

No. 70398-6-1
Petition For Review

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70398-6-1
In Banc

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Received
Washington State Supreme Court

OCT 22 2014

Ronald R. Carpenter
Clerk

No. 70398-6-1
IN THE SUPREME COURT OF
THE STATE OF WASHINGTON

FILED

NOV - 4 2014

CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

Joel C. Holmes,
Petitioner,

v.

The State of Washington,
Respondent.

MOTION TO VACATE PRIOR CONVICTIONS.

(comes Now The Petitioner And States)

Mr. Joel Christopher Holmes, the named
Petitioner in No. 70398-6-1, hereby moves this
Court to vacate his two prior Washington State
criminal convictions, in King County No. 04-1-14102-4
JEA (March 15, 2006) and in Shoreline Municipal
Court No. 04-80248349 (June 18, 2004). This Motion is
based on: (1) State v. Schaler, 169 Wn.2d 274, 286, 236 P.
3d 858, 864 (2010) ("...how can one knowingly threaten
without knowing that what one says is threatening
to another, w/"); (2) Apollo Media Corp v. Reno

18 F. Supp. 2d 1081, 1085, 1087-9 (Northern District California (CA) (1998)) (three-judge panel), affirmed, 526 U.S. 1061, 119 S.Ct. 1450,

143 L.Ed. 2d 538 (1999) (47 USC § 223(a)(1) [CDA of 1999] invalidated).

Paul P. Walker
30032

Oct. 20, 2017

Paul P. Walker
30036

Oct. 20, 2017

Case No. 04-1-14102-4 JFA = Per. served 1 yr. sentence for "Felony Harassment," Nov. 14, 2004 - Dec. 3, 2004 and March 13, 2006 - Oct. 17, 2006, but was really convicted of "Felony Telephone Harassment," on Feb. 12, 2006. See Jail Release Papers, KQCF on PACER (No. 211-CV-00391-RAJ-MAT (March, 08, 2011), affirmed 508 Fed. Appx. 600, 601 (2013))

Case No. T 04-248349 SHΦ. Served 1-yr. sentence - The 18, 2009 - Nov. 25, 2009 and July 7, 2011 - Sep. 23, 2011, for Strevline Code violation (Harassment), *Appelle Media Corp. v. Renc*, 19 F. Supp. 2d 1081 (N.D. Cal. (1998)), aff'd 526 U.S. 1061 (1999)