subpoena duces tecum for the

following items, (See Brief of Respondent at

phone records of UW Vice-President Steven G. Osward, 1509 East Interlaken Place, Seattle, WA, 98122, (206)-324-0990, for

June 1998 Cf RP, No. 12-1-06088-2 JEF, May 8-9, 2013 [testimony of Judge Julie A

Spector and Seattle Police Det. Wesley D. "Woody" Friesen]; (2) Secret Service Records of an

interrogation conducted at Defendant / Appellant's Seattle apartment, on June 8, 1998, concerning an alleged "threat" against then-president William Jefferson Clinton; (3) LANDSAT / UV. Defense Dept. satellite

ground photos of the home of Steven G. Osward, 1509 E. Interlaken Place, during

the month of June 1998, with enlargements; to show Pet. was Not "standing in Osward's driveway [sic]" as alleged in the case of bar and King Co. 04-1-14102-4 JEF, Cf. State v. Helme, 141 Wn. App. 1070, 2007 WL 4457303, 07-1-13 (repeating allegation).

No. 703986-1
Statement of Authority

Lench, Jarama
and Schindler
Sept. 10, 1994

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION ONE

State of Washington, Plaintiff/Resp.
v.
Joel C. Holme, Defendant/Appellant

STATEMENT OF AUTHORITIES, ETC.
(CRAP 10.18)

Come Now The Appellant And
States

That this statement, together with
the appended Briefs, are designed
to supplement the record and the
Statement of Authorities, RAP 10.18, 10.19,
10.2-10.3, CrR 7.0, CR 60, etc.
P. 360312

3,

§ 875(c), GA State v. Holme [Appellant],

141 Wash App. 1040, 2007 Westlaw 4157303
at ¶ 6-17 (Div. 4 (Nov. 26, 2007))
Caring United States v. Alkhabaz, 104

F.3d 1492, 1495 (Sixth Circuit (MI) (1997))
"intent to intimidate" under 18 USC § 875(c),

U.S. v. Landham, 251 F.3d 1072, 1081-1085

(Sixth Circuit (KY) (2007)), See also State

v. Ballew, 167 Wash. App. 359, 365-367, 272

P.3d 925 (2012) (definition of "true threat")/
State v. Read, 163 Wash. App. 853, 864-868, 873

-874, 261 P.3d 207 (2011); review denied, 113

Wash.2d 1021, 272 P.3d 850 (2012), certiorari

denied, 133 S. Ct. 176, 184 L. Ed. 2d 37 (2012)

See also e.g. U.S. v. Mullet, 868 F. Supp. 2d 618,
623 (Northern District Ohio (OH) (2012)) (18 USC § 240

Call 211310. Landham

10398-6-I

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No. 10398-6-I
IN THE COURT OF APPEALS
THE STATE OF WASHINGTON -
DIVISION ONE

The State of Washington,
Plaintiff / Respondent,
v.
Mr. Joel C. Helms, Defendant /
Appellant.

Joel C Helms 3634
Aug 20, 2014

✓ CERTIFICATE OF SERVICE

I, Joel Christopher Helms, Appellant / Det
in the above entitled action, hereby certify
that I served: Ms. Amy Nechtling, King
County Prosecutors Office (KCPAO), 1105
Fifth Floor, King Co. Courthouse 516 3rd AV,
Seattle, WA 98104, with one copy of the