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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

BY ______
DEPUTY

DIVISION II COURT OF APPEALS
STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT V GEOFFREY R. LAWSON, APPELLANT	NO. APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS PURSUANT TO RAP 10.10

COMES NOW, GEOFFREY R. LAWSON, APPELLANT, HAVING RECEIVED AND READ APPELLANT'S OPENING BRIEF FILED BY APPELLATE COUNSEL, FILES THIS STATEMENT OF ADDITIONAL GROUNDS PURSUANT TO RAP 10.10.

ADDITIONAL GROUNDS

GROUND ONE - DENIAL OF ACCESS TO THE COURTS

THE GOVERNMENT, TO INCLUDE THE KITSAP COUNTY SUPERIOR COURT, KITSAP COUNTY PROSECUTOR AND KITSAP COUNTY JAIL, ENGAGED IN OVERWHELMINGLY OPPRESSIVE INTERFERENCE, DEPRIVATION AND DENIAL OF ACCESS TO THE COURTS SUCH THAT APPELLANT COULD NOT AND DID NOT RECEIVE A FAIR TRIAL IN VIOLATION OF THE FIRST, SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE 1 SECTIONS 3, 4 AND 22 OF THE WASHINGTON STATE CONSTITUTION RESPECTIVELY.

GROUND TWO - BURGLARY STATUTE IS OVERBROAD AND UNCONSTITUTIONALLY VAGUE AS APPLIED

THE BURGLARY STATUTES, RCW 9A.52 ET SEQ., UNDER WHICH APPELLANT LAWSON WAS CONVICTED ARE OVERBROAD AND UNCONSTITUTIONALLY VAGUE AS APPLIED TO LAWSON'S CASE, WHICH LED TO ABSURD RESULTS IN VIOLATION OF THE FIRST, FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE 1 SECTIONS 4,5 AND 12 OF THE WASHINGTON STATE CONSTITUTION RESPECTIVELY.

GROUND THREE - SELECTIVE / VINDICTIVE PROSECUTION

APPELLANT LAWSON'S PROSECUTION WAS SELECTIVE, VINDICTIVE OR BOTH WHEREIN THE STATE IMPERMISSABLY CHARGED AND PROSECUTED HIM FOR BURGLARY BASED ON HIS RACE, SEX AND THE EXCERCISE OF HIS CONSTITUTIONAL RIGHT TO PROCEED PRO SE IN VIOLATION OF THE FIRST, FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE 1 SECTIONS 4 AND 12 OF THE WASHINGTON STATE CONSTITUTION RESPECTIVELY.

GROUND FOUR - PROSECUTORIAL MISCONDUCT

THE STATE PRESENTED FALSE AND MISLEADING EVIDENCE OF SEXUAL IMPROPRIETY ALLEGEDLY PERPETRATED BY LAWSON AND FAILED OR REFUSED TO CORRECT THE RECORD AND MADE IMPROPER CLOSING ARGUMENTS TO BOLSTER THAT EVIDENCE.

GROUND FIVE - INEFFECTIVE ASSISTANCE OF COUNSEL

ASSIGNED COUNSEL, PRIOR TO APPELLANT LAWSON'S PRO SE STATUS, FAILED AND REFUSED TO ACQUIRE AND PRESERVE FOR TRIAL CRITICAL VIDEO EVIDENCE THAT WOULD HAVE PROVED EXCULPATORY AGAINST THE FIRST DEGREE BURGLARY CHARGE

IN WHICH ITS ABSENCE WAS PREJUDICIAL TO LAWSON, AND, AMONG OTHER THINGS, WAS A PRIMARY FACTOR IN THE COMPLETE BREAKDOWN IN COMMUNICATIONS THAT CAUSED LAWSON TO EQUIVOCALLY REQUEST PRO SE STATUS AND VIOLATED THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE 1 SECTIONS 3 AND 22 OF THE WASHINGTON STATE CONSTITUTION RESPECTIVELY.

GROUND SIX - CUMULATIVE ERROR

THE ERRORS IDENTIFIED IN APPELLANT'S OPENING BRIEF, THIS SAG AND THE REMAINING ERRORS THAT IF LISTED HERE WOULD EXCEED THE STATUTORILY PRESCRIBED LENGTH OF THIS DOCUMENT, DEMONSTRATE THE EPIC FAILURE OF APPELLANT'S RIGHT TO A FAIR TRIAL AND CONSTITUTES CUMULATIVE ERROR THAT VIOLATES THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE 1 SECTIONS 3 AND 22 OF THE WASHINGTON STATE CONSTITUTION RESPECTIVELY.

GROUND SEVEN - UNCONSTITUTIONAL SENTENCE

APPELLANT LAWSON'S OFFENDER SCORE INCLUDED THE USE OF ATLEAST TWO (2) PRIOR

CONVICTIONS THAT WERE NOT PROVED BY THE STATE, BEING ACTIVELY CHALLENGED BY THE APPELLANT AND WERE UNCONSTITUTIONAL ON THIER FACE RESULTING IN AN UNLAWFUL SENTIENCE.

ISSUES RELATED TO ADDITIONAL GROUNDS

ISSUE NO. 1

WHERE APPELLANT LAWSON WAS CONVICTED AT A JURY TRIAL ON CHARGES OF FIRST DEGREE BURGLARY, SECOND DEGREE BURGLARY, VOYEURISM AND ATTEMPTED VOYEURISM AND WHERE HE RECEIVED AN UNJUST, DISPROPORTIONATELY LONG AND/OR INDETERMINATE LIFE SENTENCE AS PART OF AN EXCEPTIONAL SENTENCE, AND/OR THE STATUTORY SCHEME, DOES IT VIOLATE THE FIRST, SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION, ARTICLE 1 SECTIONS 3, 4 AND 22 OF THE WASHINGTON STATE CONSTITUTION, AND WHERE THE STATE CONSTITUTION IS MORE PROTECTIVE THAN THE FEDERAL CONSTITUTION:

A) WHEN A PROSE INMATE, CONFINED AS A PRETRIAL DETAINEE IS SUBJECTED TO

- OVERWHELMINGLY OPPRESSIVE INTERFERENCE DEPRIVATION AND DENIAL OF "ACCESS TO THE COURTS" THAT ON THE WHOLE AMOUNT TO BARRIERS (SIC) ERECTED BY THE GOVERNMENT TO INHIBIT AND PREVENT HIM FROM DEFENDING HIMSELF.

B) ARE THE PROVISIONS UNDER EACH OF THE INDIVIDUAL AMENDMENTS AND SECTIONS OF THIER RESPECTIVE CONSTITUTIONS: (1) ENFORCED IN EQUAL MEASURE AND WITH EQUAL WEIGHT; (2) MUTUALLY EXCLUSIVE, YET CORROLLARY AND COEXTENSIVE TO EACH OTHER AS THEY PERTAIN TO "ACCESS TO THE COURTS" VIOLATIONS? - STATED ANOTHER WAY, FOR EXAMPLE, WHEN ALLEGING "ACCESS TO THE COURTS" VIOLATIONS, CAN THE VIOLATOR(S) VIOLATE THE SIXTH AMENDMENT WITHOUT VIOLATING THE FIRST AMENDMENT OR VICE VERSA; AND (3) IS ARTICLE 1 SECTION 4 OF THE WASHINGTON STATE CONSTITUTION MORE PROTECTIVE THAN THE FIRST AMENDMENT RIGHT OF "ACCESS TO THE COURTS" UNDER THE FEDERAL CONSTITUTION PURSUANT TO ANALYSIS UNDER STATE V GUNWALL, 106 WN 2d 54 (1986), AS THE DIVISION I COURT OF APPEALS STATED IN STATE V SILVA, 107 WN APP. 605 (2001) THAT ARTICLE 1 SECTION 22 OF THE STATE CONSTITUTION IS MORE PROTECTIVE THAN THE SIXTH AMENDMENT OF THE FEDERAL CONSTITUTION.

C) DID THOSE FEDERAL FIRST, SIXTH, FOURTEENTH AMENDMENT AND STATE ARTICLE 1 SECTIONS 3, 4 AND 22 DENIAL OF LAWSON'S RIGHT OF "ACCESS TO THE COURTS" FURTHER DENY HIM A FAIR TRIAL UNDER THE SAME SIXTH, FOURTEENTH AMENDMENTS AND ARTICLE 1 SECTIONS 3 AND 22.

ISSUE NO. 2

WHERE APPELLANT LAWSON WAS CONVICTED AT A JURY TRIAL OF FIRST AND SECOND DEGREE BURGLARY AND WHERE THE BURGLARY STATUTE, RCW 9A.52 ET SEQ., IS OVERBROAD AND UNCONSTITUTIONALLY VAGUE AS APPLIED TO THIS CASE: (1) DOES IT CONSTITUTE BURGLARY IN ANY DEGREE IF A PERSON, WHO WAS NEVER TRESPASSED, ENTERS OR REMAINS IN ROOMS OR SPACES OPEN TO THE PUBLIC IRRESPECTIVE OF PUBLIC LABELING SUCH AS SEX (GENDER), RACE, RELIGION, ACCESSIBILITY, SEXUAL ORIENTATION, ETC...; AND WHERE THOSE SPACES AND BUILDINGS ARE DESIGNATED AND DEFINED BY WASHINGTON STATUTE AS UNRESTRICTED AND OPEN TO THE PUBLIC, EVEN IF [NEFARIOUS] (SIC) ACTIVITY IS ALLEGED TO HAVE OCCURED ON, AROUND OR WITHIN THOSE PUBLIC SPACES; AND FURTHER WHERE THE ALLEGED NEFARIOUS (SIC) ACTIVITY IS BASED ON FALSE EVIDENCE AND PURELY SPECULATIVE;

(2) DOES IT CHALLENGE THE FIRST AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION AND ARTICLE 1 SECTION 5 OF THE WASHINGTON STATE CONSTITUTION'S PROHIBITION AGAINST OVERBROAD STATUTES, AND IN THE SAME VEIN, CHALLENGE SUBJECT-MATTER JURISDICTION WHERE THERE EXISTS NO LAW, STATUTE OR ORDINANCE THAT WOULD EFFECTIVELY NOTIFY ANY PERSON THAT USING A PUBLIC SPACE DESIGNATED FOR A CERTAIN SEGMENT OF THE GENERAL PUBLIC IS PROSCRIBED CONDUCT SUBJECT TO CRIMINAL PROSECUTION;

(3) DOES IT RENDER THE BURGLARY STATUTE UNCONSTITUTIONALLY VAGUE AS APPLIED TO THIS CASE UNDER THE FIFTH AND FOURTEENTH AMENDMENTS AND ARTICLE 1 SECTIONS 3 AND 12;

(4) IF THERE EXISTS SUCH A "LICENSE" TO ENTER AND/OR USE PUBLIC SPACES AS DEFINED PURSUANT TO RCW 9.91.010 (d); RCW 49.60.040 (2); AND RCW 70.160.020 (2) BEYOND SIMPLY BEING A MEMBER OF THE GENERAL PUBLIC, WHO OR WHAT AUTHORITY AUTHORIZES, ISSUES AND ENFORCES SUCH A "LICENSE"; AND

(5) WAS APPELLANT LAWSON'S CONDUCT PROTECTED "FREE SPEECH" UNDER THE FACTS AND CIRCUMSTANCES OF THIS CASE

ISSUE NO. 3

WHERE APPELLANT LAWSON'S THREE (3) CHARGES OF BURGLARY, FOR WHICH HE WAS CONVICTED, WERE PREDICATED ON ALLEGATIONS OF VOYEURISM AND ATTEMPTED VOYEURISM AS PART OF THE SAME CRIMINAL CONDUCT ALLEGED, SEPARATED BY VIRTUE OF WASHINGTON'S BURGLARY ANTI-MERGER STATUTE; AND WHERE THE STATE DID NOT APPLY THIER SAME CHARGING STANDARD AS APPLIED IN THIS CASE TO ANY OTHER KITSAP COUNTY DEFENDANTS SIMILARLY SITUATED:

(1) WAS APPELLANT LAWSON'S PROSECUTION IN THIS CASE IMPERMISSABLY BASED ON HIS RACE, GENDER AND THE EXCERCISE OF HIS CONSTITUTIONAL RIGHT TO PROCEED TO TRIAL AND DEFEND PRO SE;

(2) DOES LAWSON'S PROSECUTION IMPLICATE THE RE-EMERGENCE OF UNCONSTITUTIONAL "JIM CROW" LAWS; AND

(3) WAS APPELLANT LAWSON'S PROSECUTION VINDICTIVE AS BASED ON THE SAME FOREGOING FACTORS

ISSUE NO. 4

DID IT CONSTITUTE PROSECUTORIAL MISCONDUCT

WHERE:

(1) AN ELEMENT OF THE CHARGED OFFENSES REQUIRED THE STATE TO PROVE "AROUSING OR GRATIFYING SEXUAL DESIRE" AND SEXUAL MOTIVATION, THE EVIDENCE PRESENTED AT TRIAL IN SUPPORT THERE OF WAS WHOLLY FALSE, THE STATE FAILED OR REFUSED TO CORRECT THE RECORD, AND MADE MATERIAL MISSTATEMENTS IN CLOSING ARGUMENT THAT PREJUDICED APPELLANT, THE ABSENCE OF WHICH THE OUTCOME OF THE TRIAL MIGHT WELL HAVE BEEN DIFFERENT; AND

(2) WHERE AMONG OTHER THINGS, THE STATE IMPERMISSABLY INTERFERED WITH APPELLANT'S INVESTIGATOR, THEN OBTAINED A DECLARATION FROM THAT SAME INVESTIGATOR WITHOUT APPELLANT LAWSON'S KNOWLEDGIE OR CONSENT IN VIOLATION OF, INTER ALIA, ATTORNEY-CLIENT PRIVILEGIE AS ESTABLISHED IN THIS CASE BY THE TRIAL COURT'S ORDER APPOINTING THE INVESTIGATOR THROUGH THE KITSAP COUNTY OFFICE OF PUBLIC DEFENSE.

ISSUE NO. 5

DID LAWSON RECEIVE INEFFECTIVE

ASSISTANCE OF COUNSEL WHERE LAWSON'S FORMER ASSIGNED COUNSEL FAILED AND REFUSED TO INVESTIGATE THE CASE AT ITS EARLIEST STAGES, WHICH NEGLIGENCE LED TO THE LOSS OF AVAILABILITY OF EXCULPATORY EVIDENCE THAT, INTER ALIA, LED TO: (A) THE COMPLETE BREAKDOWN IN COMMUNICATIONS; (B) THE DISCOVERY OF A CONFLICT OF INTEREST; (C) LAWSON'S TERMINATION OF COUNSEL; AND (D) HIS EQUIVOCAL INVOCATION OF THE REQUEST AND GRANT OF PRO SE STATUS.

ISSUE NO. 6

DID THE COMBINED EFFECT OF THE VOLUMINOUS TRIAL COURT ERRORS, INCLUDING BUT NOT LIMITED TO THOSE, IDENTIFIED BY APPELLATE COUNSEL AND BY APPELLANT LISTED HEREIN, EFFECTIVELY DENY LAWSON'S RIGHT TO A FAIR TRIAL

ISSUE NO. 7

WHERE APPELLANT CHALLENGED AND OBJECTED TO CONTINUED ADMISSABILITY OR REFERENCE TO HIS PRIOR CONVICTIONS AT EVERY TURN, AND TO THE FINAL SENTENCE

IMPOSED, IS HIS CURRENT SENTENCE UNCONSTITUTIONAL WHEN BASED UPON INCLUSION OF THOSE SAME PRIOR CONVICTIONS, THAT EACH ONE IN ITS OWN RIGHT, STANDING ALONE, IS UNCONSTITUTIONAL ON ITS FACE.

FACTS RELEVANT TO ADDITIONAL GROUNDS

APPELLANT, GEOFFREY R. LAWSON, WAS CONVICTED ON MARCH 15, 2013 OF ONE COUNT OF BURGLARY IN THE FIRST DEGREE, ON COUNT OF BURGLARY IN THE SECOND DEGREE, ALL WITH SEXUAL MOTIVATION, ONE COUNT OF VOYEURISM AND TWO COUNTS OF ATTEMPTED VOYEURISM. WITH AN OFFENDER SCORE OF 16, LAWSON RECEIVED WHAT HE UNDERSTANDS TO BE EITHER EQUIVALENT TO, OR ACTUALLY A LIFE SENTENCE. LAWSON TIMELY APPEALED, APPELLATE COUNSEL FILED ITS OPENING BRIEF AND THIS SAG FOLLOWS.

AT THE START OF LAWSON'S PROSECUTION, HE WAS ASSIGNED COUNSEL. FIVE (5) MONTHS THE CASE BEGAN, ON NOVEMBER 14, 2012, LAWSON MOVED THE TRIAL COURT FOR SUBSTITUTION OF COUNSEL BASED UPON A LONG LIST OF REASONS, NOT THE LEAST OF WHICH

WAS COUNSEL'S FAILURE TO INVESTIGATE, INTERVIEW ALLEGED VICTIM (S) AND ACQUIRE EXCULPATORY EVIDENCE BEFORE IT BECAME UNAVAILABLE (RP 11-14-2012) 16-38. THE TRIAL COURT DENIED THE REQUEST (RP 11-15-2012) 75. AS A DIRECT RESULT OF THE ARTICULATED ISSUES AND THE COURT'S DENIAL, LAWSON WAS FORCED TO MAKE THE FIRST OF MANY HOBSON'S CHOICE (EITHER PROCEED TO TRIAL WITH INEFFECTIVE CONFLICT COUNSEL OR PROCEED PRO SE.

LAWSON EQUIVOCALLY REQUESTED AND WAS GRANTED PRO SE STATUS. (RP 11-15-2012) 76. THEREAFTER, LAWSON ATTEMPTED TO REQUEST A CONTINUANCE IN AN EFFORT TO ACCOMPLISH WHAT FORMER COUNSEL HAD FAILED OR REFUSED TO DO. THE COURT INSISTED ON HEARING ALL PRETRIAL MOTIONS, INCLUDING LAWSON'S REQUEST FOR A CONTINUANCE, SIX (6) DAYS LATER, WHICH WAS NOVEMBER 21, 2012, HOWEVER, AND SIGNIFICANT TO THE CONTINUED CHALLENGES LAWSON FACED PRIOR TO, DURING AND AFTER TRIAL, THE COURT INSISTED THAT ALL OF HIS PRETRIAL MOTIONS BE FILED AND SERVED BY CLOSE OF BUSINESS ON NOVEMBER 19, 2012, ONLY FOUR (4) DAYS AFTER HE WAS GRANTED PRO SE STATUS (RP 11-15-2012) 78-80

ON NOVEMBER 19, 2012, PURSUANT TO

THE COURT'S ORDER, LAWSON FILED, VIA U.S. MAIL, BECAUSE HE HAD NO OTHER WAY TO GET THEM TO THE COURT, THE FOLLOWING EIGHT (8) MOTIONS: (1) MOTION TO DISMISS; (2) CHANGE OF VENUE; (3) CORPUS DELECTI; (4) HABEAS CORPUS; (5) PROSECUTORIAL VINDICTIVENESS; (6) CrR 4.7 ADDITIONAL DISCOVERY; (7) CONTINUANCE; AND (8) REQUEST FOR RESOURCES AND TOOLS. ALL MOTIONS WERE EITHER STRICKEN OR DENIED, EXCEPT FOR PAPER, PEN AND LAW COMPUTER. (RP 11-21-2012) 2-15

BEFORE TRIAL, LAWSON FILED A MOTION TO DISMISS THE BURGLARY CHARGES AND A MOTION TO SUPRESS EVIDENCE AND MADE ANOTHER PLEA TO THE COURT TO ASSIGN COUNSEL. THE MOTION TO SUPRESS WAS SUMMARILY DENIED ACCOMPANIED BY A REPRIMAND AS, AMONG OTHER THINGS, UNTIMELY. LAWSON'S MOTION TO DISMISS THE BURGLARY CHARGES WAS ONLY A CURSORY REVIEW WHEREBY THE STATE DIDN'T BOTHER TO RESPOND IN WRITING, AS THE COURT DEMANDED OF LAWSON, AND HIS PLEA FOR COUNSEL WAS AGAIN DENIED. (RP 1-11-2013) 1-13.

THE TRIAL COMMENCED ON JANUARY 14, 2013, DURING WHICH LAWSON RENEWED ALL PRETRIAL MOTIONS SEVERAL TIMES, WHICH THE COURT CONTINUED TO DENY. THE TRIAL LASTED TWO (2) WEEKS. LAWSON WAS CONVICTED ON ALL

BUT THE SECOND DEGREE ASSAULT.

POST TRIAL, LAWSON FILED MOTIONS FOR ARREST OF JUDGMENT AND A NEW TRIAL BASED ON SEVERAL GROUNDS. LAWSON ADDITIONALLY FILED A SUBSEQUENT MOTION FOR ARREST OF JUDGMENT AND NEW TRIAL BASED ON, AMONG OTHER THINGS, PROSECUTORIAL MISCONDUCT AND NEWLY DISCOVERED EVIDENCE DEMONSTRATING THE STATE'S USE OF PERJURED TESTIMONY. ALL MOTIONS WERE DENIED AND AS LAWSON UNDERSTOOD IT, HE WAS IMPERMISSABLY AND EFFECTIVELY SENTENCED TO "LIFE" IN PRISON. (RP 3-12-2013) AND (RP 3-15-2013)

SUMMARY OF DISCUSSION

APPELLANT LAWSON'S PROSECUTION AND TRIAL WAS FUNDAMENTALLY UNFAIR AND HIS SUBSEQUENT SENTENCE IMPROPER, INCORPORATING PRIOR CONVICTIONS THAT WERE UNCONSTITUTIONAL ON THEIR FACE.

LAWSON WAS SUBJECTED TO OVER-WHELMINGLY OPPRESSIVE INTERFERENCE, DEPRIVATION AND DENIAL OF "ACCESS TO THE COURTS" WHEN THE COURT REFUSED TO, INTER ALIA: (1) SUBSTITUTE COUNSEL; (2) PROVIDE TIME TO PREPARE; (3) RESTRICT

WITNESS INTERVIEWS; (4) PROVIDE NECESSARY RESOURCES AND TOOLS EQUIVALENT TO ASSIGNED COUNSEL AND THE STATE.

LAWSON WAS ALSO PROSECUTED BY THE STATE ON CHARGES OF BURGLARY, WHICH STATUTE IS OVERBROAD BY CRIMINALIZING PROTECTED SPEECH AND LAWFUL CONDUCT. THE BURGLARY STATUTE IS ALSO UNCONSTITUTIONALLY VAGUE AS APPLIED TO THIS CASE WHERE THE STATUTORY LANGUAGE FAILED TO PROVIDE NOTICE OF PROSCRIBED CONDUCT. FURTHER, LAWSON'S PROSECUTION WAS SELECTIVE AND VINDICTIVE WHERE THE STATE CHARGED AND PROSECUTED HIM FOR BURGLARY WHERE IT FAILED OR REFUSED TO CHARGE OR PROSECUTE SIMILARLY SITUATED INDIVIDUALS AND FILING MORE SERIOUS CHARGES AFTER EXCERCISING HIS RIGHT TO PROCEED TO TRIAL AND DEFEND PRO SE. SEE (RP 12-3-2012) 1-3.

THE STATE ENGAGED IN PROSECUTORIAL MISCONDUCT WHEN, DURING THE COURSE OF LAWSON'S PROSECUTION IT KNOWINGLY AND IMPERMISSIBLY INTRODUCED 404 (b) EVIDENCE, WHICH IT KNEW TO BE MATERIALLY FALSE AND MADE STATEMENTS DURING CLOSING ARGUMENT TO BOLSTER THAT FALSE EVIDENCE, AND FAILING TO CORRECT THE RECORD, AMONG OTHER THINGS.

ADDITIONALLY, PRIOR TO LAWSON'S PRO SE STATUS, FORMER COUNSEL WAS INEFFECTIVE IN THAT: (1) HE WAS NOT CONFLICT-FREE, WHETHER BASED ON ACTUAL CONFLICT OR THE IRRECONCILABLE CONFLICT THAT DEVELOPED; AND (2) WHOSE PERFORMANCE FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS WITH AT LEAST TWO (2) MONUMENTAL FAILURES: A) FAILING TO INVESTIGATE EARLY ON OR AT ALL LOSING ACCESS TO EXCULPATORY EVIDENCE; AND (B) FAILURE TO REQUEST THE PRESENCE OF EACH WITNESS AT THE 404(b) HEARING, WHERE THE PERJURED TESTIMONY COULD HAVE FIRST BEEN DISCOVERED.

FINALLY, THE CUMULATIVE NATURE OF ALL TRIAL ERRORS BOTH STATED AND UNSTATED WERE SO OVERWHELMINGLY ABUNDANT THAT IT DENIED LAWSON A FAIR TRIAL. THUS HIS CONVICTION SHOULD BE VACATED AND DISMISSED WITH PREJUDICE. IN THE ALTERNATIVE, LAWSON SHOULD BE GRANTED A NEW TRIAL AND THE BURGLARY CHARGES AT THE VERY LEAST DISMISSED WITH PREJUDICE.

DISCUSSION

ACCESS TO THE COURTS

A. STANDARD OF REVIEW

CONSTITUTIONAL VIOLATIONS ARE REVIEWED DE NOVO. STATE V LYNCH, 87882-0, 2013 WL 5310164.

B. LAWSON'S RIGHT OF ACCESS TO THE COURTS WAS CONSTRUCTIVELY DENIED.

"IN CRIMINAL PROSECUTIONS THE ACCUSED SHALL HAVE THE RIGHT TO APPEAR AND DEFEND IN PERSON, OR BY COUNSEL" ARTICLE I, SECTION 22 WASHINGTON CONSTITUTION

"IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT ... TO HAVE ASSISTANCE OF COUNSEL FOR HIS DEFENCE." U.S. CONSTITUTION AMENDMENT VI

IN THE INSTANT CASE LAWSON REQUESTED SUBSTITUTION OF COUNSEL SEVERAL TIMES. THE COURT REFUSED EVERY REQUEST AND FAILED TO "THOROUGHLY INQUIRE" AS TO THE CONFLICT. DESPITE LAWSON'S LONG LIST OF ISSUES, INCLUDING BUT NOT LIMITED TO, THE ALLEGED CONFLICT OF INTEREST AND THE IRRECONSILABLE CONFLICT OF COUNSEL, THE TRIAL COURTS INQUIRY WAS ONLY CURSORY (RP 11-14-2012) 16-38 AND STILL

RESULTED IN DENIAL. (RP 11-15-2012) 75.

"A COURT LEARNING OF A CONFLICT BETWEEN DEFENDANT AND COUNSEL HAS AN 'OBLIGATION TO INQUIRE THOROUGHLY INTO THE FACTUAL BASIS OF THE DEFENDANT'S DISSATISFACTION.' SMITH V LOCKHART, 923 F. 2d 1314 (8TH CIR. 1991) (QUOTING UNITED STATES V HART, 557 F. 2d 162 (8TH CIR. 1977). SUCH AN INQUIRY MUST 'PROVIDE A 'SUFFICIENT BASIS FOR REACHING AN INFORMED DECISION.' UNITED STATES V ADELZO - GONZALES, 268 F. 3d 772, 777 (9TH CIR. 2001) (QUOTING UNITED STATES V MCCLENDON, 782 F. 2d 785, 789 (9TH CIR. 1986). THE COURT 'MAY NEED TO EVALUATE THE DEPTH OF ANY CONFLICT BETWEEN DEFENDANT... Id.'") STATE V THOMPSON, 169 WN APP. 436, 462 (2012)

THE DENIAL OF LAWSON'S REQUEST FOR SUBSTITUTION OF COUNSEL RESULTED IN LAWSON'S EQUIVOCAL REQUEST TO PROCEED PRO SE AND THE FIRST AND MOST SIGNIFICANT, ALBEIT NOT THE MOST OPPRESSIVE OR IMPACTFUL, DENIAL OF LAWSON'S FIRST AMENDMENT RIGHT OF ACCESS TO THE COURTS.

THEREAFTER, LAWSON WAS KNOWINGLY AND ACTIVELY DENIED CRITICAL RESOURCES AND TOOLS NECESSARY TO DEFEND AGAINST THE CHARGES AND THE COURT MADE CONSTANT REFERENCE TO LAWSON'S HANDICAP OF

INCARCERATION AND PRO SE STATUS AS THE SOLE BASIS FOR ITS REFUSALS, EVEN AFTER ACKNOWLEDGING THAT THE JAIL WAS ILL-EQUIPPED TO HANDLE A PRO SE DEFENDANT. (RP 11-15-2012) 80 AT 10-14. THE FOLLOWING REPRESENTS A NON-EXHAUSTIVE ABBREVIATED LIST OF ISSUES, INCLUDING, BUT NOT LIMITED TO:

1) DENIAL OF WITNESS INTERVIEWS BASED ON, AMONG OTHER THINGS, BUDGETARY CONSTRAINTS (RP 12-21-2012) 7-8
2) DENIAL OF SUFFICIENT TIME TO PREPARE. (RP 11-15-2012) 78-80; (RP 11-21-2012) 7-12; (RP 11-26-2012) 3-4; (RP 12-3-2012) 10 (RP 12-21-2012) 15
3) DENIAL OF LAPTOP CONTAINING CRITICAL EVIDENCE AND WOULD FACILITATE VIEWING STATE'S EVIDENCE AND EFFICIENT PREPARATION FOR TRIAL. (RP 12-3-2012) 6.
4) DENIAL OF ADEQUATE LAW LIBRARY AND LEGAL MATERIALS. (RP 12-3-2012) 12 AT 8-16
5) DENIAL OF PRE-PAID PHONE CARD TO CONTACT INVESTIGATOR USING JAIL PHONES. (RP 1-4-2013) 93

THE KITSAP COUNTY JAIL'S "LAW LIBRARY" WAS UTTERLY DEFICIENT AND SUBSTANDARD BECAUSE IT DID NOT CONTAIN EVEN THE MOST BASIC TOOLS THAT A LAW LIBRARY SHOULD POSSES. IT HAD NO LIBRARIAN OR PERSON TRAINED IN THE LAW, NO BOUND PUBLICATIONS, NO INFORMATION CONTAINING ADDRESSES AND PHONE NUMBERS,

NO PRINTER TO PRINT RESEARCH MATERIALS OR CASE AUTHORITY FOR LATER REFERENCE IN PREPARING PLEADINGS, NO LEGAL MAIL PROCESS, NO EFFICIENT WAY TO FILE OR SERVE PLEADINGS... AND THE LIST GOES ON.

THE SIXTH AMENDMENT AND ARTICLE I, SECTION 22 PROVIDE A CRIMINAL DEFENDANT THE RIGHT TO SELF-REPRESENTATION AND THE TOOLS NECESSARY TO FACILITATE THAT SELF-REPRESENTATION.

WHILE THE UNITED STATES SUPREME COURT HAS NOT RULED ON WHAT MUST BE PROVIDED TO ONE REPRESENTING ONESELF, KANE V GARCIA ESPITIA, 546 U.S. 9, 10 (2005) '[A]N INCARCERATED DEFENDANT MAY NOT MEANINGFULLY EXCERCISE HIS RIGHT TO REPRESENT HIMSELF WITHOUT ACCESS TO LAW BOOKS, WITNESSES, OR OTHER TOOLS TO PREPARE A DEFENSE'. MILTON V MORRIS, 767 F. 2d 1443, 1446 (9TH CIR. 1985). ARTICLE I, SECTION 22 PROVIDES PRETRIAL DETAINEES A GREATER RIGHT OF ACCESS TO THE COURTS THAN THE FEDERAL CONSTITUTION PROVIDES. ART. I, SEC. 22; STATE V SILVA, 107 WN APP. 605, 609 (2001).

C. IS THE WASHINGTON STATE CONSTITUTION TRULY MORE PROTECTIVE OF AN INMATES RIGHT OF ACCESS TO THE COURTS

IN WASHINGTON, THERE APPEARS TO BE TWO DIVERGENT CONCEPTS OF ACCESS TO THE COURTS UNDER THE WASHINGTON STATE CONSTITUTION. UNDER ARTICLE I, SECTION 4 OF THE WASHINGTON CONSTITUTION "'[A]CCESS TO THE COURTS IS NOT RECOGNIZED OF ITSELF AS A FUNDAMENTAL RIGHT.'" NIELSON V WASHINGTON STATE DEPT. OF LICENSING, 309 P.3d 1221, 1227 (2013) (CITING FORD MOTOR CO., 115 WN 2d 556 AT 562 (1990). "[W]E FOUND THAT THE BOARD VIOLATED AN INMATE'S CONSTITUTIONALLY PROTECTED RIGHT OF ACCESS TO THE COURTS ... AND THE CHILLING EFFECT THIS COULD HAVE ON FIRST AMENDMENT ACTIVITIES." IN RE LAIN, 2013 WL 5968490, 10 (CITATION OMITTED)

THIS MAKES IT SEEM THAT THERE ARE TWO DIFFERENT STANDARDS WHERE ARTICLE 1, SECTION 4 AND 22 OF THE WASHINGTON CONSTITUTION ARE NECISSARILY AT ODDS, UNLIKE THE FIRST AND SIXTH AMENDMENTS OF THE UNITED STATES CONSTITUTION, WHICH REINFORCE EACH OTHER HARMONIOUSLY. IN FACT IT APPEARS THAT THE FIRST AMENDMENT BOLSTERS THE SIXTH IN THE CONTEXT OF ACCESS TO THE COURTS.

"THE UNITED STATES SUPREME COURT HAS HELD THAT STATE COURTS MAY FIND THAT PROVISIONS OF THEIR STATE CONSTITUTIONS PROVIDE GREATER PROTECTION THAN IS

AFFORDED UNDER THE FEDERAL CONSTITUTION IN SOME CIRCUMSTANCES. OREGON V HASS, 420 U.S. 714, 719 (1975). IN ASSESSING WHETHER THE WASHINGTON CONSTITUTION AFFORDS GREATER PROTECTION OF A RIGHT THAN THE FEDERAL CONSTITUTION, THIS COURT'S DECISION IN GUNWALL REQUIRES THE CONSIDERATION OF SIX FACTORS: (1) TEXTUAL LANGUAGE, (2) DIFFERENCES BETWEEN THE TEXTS, (3) CONSTITUTIONAL HISTORY, (4) PREEXISTING STATE LAW, (5) STRUCTURAL DIFFERENCES, AND (6) MATTERS OF PARTICULAR STATE OR LOCAL CONCERN. STATE V GUNWALL, 106 WN 2d 54 AT 58 (1986). WE WILL DEPART FROM FEDERAL CONSTITUTIONAL PRECEDENT ONLY IF THESE SIX CRITERIA INDICATE A BASIS FOR INDEPENDENT STATE PROTECTION. Id AT 61. EVEN IF THESE FACTORS POINT TO GREATER PROTECTION UNDER THE WASHINGTON CONSTITUTION, THIS COURT MUST STILL DETERMINE THE EXTENT OF THAT PROTECTION." STATE V SMITH, 150 WN 2d 135, 149 (2003).

IN STATE V SILVA, 107 WN APP. 605 (2001), DIVISION 3 OF THE COURT OF APPEALS FOUND THAT A CRIMINAL DEFENDANT HAD A BROADER RIGHT OF ACCESS TO THE COURTS UNDER ART. 1, SEC. 22 OF THE STATE CONSTITUTION BUT DETERMINED THAT RESOURCES AN INMATE NEEDS TO DEFEND HIMSELF BEYOND PAPER AND PEN WERE LEFT TO THE DISCRETION OF

THE TRIAL COURT WHICH HAS VARIED WIDELY SINCE THE COURTS DECISION AND MORE SPECIFICALLY AS APPLIED TO THE INSTANT CASE.

"PRISONERS HAVE A CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS. SEE BOUNDS V SMITH, 430 U.S. 817, 821 (1977). UNDER THE FIRST AMENDMENT, A PRISONER HAS BOTH A RIGHT TO MEANINGFUL ACCESS TO THE COURTS AND A BROADER RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES. SEE BRADLEY V HALL, 64 F.3d 1276, 1279 (9TH CIR. 1995) (OVERRULED ON OTHER GROUNDS BY SHAW V MURPHY, 532 U.S. 223, 230 N. 2 (2001). 'IN SOME INSTANCES, PRISON AUTHORITIES MUST EVEN TAKE AFFIRMATIVE STEPS TO HELP PRISONER'S EXCERCISE THEIR RIGHTS.' Id.") SILVA V DI VITTORIO, 658 F.3d 1090, 1102 (9TH CIR. 2011).

THUS IN THE INSTANT CASE, IF THIS COURT DETERMINES THAT THE WASHINGTON CONSTITUTION ARTICLE 1 SECTION 4 PROVIDES A GREATER RIGHT OF ACCESS TO THE COURTS THAN THE FIRST AMENDMENT OF THE FEDERAL CONSTITUTION, AND IT APPLIES WITH EQUAL FORCE AND IN EQUAL MEASURE IN CONJUNCTION WITH ARTICLE 1, SECTION 22, THEN THE INTERFERENCE, DEPRIVATION AND DENIAL OF LAWSON'S ACCESS TO THE COURTS DENIED HIM HIS FUNDAMENTAL

RIGHT TO A FAIR TRIAL AND HIS CONVICTION SHOULD BE VACATED AND DISMISSED WITH PREJUDICE OR IN THE ALTERNATIVE PROVIDED A NEW TRIAL.

BURGLARY CHARGES UNCONSTITUTIONAL

A. STANDARD OF REVIEW

CONSTITUTIONAL VIOLATIONS ARE REVIEWED DE NOVO. STATE V LYNCH, 2013 WL 5310164. "WE REVIEW THE CONSTITUTIONALITY OF A STATUTE DE NOVO." KITSAP COUNTY V MATTRESS OUTLET, 153 WN 2d 506, 509 (2005) (CITING INC INO, INC. V CITY OF BELLEVUE, 132 WN 2d 103, 114 (1997))

B. THE BURGLARY STATUTE RCW 9A.52 ET. SEQ. IS OVERBROAD

IN THE INSTANT CASE LAWSON'S CONDUCT, ENTERING, EXITING AND/OR USING THE "LADIES" RESTROOM, WHICH LED TO HIS PROSECUTION AND SUBSEQUENT CONVICTION WAS A LAWFUL PROTEST: A) AGAINST THE CITY OF BREMERTON OVER A PROTRACTED DISPUTE OF ITS ONGOING DEPRIVATION OF HIS PROPERTY RIGHT TO WATER WHEREBY HE WAS FORCED TO USE PUBLIC FACILITIES FOR MONTHS AND TO WHICH THE ENSUING LITIGATION WAS WHOLLY RELEVANT

TO THIS CASE; AND B) AGAINST THE COURT OVER LAWSON'S UNCONSTITUTIONAL CONDITIONS OF COMMUNITY CUSTODY AND DENIAL OF RESOURCES. SEE (RP 1-23-2013) 498-499 AND SUPERIOR COURT CASE NO. 11-1-00746-2 DKT. 164 - DKT 184 (MOTION HEARINGS ON ORDER OF INDIGENCY RELEVANT TO SUIT WITH CITY OF BREMERTON)

THERE EXISTS NO LAW, STATUTE OR ORDINANCE THAT PROHIBITS OR RENDERS ILLEGAL THE ENTRY, EXIT AND OR USE OF PUBLIC FACILITIES DESIGNATED FOR THE OPPOSITE SEX AND IN THE ABSENCE OF SUCH, THE STATE WOULD PRESUME TO CRIMINALIZE LAWFUL ACTIVITY, IF SOCIALLY UNACCEPTABLE AND EXPOSES CITIZENS TO ARBITRARY ENFORCEMENT.

THUS, IN APPLYING THE BURGLARY STATUTE IN A MANNER WHICH MAKES CRIMINAL THAT WHICH IS LAWFUL, IS OVERBROAD AND WOULD LEAD TO, AS IN THE INSTANT CASE, ARBITRARY ENFORCEMENT AND ABSURD RESULTS EVEN IF ALLEGED CRIMINAL ACTIVITY WERE TO OCCUR IN THAT PUBLIC SPACE. SUCH AN APPLICATION AND OUTCOME IS BEYOND LEGISLATIVE INTENT.

"THE FIRST AMENDMENT, APPLICABLE TO THE STATES THROUGH THE FOURTEENTH

AMENDMENT, PROVIDES THAT 'CONGRESS SHALL MAKE NO LAW . . . ABRIDGING THE FREEDOM OF SPEECH.' THE HALLMARK OF THE PROTECTION OF FREE SPEECH IS TO ALLOW 'FREE TRADE IN IDEAS' -- EVEN IDEAS THAT THE OVERWHELMING MAJORITY OF PEOPLE MIGHT FIND DISTASTEFUL OR DISCOMFORTING. ABRAMS V. UNITED STATES, 250 U.S. 616, 630 (1919) (HOLMES J. DISSENTING SEE ALSO, TEXAS V JOHNSON, 491 U.S. 397, 414 (1989) ('IF THERE IS A BEDROCK PRINCIPLE UNDERLYING THE FIRST AMENDMENT, IT IS THAT GOVERNMENT MAY NOT PROHIBIT THE EXPRESSION OF AN IDEA SIMPLY BECAUSE SOCIETY FINDS THE IDEA ITSELF OFFENSIVE OR DISAGREEABLE') . . . THE FIRST AMENDMENT AFFORDS PROTECTION TO SYMBOLIC OR EXPRESSIVE CONDUCT AS WELL AS ACTUAL SPEECH. SEE, E.G., R.A.V. V CITY OF ST. PAUL, 505 U.S. AT 382; TEXAS V JOHNSON, SUPRA, AT 405-406 (REMAINING CITATIONS OMITTED)")) VIRGINIA V BLACK, 538 U.S. 343, 358 (2003)

"THE INTERPRETATION OF CONSTITUTIONAL PROVISIONS AND LEGISLATIVE ENACTMENTS, . . . PRESENTS A QUESTION OF LAW, WHICH WE REVIEW DE NOVO. CITY OF SPOKANE V ROTHWELL, 166 WN 2d 872, 876 (2009) . . . GENERALLY, WE PRESUME THAT LEGISLATIVE ENACTMENTS ARE CONSTITUTIONAL. STATE V BAHL, 164 WN 2d 739, 753 (2008). THE PARTY CHALLENGING

AN ENACTMENT BEARS THE BURDEN OF PROVING ITS UNCONSTITUTIONALITY. Voters Educ. Comm. v Pub. Disclosure Comm'n, 161 Wn 2d 470, 481 (2007) (CITATIONS OMITTED) However, IN THE FREE SPEECH CONTEXT, "THE STATE USUALLY 'BEARS THE BURDEN' OF JUSTIFYING A RESTRICTION ON SPEECH" Id. AT 482 (QUOTING Inc Ino, Inc. v City of Bellevue, 132 Wn 2d 103, 114 (1997)) State v Immelt, 173 Wn 2d 1, 6 (2011).

In THE INSTANT CASE, WHILE LAWSON WAS NOT ALLOWED TO PRESENT HIS CASE AND EVIDENCE DEMONSTRATING HIS PROTEST, THE STATE CANNOT SAY AND DID NOT PROVE THAT IT WAS NOT SUCH A PROTEST. Moreover, A CRIMINAL DEFENDANT DOES NOT HAVE TO PROVE HIS INNOCENSE, THE STATE MUST PROVE HIS GUILT.

C. The Burglary Statute RCW 9A.52 ET SEQ IS Unconstitutionally Vague As Applied To This Case And Violates Equal Protection

In THE INSTANT CASE, LAWSON ENGAGED IN NO CONDUCT THAT COULD IN ANY WAY BE DEFINED OR CONSTRUED AS CRIMINAL WHILE IN OR AROUND THE LADIES ROOM. Moreover, AS THE STATE ARTICULATED IN ITS OPENING STATEMENT "THERE WERE NO VICTIMS" AT

THE HARRISON HOSPITAL INCIDENT. WHILE LAWSON WOULD ASSERT THAT THERE WERE NO VICTIMS ANYWHERE AT ANY OF THE RELEVANT LOCATIONS. NEVERTHELESS, THE STATE'S SOLE ARGUMENT IN SUPPORT OF BURGLARY WAS BASED ON LAWSON'S SEX AS CREATING "BOUNDARIES" AND NOT ON ANY TANGIBLE ACTION THAT WAS PROSCRIBED BY LAW. THUS, IT CAN ONLY BE CONCLUDED THAT LAWSON WAS CHARGED AND CONVICTED OF BURGLARY FOR BEING A MALE PRESENT IN THE LADIES ROOM AND NOT FOR ANY ACT OCCURING THAT CREATES A FELONIOUS UNLAWFUL ENTRY OR REMAINING. "FELONIOUS ENTRY IS ENTRY THAT IS BURGLARIOUS, AS OPPOSED TO ENTRY THAT IS LAWFUL OR TRESPASSORY." STATE V THOMSON, 71 WN APP. 634, 637 (1993).

"WASHINGTON LAW DOES NOT PROVIDE THAT ENTRY OR REMAINING IN A BUSINESS OPEN TO THE PUBLIC IS RENDERED UNLAWFUL BY THE DEFENDANT'S INTENT TO COMMIT A CRIME... PROOF OF INTENT TO COMMIT A CRIME DOES NOT ESTABLISH THE OTHER ELEMENT -- UNLAWFUL ENTRY. WASHINGTON COURTS HAVE NEVER HELD THAT VIOLATION OF AN IMPLIED LIMITATION AS TO PURPOSE IS SUFFICIENT TO ESTABLISH UNLAWFUL ENTRY OR REMAINING." STATE V MILLER,

90 Wn App. 720, 725 (1989) "Even if we were unable to ascertain legislative intent, the rule of lenity would lead us to the same construction of the statute. 'The rule of lenity provides that ambiguity in a criminal statute should be resolved in favor of the defendant'. Id citing Thomson, 71 Wn App. at 645.

Therefore Lawson's conviction should be vacated and the burglary charges dismissed with prejudice.

IV.

Selective / Vindictive Prosecution

A. Standard of Review

Constitutional violations are reviewed de novo. State v Lynch, 2013 WL 5310164

B. Appellant Lawson's Prosecution was both Selective and Vindictive

In the instant case, Lawson is both "Black" and "Male" related to a suspect class and this case concerns fundamental constitutional rights related to freedom of speech, freedom of assembly, due

PROCESS, EQUAL RIGHTS AND ACCESS TO THE COURTS. THUS, STRICT SCRUTINY SHOULD BE APPLIED.

FIRST, RON BURROWS, A CUSTODIAN AT HARRISON HOSPITAL AND A STATE'S WITNESS ENGAGED IN THE EXACT SAME CONDUCT THAT LAWSON ENGAGED IN, THAT IS, ENTERING AND EXITING THE LADIES RESTROOM. (RP 1-17-2013) 335 AT 7. SECOND, IN AN UNRELATED CASE, STATE V BERTY, 136 WN APP. 74 (2006), MR. BERTY, A WHITE MALE, WAS CHARGED BY THE KITSAP COUNTY PROSECUTOR WITH VOYEURISM BUT WAS NOT CHARGED WITH BURGLARY.

"THE LAW MUST PROVIDE SIMILARAY SITUATED PEOPLE WITH LIKE TREATMENT." STATE V JAGGER, 149 WN APP. 525, 531-32 (2009) (CITING STATE V CORIA, 120 WN 2d 156, 169 (1992)) OUR COURTS CONSTRUE THE FEDERAL AND STATE EQUAL PROTECTION CLAUSES IDENTICALLY. Id (CITING STATE V MANUSSIER, 129 WN 2d 652 (1996))." STATE V SCHERNER, 153 WN APP. 621, 648 (2009).

ADDITIONALLY, LAWSON ASSERTS THAT THE STATE IMPERMISSABLY INCREASED HIS CHARGES BECAUSE HE EXCERCISED HIS RIGHT TO PROCEED TO TRIAL AND DEFEND PRO SE, SINCE THE

AMENDED THE CHARGES AFTER LAWSON WAS GRANTED PRO SE STATUS.

THEREFORE, LAWSON'S CONVICTION SHOULD BE VACATED AND THE CHARGES DISMISSED WITH PREJUDICE OR IN THE ALTERNATIVE, HE SHOULD BE GRANTED A NEW TRIAL.

PROSECUTORIAL MISCONDUCT

THE STATE'S WITNESS, RHONDA ALLEN, PROVIDED THE ONLY TESTIMONY OF A SEXUAL NATURE THROUGHOUT THE ENTIRE TRIAL. WHEN SHE STATED UNDER OATH THAT SHE SAW LAWSON "TOUCHING HISSELF" AND THEN ASKED "WHAT ARE YOU DOING, BEATING YOUR MEAT?" RP (1-16-2013) 165 AT 4-13

THE STATE PRESUMABLY KNEW EXACTLY WHAT MS ALLEN WOULD TESTIFY TO. LAWSON WAS DENIED TIME AND OPPORTUNITY TO INTERVIEW MS. ALLEN PRIOR TO TRIAL, WHICH LAWSON OBJECTED TO MORE THAN ONCE. (RP 1-16-2013) 168 AT 17-22

THEN IN CLOSING ARGUMENT THE STATE'S COMMENT, "MR LAWSON WAS TOUCHING HIMSELF IN FRONT OF AN 11-YEAR OLD GIRL", WHICH HAS DISAPPEARED FROM THE VERBATIM REPORT OF PROCEEDINGS, WHICH WAS PART OF THE STATE'S REBUTTAL ARGUMENT.

HOWEVER, LAWSON INCLUDED THOSE

COMMENTS AS PART OF HIS MOTION FOR ARREST OF JUDGMENT AND NEW TRIAL 2-15-13, WHEREIN THE COURT RE-READ THE RECORD BUT REFUSED TO PROVIDE LAWSON A COPY RENDERS THE RECORD SUSPECT.

BECAUSE LAWSON NOW BELIEVES THE RECORD NOT TO BE 100% ACCURATE THE REMAINING ISSUES LAWSON ASSERTS IN THESE GROUNDS MAY WELL BE UNSUPPORTABLE BASED ON THE RECORD.

WHERE LAWSON REQUESTED SEVERAL TIMES THROUGHOUT THE COURSE OF TRIAL, INCLUDING PRELIMINARY HEARINGS, COPIES OF REPORTS OF PROCEEDINGS AND THE COURT REFUSED IT RAISES QUESTIONS OF BOTH PROSECUTORIAL MISCONDUCT AND POTENTIALLY JUDICIAL MISCONDUCT AS WELL.

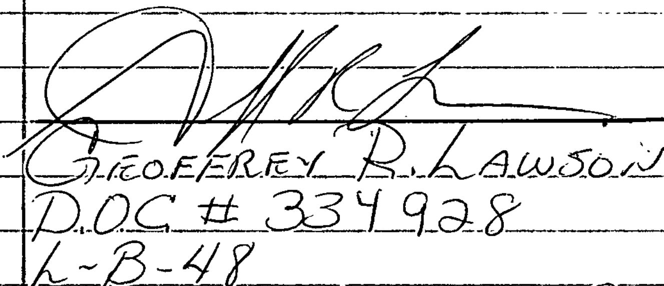
THUS, LAWSON WILL DEFER TO THIS HONORABLE COURT'S DISCRETION WHETHER OR NOT TO ADDRESS LAWSON'S REMAINING GROUNDS WITHOUT FURTHER DISCUSSION.

ADDITIONALLY, LAWSON WOULD RESPECTFULLY REQUEST THAT THIS COURT INITIATE AN IMMEDIATE INVESTIGATION

INTO THE MATTER. IT BRINGS INTO QUESTION EVERY ASPECT OF THE TRIAL PROCESS.

FOR ALL OF THE FOREGOING REASONS LAWSON'S CONVICTION SHOULD BE VACATED AND THE CHARGES DISMISSED WITH PREJUDICE. IN THE ALTERNATIVE LAWSON SHOULD BE GRANTED A NEW TRIAL IN A COMPLETELY DIFFERENT VENUE.

RESPECTFULLY SUBMITTED THIS 3RD DAY OF MARCH, 2014.



GEOFFREY R. LAWSON
DOC # 334928
L-B-48
AIRWAY HEIGHTS CORRECTIONS CENTER (AHCC)
P.O. BOX 2049
AIRWAY HEIGHTS, WA 99001

DIVISION II COURT OF APPEALS
STATE OF WASHINGTON

STATE OF WASHINGTON, RESPONDENT V GEOFFREY R. LAWSON, APPELLANT	NO. APPELLANT GEOFFREY R LAWSON'S DECLARATION OF MAILING PURSUANT TO GR 3.1

DECLARATION

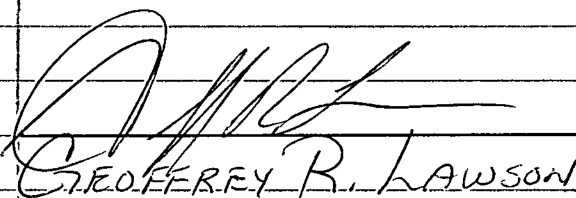
I, GEOFFREY R. LAWSON, DECLARE THAT, ON MARCH 3, 2014, I DEPOSITED THE FOREGOING APPELLANT'S STATEMENT OF ADDITIONAL GROUNDS, AN ORIGINAL COPY THEREOF, IN THE INTERNAL MAIL SYSTEM OF AIRWAY HEIGHTS CORRECTIONS

CENTER, P.O. BOX 2049, AIRWAY HEIGHTS, WA 99001 AND MADE ARRANGEMENTS FOR POSTAGE, ADDRESSED TO:

DIVISION II, COURT OF APPEALS
STATE OF WASHINGTON
950 BROADWAY
SUITE 300
TACOMA, WA 98402-4454

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED AT AIRWAY HEIGHTS, WASHINGTON ON MARCH 3, 2014



GEOFFREY R. LAWSON
D.O.C. # 334928
LB 48
AIRWAY HEIGHTS CORRECTIONS
CENTER (AHCC)
P.O. BOX 2049
AIRWAY HEIGHTS, WA 99001