FILED

COURT OF APPEALS

APR 14 2017

WASHINGTON STATE SUPREME COURT

2017 APR -3 AM 9:29

STATE OF WALSHINGTON

SUPPEME Ct. No. 94361-3 Ct. app. No. 47960-5-II

IN THE SUPPEME COURT FOR WASHINGTON STATE

STATE OF WASHINGTON,

RESPONDENT

TERONE CEASAR ALVERTO,

PETITION FOR REVIEW

PRESENTED BY:

CITIZENE SAKSIELD SINGEL

MONIFOE CORR, CIAPLY,

P.O. BOX TTT

NOUROE, Wa. 98212

TABLE OF CONTENTS

	I, IDENTITY OF PETTIONER 1
	I. RELIEF REQUESTED
	III. Facts of case
· · · · · · · · · · · · · · · · · · ·	II, GROWNS FOR ROLLE ZULD ZROWNEST9
	1. MR, ZWERTO ZKKS THIS COURT TO
	DUB TESTING AND TO HOLD HE
	CLUON CHUTEET FULL NAME SEH
	DEMONSTRATE HIS MUNICIPALE ON B. MORE ABOBABLE THAN NOT BASIS
	2. MR. JUMERTO JOKS THIS COURT
	METTER TO BLOW HUNG THE
	OPPORTUNITY TO OBTAIN A SWORN DEPLOYED OF THE
	HEAVIDWRITING ENGLYSIS
	T, concusion,

	Table of authorities
	LI.S. SUPREME COURT CASIES :
	HOUSE V. BELL, 547 U.S. 518, 1265.Ct 2010+ (2006)11
	WASHINGTON STATE CASES?
	STATE V. GRAY, 151 WA. JP. 1001 (2009) 11
	STATE V. BIOFTA, 166 WW. 2d 358 (2009) 11,14
	STATUTES '
and the second s	
	RCW 10, 73, 170
my	
Approximation of the state of t	

* # #

.....

....

(

****		, construction and the construction of the con
	IN THE SUPPEME COURT F	STETZ LACTEMINEEW PA
		The state of the s
	wa	
	STATE OF WASHINGTON,	
	RESPANCINT,	JUPREME COURT NO.
		(C.O.d. No. 47960-5)
· · · · · · · · · · · · · · · · · · ·		
		PETITION FOR REVIEW
	JEROME CERSON GLYERTO,	(R.J.P. 13.4)
	PETITIONER.	
		1.
	Applications benefit feely with a factor of the second of	
	II, IANTO	PT The III CALLA
		variante de la companya del companya de la companya del companya de la companya del la companya de la companya
+ + + + + + + + + + + + + + + + + + +	COMES NOW, JARONE CLEASEN	e awario, pro se, asks this court to
e e e		
	UNA THEIR KEN OT BRAKE	es inder haines & Kerner, 404 ils.
	519, 923,CL, 254 (1972), aus F	EDWEST THIS COURT ACCOUNT THIS
m	PETITION FOR REVIEW OF THE	IZZNE(Z) USEZEVIED HESELY
		The second secon
M 11	GRANTING THE RELIEF REDUES	TED IN SERTION I BELOW.
MATERIAL CONTRACTOR CO		
	THE PETTION FOR REVIE	TARCITED BY ATTION
*		
	OF JEROME CERSELY BLYERTO E	WACHED ES ATTACHMENT 1.
	T BOLEF	REQUESTED
	- National Association of the Control of the Contro	3. The state of th
• • • • • • •		
	WK - ANDETO REQUESTS	THIS COURT REMAIND THE CASE
	FOR ANT- CONVICTION MUST	TETALS,

Province and a property of the province with the province of t	III.Fact
	ON MAY 13, 2000, STEPHANIE MILSON DRANK ALCOHOL, REPORT
	OF PROCEEDINGS (RP) (\$116.6,2008) ST 327-28, AND FOLIGHT WITH
der er en state er de statsstade for er	HER BOYFRIEND, ERIC ROGERS, RP (JULY 30, 2015) ATT, BECAUSE
100 ACTION OF THE STATE OF THE	HE WAS NOT PAYING ATTENTION TO WILSON. RP (BUG 6, 2008)
Andrew (Marie Marie M Marie Marie Ma	AT 265. WILSON WAS "LIPSET" WITH ROGERS. RP (AVA. 6, 2008)
	27 326, SHORTLY THEREAFTER, WILSON WAS ATTACKED AND SHOT
	MULTIPLE TIMES. RP (aug. 6, 2008) at 273, 286-90.
	THE STACKER WORLE DEGREE CLOTUNG END & BENDENG
a esta de la companya de la company La companya de la companya de	COVERING HIS FACE. BP (aug. 6, 2008) at 274, 363.
	WILSON FOUGHT WITH HER ZITACKER, STARTING AT HER
	HOME, RP (aug. 6, 2008) at 273, and ENDING ON HER
energen vergen vergen unter eine vergen eine vergen vergen der der Anthon Gert dem der der der Anthon Gert dem	METGHBOR'S BACK PORCH, RP (Aug. 6, 2008) AT 286, WHERE POLICE
inga kangangan penggapan kangan kangan penggapan penggapan penggapan penggapan penggapan penggapan penggapan p Penggapan penggapan	DISCOVERED A"HAUR", RP (AUG. 13, 2008) AT 857, MIXED
	TRAPPED IN WILSON'S BLOOD. RP (JULY 30, 2015) AT 8, 10.
	MEDICS ZUM POLICE BERMED, THEY FOUND REGERS COMME
	OUT OF WILSON'S HOUSE SHORTING AFTER THE SHOWTING OCKUPRED,
2 Section and Section 2 Section 2	17

	RP(JULY 216, 2008) 2T 92, RP (QUG. T, 2008) AT 471-72, 2010 BEFORE
	THE (FOUND WILSON.
- 10 - 100 -	MR. ZLVERTO LIVED & FEW MILES FROM WILSON'S HOME.
****	MR. ALVERTO HAS MEVER BEEN TO WILSON'S HOME, OR THE SCIENCE OF
90 - 1 - 10 - 10 - 10 - 10 - 10 - 10 - 1	
	THE CRIME. RP (JULY 30, 2015) ST 6. ST THE TIME OF THE INCIDENT,
	MR. ALVESTO WAY ARRESTED AT HIS CWAY HOME BY DEPUTY BRIAN
	CUME, DEPUTY CHME APPROACH SEVERAL POLICE COR THAT ARRIVED
	ONSITE. PRIOR TO BEING ZEREXTED, MR. ZUYERTO DID "NOT MITTALLY"
	The state of the s
	"CHAVE] BLOOD ON CHIS] CLOTHES "RP (ENLY 30, 2015) ST 7, " [NOT
	WATE DEPLITY CLINE MPED BLOOD ONTO MY PANTS, BECAUSE
	I WATCHED HIM DO IT]" RP (JULY 30, 2015) AT T (THE COURT
	FALED TO TRANSCRIBE THIS PORTION OF THE RECORD), ST TRIBL
	MO EXPLANATION WAS OFFERED ABOUT HOW THE BLOOD
	Was PLACED ONTO MIR. ZEVERTO'S PAUTS.
	WILSON GAVE HER "OPINION" THAT MR. JUVERTO
	BROKE INTO HER HOME TO COMMIT THE CRIME, RP

Mara and A. Thanking area in the Mara and a substantial state of the Control of t	(246, 6, 2008) AT 357-58. POLICE FOLKID NO SIGNS OF
	FORCED ENTRY (INTO MUSON'S HOME . RP (AUG. 12, 2008)
	27 686. POGERS HEW WILSON'S ENTOWATIC GARAGE DOOR
	CPENIER, WHICH ALLOWED ACCESS TO HER HOME, RP
	(aug. 12,2008) AT 639.
000 - 100 -	MR. ZLVERTO WAS AGRESTED WITHIN MINILITIES OF WILSON
	BEING STRIKED; MR. RUERTO HAD ABSCHUTELY MO "BRUISES" OR
	MUTURIES TO HIS PERSON AS WOULD BE EXPECTED IE HE'D
	FOUGHT WITH WILSON, RP (AHG. 13, 2008) 20T 818-19,
	RP (aug. 18, 2008) at 1145-48. adoltronally, MR. alverto
	HAD ABSOLUTELY NO BLOCO ON HIS HAVE, FACE, BODY,
aka kananan aka ka manga pamanan dari Amerika da ka da ka da ka da	SHIRT, SHOES OR COR AS YOULD BE EXPECTED IN HEID
eneralisationen avan kappanisation (1886 er 2011 er 1874 f.). sept er entstattet i 1886 er en skriver i 1886	FOUGHT WITH WILSON RP (344.13, 2008) BT 828.
	POLICE JULESCON BUND & PIETE JULD & NOTEBOOK"
ann an	CONTENING & HANDWRITERY "TO-DO-LIST", FOR KILLING
	SOMEONE, IN MR AVERTO'S CAR. BP (AK. 11, 2008) RT 565;
handiri isigar sahifida arang majabah di mandidayan nganagara tersepananan pakada	

(

14,500 PM	
LANDALLANDA AND AND AND AND AND AND AND AND AND	RP (aug. 13, 2008) AT 788.
	THE PROSECUTOR PURPORTED THAT MR. ZUVERTO USED
	THE "RIFLE", RP (AUG. 11, 2008) AT 565, TO COMMUT THE
	CRIME AGAINST WILSON, RP (JULY 16, 2008) AT 77. IT
	WAS LATER DISCOVERED THAT WILSON WAS SHOT WITH
14, 76, 1	a Hambourd, NOT WITH A RIFLE", RP (JULY 16, 2008)
	at 76, RP (aug. 6, 2008) at 318-19, CONFIRMING THAT
	POLICE FABRICATED THE BLEGED RIFLE,
	TWO MAGHBORS SAW PART OF THE ATTACK, AND
	METHER WAS ABLE TO IDENTIFY WILSON'S
	атаскек(s), RP (aug.7,2008) ат 420-23, RP (aug.12,2008) ат 650-53.
	AT TRIBL, MR. BLUERTO'S PRIMARY THEORY WAS
	THAT IERC ROGIES HAD ARGUED WITH WILSON AND
	THEN COME SAND HID INSIDE HER HOUSE. HE'D
A A A A A A A A A A A A A A A A A A A	USED HS GARAGE DOOR OPENER TO GAIN EXTRANCE,
udarringan kanasaya kanasaya kanasa kana	COVERED HIS FACE, AND IMPERSONATED MIR, ALVERTO

7	WHILE 2552 MILSON, RP (aug. 19, 2008) AT 1298-
	1369.
	IN JUNE 2014, MR, JUSTIO FILED & MOTION FOR
	POST-CONTICN DATA TESTING OF THE ITAIR, RP (DIG. 13,
	2008) AT BST, HE SUPPORTED THE MOTION WITH : FIRST,
	NEWS DISCOVERED TESTIMONY EVIDENCE OF MAIRICE
9 (5) (6) (6) (6) (6) (6) (6) (6) (6) (6) (6	THROWER, THROWER STATED THAT AROUND JUNE 2006
	HIS FRIEND, "E (FRIC ROGERS)", CONFESSED TO
	SHOOTING HIS CHRIPTION, WILSON, AND THAT HER
	EX-HUSBAND, MR. AVERTO, WAS WRONGLY ACCUSED
	and wrongly convicted of the crime. Throwas
	GAVE AN ACCURATE PHYSICAL DESCRIPTION OF HIS FRIEND,
	E", WAICH MATCHED IDENTICAL TO ROGERS.
	PHYSICAL DESCRIPTION. MEMORANDAM OF LAW (EXHIBIT 1)
	FILED TIME 9, 2014, SUPP.CP.
	SECOND, MR. ZWERTO SUPPORTED HIS MOTIONS WITH

{

MEMLY PRESENTED EMINENCE OF A LIETUR BY HANDWRITING
EXPERT, DEVID G. CUPP, WHICH CONCLUDED THAT ROGERS, RETTHER
THAN MIR. ANDRO, HAD ANTHORED THE MOTERICOK, RP (AMG. 13,
2008) AT 788, THAT PROVED TO BE A CRITICAL PIEZE OF
INCLUPATORY EVIDENCE OF TELOW, MEMORENDUM OF LOW
(EXMIBIT 2) FILED STATE 9, 2014, SUPP. CP.
THIRD, MIZ. ZUVERTO 250 SUPPORTED HIS MOTION WITH
MENLY PRESENTED EVIDENCE OF PHONE RECORDS, SHOWING
THAT HE DID NOT MAKE THE THREATENING TELEPHONE CALLS
THAT WILSON CLAIM SHE RECEIVED JUST PRIOR TO THE
ATACK. MEMORANDUM OF LAW (EXHBIT 3) FILED JUNE 9,
2014, 5407.02.
JUTIBLLY, THE JEIBL JUXIE GRANTED MR. AVERTO
MOTION, CP1.
THE STATE FILED & MOTION TO REZONSIDER. CP53.
THE TRAL JUNGE FOUND THE STATES MOTION

A CONTRACTOR OF THE CONTRACTOR	
WITHMELY, BUT MENERTHELESS RESENANCES HER PRIOR	
	9896.1
ORDER. CP.66	
MR. JUVERTO JAPEBLED. THE DIVIDION TWO COURT OF	
EFFERS SFRINED, UNIPUBLISHED OPINION (MARCHI, 2017).	
Comments Consider Objects (Markets Consideration)	** ** *********************************
MR, ALVORTO SEEKS DISCRETIONARY PRIVIEW.	······································
	- !
THESE EACTS ARE SUPPORTED BY AFFIDANT OF	,r
	. Falling on the SA C.
JEROME CERSER ELVERTO ATTACHED ES ATTACHMENT 1.	* ****
CERTIFICATION OF THE FACTS	
I, JERONE CELSAR ALVERTO, DECLARE LINDER THE	
PAULITY OF PARTIET THE FORENDUTIONED FACT	
BRE TRUE DUD DECURATE TO THE BEST OF MY	
KNOWLETALE AND BELLET	Marie Marie Andrews
Dated: 3-29-11 Grane Casar averto	

SWORN AND SUBSCRIBED BEFORE ME THE 29 TH	danse koronomice i respo
DEC OF MARCH, 2017.	
STATE OF WASHINGTON)	NA 2000 - 20 1
COUNTY OF SNOHOMISH)	
SUSCRIBED AND SWORN to before me this 29 day of MABC 1-), 20 17	
Dannie P. Mr. Dumme NOTARY PUBLIC	
Dennis R. McNamara My commission expires 05/14/ 2016 2 0 2 0	and well-server compag
William Costs of a final formation of a final final formation of a final	

THE STREET WHEN THE PROPERTY OF THE STREET	
manual control of the same	7. GROUNDS FOR RELIEF AND ARGUMENT
	1. MIR, ALVERTO ASKS THIS COURT TO
er germannen servente. Digita gere progress gering in geleg per terreteren bestellt in der serven bestellt in der	REVERSE THE ORDER DESIGNAG
	DHE TESTING AND TO HOLD HE
	CHUCH DIATEST BUCK LAWOUR ZEH
· / 6000 · 6000	DEMONSTRATE INNOCENCE ON A
	MORE PROBABLE THAN MOT BASK.
	Rew 10, 73, 170 provides, I'M percevent
The state of the s	72657
	(1) & PERSON CONVICTIED OF 2 FELONY
	IN 2 WASHINGTON STATE COURT WHO
***************************************	CUERDATING IS SERVING & TERM OF
	11/17 RISONNAI FUT MAN SUBMIT TO THE
	COURT THAT EXTERED THE SUDGMENT
	OF CONVICTION & VERTIED WRITTEN
	MOTION REQUESTING DIVE TESTING ,
	(2) THE MOTION SHALL:
	(a) STATE THAT?
	(i) THE COURT RULED THAT ONLY TESTING
**************************************	DID NOT WEET EXCEPTABLE SCHOOLIFIC
	STO , ECHACIONETE
	(ii) DALA TESTIAG TECHNOLOGY WAS
	DEGENERATION OF TOM
and the second s	TO TEST DIVIS EMINERALE IN THE
18 1.1000 ASSOCIATION OF THE STREET	CASE, OR
Company of the Compan	(m) THE DILL TESTILLE NOW FE-
	PUTTINGUE SE CLUSW CENTER
	MORE RECLIRATE THAN PRIOR DILLA
	TESTING OR WOULD PROVIDE
	INDICATION OF THE DESIGN DESIGN OF THE DESIG

......

....

	SIGNIFICANT MEN IMPORMATION,	Seems of the seems
N. mark and amounts which the contraction of the co	(1) EXPLAIN WHY DILLE ENDOUCE	* · · · · · · · · · · · · · · · · · · ·
	13 MATERIAL TO THE LOCKTITY OF	
	THE PERPETRATOR OF, OR	
	ACCOMPLIE TO, THE CRIME, OR TO	
	THE SENTINGE PHENCEMENT, AND	······································
at-total base and a state of the state of th	(c) COMPLY WITH ZULLOTHER PROCEDURES	1000-0 Avenandia
	PEROLIKEMENTS ESTABLISHED BY THE	-
	court,	· · · · · · · · · · · · · · · · · · ·
	(3) THE COURT SHALL GRANT & MOTION	
	REQUESTING DIVE TESTING WINDS	
	THIS SECTION IF SUCH MOTTON IS IN	······································
	THE FORM REQUIRED BY SUBSETTION (2)	
	OF THIS SERTION, IND THE CONVICTED	
	THEISSON HAS SHOWN THE LIKELIHOOD	
	THAT THE DIVALENDANCE WOULD	
	DEMONSTRATE IMMOCEDUCE ON A	
	MORE PROBABLE THAN NOT BASIS,	of after the manufacture of the same of th
		· · · · / · · · · · · · · · · · · · · ·
1,1	WASHINGTON, A PERSON SERVING A TERM OF	er a arrown now manuschinger, daily
		N. MacAdemoorehamman
I NUPRIS	SOMMENT IS ENTITLED TO POST-COMMENTAL DILL	n
6.4883.07.37.39.38.41.3.4.64.41.		Samuel of the same Samuel age of
TEST	NG WHEL THE RESULTS "WOULD PROVIDE	
SIGNIE	EVENT WEN INFORMATION " AND THE PERSON SHOWS	
- Jan 14	ALLOW SWEDING FILL SHE COOHLESSIF	**
المالا	oustrate inviceduce on a more probable than	
NOT I	BASIS, "BCW 10, T3, LTO, MR, BLVERTO HAS MET	
area management of the contract of the contrac		- 200

	THE RECOURSEMENTS OF THE STATUTE; ECCORDINALLY, HE
	IS WITH OUTER FOR SOME OF CONTROLLY
	PCW 10.78,170(3).
- · ·	"THE SUPERME COURT HELD THAT THE LANGUAGE
	SIGNIFICANTI NEW INFORMATION INCLUSES DIVE
	TEST RESULTS. " STATE V. RIOFTA, Molo Wil. Zd 358
	(2009). " DAVIS TESTING OF THE HAVE WOULD BE
	MARGERIAL TO THE INDIVITITY OF THE PERPETRATOR,
	REW 10.73, 170 (2) (b), BETALLE THERE WAS & SWALE
	PERPETRATOR" IN MICH BLUERTO'S CASE. STATEY
	GRAY, 151 Wa, 279 1001 (2009), "W LIGHT OF
and the second s	NEW ENDERGE IT IS MORE LIKELY THEN MOT THEET
	NO RESONABLE THROIS WOULD HAVE FOUND PETTLONER
	GUILTY BEYOND & REGIONABLE DOUBT. "House V.
- H	BELL, 547 U.S. 518, 126 5. Ct. 2064 (2006).
	NUVESTIGATORS FOUND A STRANGE HALK ATTUCK
	The state of the s

	And the second of the second o
	TRAPPED IN WILSON'S BLOOD ON & GLASS DOOR
:	METER 14ER BODY . RP (QUE 12, 2008) AT 857. THE
	HAIR WAS MOT TESTED, AN ANALYSIS WOULD BE
	MATERIAL; WHEREBY THE VICTURE WILSON TESTIFIED
··········	
en man i kana	THAT ONLY ONE PERSON ATTACKED HER, AND SHE
·	STRUCCUED WITH THAT PERSONS; THEREFORE, IT IS
	MORE PROBABLE THAN NOT" THAT THE HAIR COME
	FROM HER STECKER . Rew 10.73.170(3).
	AT TRIAL, THE DEFENSE THEORY WAS THAT WILSON'S
· • · · · · · · · · · · · · · · · · · ·	BOYFRIEND, ETC ROGIERS, CONTRED HIS FACE WITH A
	BANDANA, DRESSED IN A BLACK TURTLENETH AND OTHER
	DEEK CLOTHUG, 240 IMPRESSONIETED MR. ALVERTO DURING
	24 ASSELLET ON WILSON , POLICE FOUND ROGERS AT THE
	scene of the cenue,
	MR, ZUERTO EXPLAINCED IN 145 MOTION FOR DATA
	TESTING THE TESTING OF THE HOUR WILL TIP THE

	BALAUCE OF EVIDENCE TOWARD ROGERS FOR SEMERAL
	reasons; (1) rogers had motive to commit the
	en e
	CRIME BECAUSE HE AND WILSON HAW DOEN FIGHTING
	THAT DAY (2) ROGERS, BUT NOT MIR ALVIERTO, HAD A
	GIRAGE DOOR OPENER FOR WILSON'S HOUSE AND THERE
	Was NO FORCED ENTRY , (3) THE HANDWRITHG IN THE
-	SMALL MOTEBOOK COMMERTED TO THE CRIME WAS FOUND
	TO BE ROGERS HANDWRITING, AND (4) THE EXEMITMENTS
	PHYSICAL DESCRIPTION OF THE PERPETRATOR'S BUILD
	MATCHED ROCHERS, NOT MIR ALMERTO, MEMORANDUM
	of Law, filed shire 9, 2014.
	1
	ONCE TESTED FOR DILL, THE HAIR WILL PROVIDE
	, and the second
	SIGNIFICANT NIEW INFORMATION "IMPLICATING POGIERS,
	RCW 10.73, 170 (2)(4)(11).
	DALZ RESULTS MAPLICATIALG ROGERS "WOULD, IN
	Every said attention of the first manufacture of the comment of th
	COMBINATION WITH THE OTHER EVIDENCE, RAISE &

	RESOCNABLE PRESENTY [MR. ZLMBRIO] WAS NOT THE PERPETRATOR."
	RIOFTA, 166 WA. 2d at 367-68 (EMPHASIS IN ORIGINAL).
	THE TRIBL COURT ERRORD WHAN TO DEWIND JEINT BATT
•	MOTION FOR PIND JESTING WITHOUT EVER CONSIDERING
	MR. ZEVERTO'S : (1) NIEWLY DISCOVERED WITHESS TESTIMONY OF
	MR. THROWER, WHO STATIOD THAT ROGERS CONFESSION TO
	SHOOTING WILSON, and BRAGGED THAT MIR. AWERTO IS BEING
	PLUISHED FOR ROGERS CRIME ECGINST WILSON, (2) NEWLY
	PRESENTED HANDWISTING ANALYSIS SHOWING ROCHERS, NOT
	MR. ZUERTO, ZUTHORED THE SMALL NOTESCOK, ILL WHICH ROGERS
2000 - Annual Control of Control	MUDICATED HIS PLAN TO USE & "STRANKING HERR" AS A TOOL TO
	COMMIT THE CRIME EGULIST WILSON, MEMORANDUM OF LAW
	(EXHIBIT 2) DT 11, JUD (3) MENLY PRESENTED PLONE RECORDS
,	SHOWING THAT MIR, ALVERTO DID MOT MAKE THRESTAMING
	PHONE CAUS TO WILSON SUST PRIOR TO THE ATTACK,
	THE COURT OF BAYERS ETRORED WHEN IT FALLED:
,	A XL ME 17

	(4) BE IMPERTIAL TOWARD MR. THROWER'S TESTIMONY.
	(2) ADDRESS MR, ALVERTO'S PHONE REZORDS; AUD
1 X V X	(3) CONSIDER THE HANDWRITING ANALYSIS.
and the same of th	MR, JUVERTO JUSKS THIS COURT GRANT DISCRETTONIARY
The state of the s	REVIEW AND PEVERSE THE ORDER DENSING DIVE
	TESTING.
	2. MR ZIVERTO ZAKS TAIS GOVET
	TO TEMPORESUC AFFER THS
	SHIT MAH WOLLE OT SETTEM
	5 WETEO OT YTHWISHOUGO
	SWORN DEZLARBATION TO THE
	HANDWRITING ZUGLICUS.
en anno anno kannokad V Marandan Susurabbata	ON JUNE 9, 2014, MR. JUVERTO, ACTING IN GOOD
THE RESERVE TO THE RE	
gar i egggi e or gagataphan albania sabiraha agam in e	FRITH, SUPPORTED HIS MOTION FOR DAVID TESTING WITH
 A consequence of the Consequence of th	
Anna ann ann ann ann Ao an t-Marian a t-Anna ann an t-Anna ann ann an t-Anna ann an t-Anna ann an t-Anna ann a	MEN ENDENCE OF A HAWWRITING ENGLYS COMPUTED
mana in a regularmente y constitution of	VIEW ENDERNO OF SO LEADING CHOCK (2/7 COMPANIED)
eregen en e e e e er er erekeken Man erkereken komen.	
	BY HEMOWRITING EXPORT, DEMO G. CLIPP. MEMORRADUM
and a common control of the common control of the c	
. 1744	OF LAW (EXHIBIT 2) FILED THUE 9, 2014, SUPP, CP.
	MIZ. JUVERTO BELIEVED THE HANDWRITING
	INJUST WAS PERFORMED BY BY EXPERT, THAT IT
and the second of the second o	

	MET ALL LEGAL REQUIREMENTS OF A COURT OF LAW.
	ON MARCH 7, 2017, DIVISION TWO-COURT OF JAPPENS
-	RULED THE HELDWRITING ENGLICIS WES UNEWORK ; END
	THEREFORE, WOULD NOT BE CONSIDERED, UNIPUBLISHED
	CPINION (MARCH T, 2017) AT 8.
	MOW, MR. ZIVERTO HAS SENT LETTER(S) TO
	MR. CUPP REQUESTING THAT HE PROVIDE MR. JUVERTO
	3, SWORN HANDWRITING ZNEWS, THERETERE,
	MIR. BLUERTO REQUEST THIS COURT DEFER THIS
	MATTER TO SHOW HAN THE OPPORTUNITY TO OBTAIN,
	and president the court, a sworn copy of
	THE HAUSWRITING ANDLYSIS.
1	
コンシー	The same of the sa

	I. CONCLUSION
	FOR THE RESIDUS STATED DESCRE JUD IN
	ME, ELVERTO'S MOTION FOR DNE TESTING, MR. ELVERTO
	RESPECTENTY REQUEST THIS COURT GRANT DISCRETIONARY
	review and reverse the order deviand and
	TESTING
V	PERPETEULY SUBJUTIED THIS 25th Day OF MARCH,
	2017.
	Flewer Cinggal July 20
AMANAGAMATA STATE AND	JENOME LEGICA DIVERTO
	DERVICE DELIRATION
	I, TERME CENSER GLUETO, DELARE WILDER PENGLY OF PETUP (THAT I
rammanananananananan aneav	SENT FOR DELMER 1, VIZ. U.S. POSTER SERVICE, & TRUE BUD COMPLETE COPY OF
,	THE DOCUMENT TO WHICH THIS DECLARATION IS STACHED, TO:
	1) COURT OF ARRESTS, DIVISION TWO (2) PIERCE COUNTY PROSECUTOR'S
, e · · · maniconna · · · miniminosostoti ·	alerks office office
BERTHAN WASHINGTON	SSO BROOKET SEE
	Tacona, wa, 98402 Tacona, wa. 98402
	EXECUTED THIS 29TH DAY OF MARCH, 2017.
<	Jene Coasal June 10
· · · · · · · · · · · · · · · · · · ·	JERUME CERSAL ELVENTO
Carlo Comment	17 17

ATTACHMENT

WASSAMMENTALLY, MALLANDE TO ALLANDA	AFFIDAYIT OF
	JEROME CEASAR AWERTO
A	I, Jarowe Ceasar alverto, Depose and Sara"
······ <i>J</i>	I am over the age of 21 Years, and a citizen
And the control of th	DE THE UNITED STATES OF AMERICA,
· · · · · · · · · · · · · · · · · · ·	5. I AM COMPETENT TO THESTIEY TO THE EASTS HEREIN,
annumental and the state of the	AND UNIVERSITY OTHERWISE STATED, I HAVE FIRSTHAND
and department of the section of the	KALOWLIEDGE OF THESE FACTS.
Controlling or to the state of	ON MAY 12-13, 2006, STEPHANIE LYNN MISON
- Harris Hall Barrier	DRANK à copious annount of flechol and folight
	WITH HER BOYGRIEUD, LERK DERWAY ROGERS, WILSON
11111111111111111111111111111111111111	WAS UPSET WITH ROSERS BEZAUSE HE WAS NOT
外。	PAYING ATTENTION TO WILSON, TO THE WENT TO HER HOME,
1 \$	SILVERTILY DETER BRRIVING HOME, IN PARAGRAPH 4 BROVE,
	WILSON WAS STACKED BY A PERSON WEEDSING DARK
	CLOTHES ZUID Z COVERING OVER HIS FACE TO CONCERL
	HIS IDENTITY, THE ATTACKETS PHYSICALLY FOUGHT WITH
	WILSON, ZUD THEN SHOT HOS MULTIPLE TIMES,
	6. WILSON FOUGHT WITH HER STARTING IN HER
	HOME AND ENDING ON HER MEIGHBOR'S PROPERTY
	7 DURING THE FIGHT, IN PARAGRAPH 5 ABOVE, WILSON
Water Annual Control of the Annual Control o	INSTRUCT HER ATTACKER BY MAKING DEEP SCRATCHES
	ON HER ATTECKER BODY SO THAT SHE OBTAINED HIS
THE STATE OF THE S	B POLICE DISCOVERD & HAIR TRAPPED IN WILSON'S
-	BLOOD, ON A GLASS DOOR, WHERE THE FIGHT EDUDED,
	IN PARAGRAPH 6 ABOYE,
State of Sta	IDENT OF MR. JUNETO D 1 7

9	MEDICS ZAID POLICE ZARVED, THEY FOUND ROSERS COMUNICA
	OUT OF WISON'S HOME SHORTLY DETER THE SHOOTING HAD
	OCCUBRED, IM PARAGRAPH S ABOVE.
	I LIVED & FEW MILES FROM WILSON'S HOME, I WAS NOT
	at wilson's home, IN Paragraph & above, and I have
Adams - ye shinos of a copie, graph property and the copies of the copie	MEYER BOOM TO HER HOME OR THE SCIENCE OF THE CRIME, I
A CONTRACTOR OF THE CONTRACTOR	WAS AT MY OWN HOME WHEN DEPUTY BRYAN DWAIN CLIME
*****	assested me, he approached several police cass that
	BRRIVED DASITIE, PRIOR TO BEDING BRISESTED, I DID NOT HAVE
~~~	BLOOD ON MY PLOTHES OF 130DY, MOT UNITL DEPUTY CLIME
	WIPED THE BLOOD ONTO MY PANTY, BECAUSE I WATCHED
	WITH MY OWN EVES AS DEPUT CLIME WIPED THE BLOOD
``	onto my Pauts,
11	2T TO BL, NO EXPLANATION WAS OFFERED RESULT HOW
	THE BLOOD WAS PLACED ONTO MC PANTS.
3.2	WILSON TESTIFIED THAT IT WAS HER "OPINION" THAT
***************************************	I BROKE INTO HER HOME TO COMMIT THE CRIME, IN
	PIRAGRAPH S ABOVE, HOWEVER, POLICE FOUND NO SIGNS
	OF FORCED ENTRY INTO WILSON'S HOME, ROGERS TESTIFIED
	THAT HE HAD WILSON'S AUTOMATIC GARAGE DOOR OPENER
.000	WHICH ZLLOWED I HIM TO RECESS WILSON'S HOME.
1-3	- I WAS ARRESTED WITHIN MUNITIES OF MILSON BEING
	ATTACKED, HOWEVER, I HAD ABSOLUTEDY NO BRUISES, OR
	SCRETCHES, OR INJURIES THAT WILSON INFLICTED ONTO HER
	ATTACKER, IN PARAGRAPH T ABOVE; ADDITIONALLY, I HAD
	BESOLUTEDY NO BLOOD ON MY HAVE, FACE, BODY, SHIET,
and the second s	shoes or car.
NO. NO	
7 ====	The parties of the same of the

(

seeposaatha Mooradha maaraa		
Mac open Scholar College College	<u> </u>	MY HOME WAS NOT THE CRIME SCIENCE, NOR HAD
		THERE EVER BEEN ANY COMPLENTS OF CALLS OF CRIMINAL
a construit of the construction of the construction of the construction of the construit of the construction of the construct		EXTINTY PLACED AGAINST MY HOME, HOWEVER, DEPUTY
адиние ФИНУИ-10-х Авалина		CLIME CHOSE TO BRUSE HIS POWER TO YIOLATE MY
man - of milestance		CONSTITUTIONAL RIGHTS WHEN HE ENTERRED AND
- A		SEARCHED INCHOME WITHOUT A SEARCH WARRANT
ica-		OR MY CONSENT, IT THE TIME OF THE BREET, IN
\$2000000 \$5000000 \$500000000000000000000		Paragraph 10 above;
	25	DENTY CHINE DEMANDED THAT HE GUARD MY CAR
1000 Augusts 1100		BY HIMS ON FINN WAS PLESSENT
	_ <b></b> lo	THERE WERE NO RIFLES (OR ACCESSORIES),
		HANDGUNS (OR ACCESSORIES) OR SMALL MOTEBOOK
erry, a distribution de authorise and referen	aggreen programme and the second seco	MITH & HENDWRITTED A PART TO KILL SOMEONE, IN
		MC COR PROR TO DEPUTY CLIME GUARDING IT, IM
2444 (1131)A3311111111A E-711	A-4	Paragraph 15 above
· · · · · · · · · · · · · · · · · · ·	4٢	. THERE WERE NO HANDAUUS (OR ACCESCINES) IN
		MC HOME PRIOR TO DEPUTY CHIME'S ILLEGAL
-074-0-00-00-00-00-00-00-00-00-00-00-00-00-		ENTRANCE, IN PARAGRAPH 181 ABOVE, WILSON HAD
According to the state of the same and the s	awoarammaann	TAKEN THE HAMPOUN (AND ACCESSORIES) WITH HER
	**************************************	AT THE TIME SHE AND I HAD SEPARATED/DIVORCED
açia.	salt ner wasser til det er til sente til sam	a Year Earlier, I Have NOT SERV OR HELD THE
	www.v.v.v.v.v.	HENDAUN (OR RECESSORIES) SINCE THE SEPERATION.
	48	POLICE BLEGEDZY FOUND ) HAUDGUN ACCESSORIES
·		IN MY HOME, PROVING THAT DEPUTY CLIME FRARICATED
THE SHARE STREET, SAME AND ASSESSED.		THE ACCESSORIES DURING HIS ILLEGAL ENTRY OF MY
Meannaille Annaille	paganan anaka sa mili	HOME, IN PARAGRAPH 17: ABOVE,
vanieries de manuero	19	POLICE BLUEGETY FOUND RIFLE (BECESSORIES) 2010
w.	=F104k	ATOF NOR, JULIERIA T

Abadhania abada - aa ta ta ar waaya a caa aa	
	à small motescer contamile à Halismettell Place,
and the second and analysis of the second and the s	"TO-DO-LIST", FOR KILLING SOMEONIE IN MY COR, PROVING
· · · · · · · · · · · · · · · · · · ·	THAT DEPUTY CLIME FABRICATED THE RIFLE AND SMALL
	MOTEBOOK DUEWG THE TIME HE GUARDED INCCER, IN
A	Paragraph 16 above,
20	PIERCE COUNTY PROSECUTOR, BRIDGIAN MEDIL WAS ANKARI
Mangabathaninin . v. v Mik Aris v.	PURPORTED THAT I WASD THE RIFLE, IN PARAGRAPH 19
Hilladio-diletassidiladiology, Quinossigno de volum	above, to compart the crime against wison, in
d'ar ann an aidheachannaidh ar aidheacha ar ainn an deir	PARAGRAPH S ABOVE, HOWEVER, IT WAS LATTER DISCOVERED
	THEST WILSON WESS SHOT WITH & HENDGUN, IN PERSONAPH
	5 above, WHICH FURTHER PROVES THAT DEPUTY CLUVE
and an artist of the second of	FARCATED THE RIFLE DURNIG THE TIME HE GUARD
the construction of the state o	MC CAR, IN PARAGRAPH IL ARME,
21	TWO MAININGLES SAW PART OF THE STREK, IN
TO SERVICE AND	Paragraph(s) 5 \$ 6 above, and Medither was able to
	PARTIE WILSON'S BITACKER,
	ET TRIBL, I SHOWED THAT ROGERS HAD BREWED
	WITH WISONLY HE'D THEN WENT ZWO HID INSIDE HER
	Italise, He used this gazage door offered to gain
	EMERICAN TO HOUSE HOUSE LIMBERTED, HE COMPRED
AND AND THE RESIDENCE OF THE RESIDENCE O	THIS EARLE, AND IMPOSSOURTED WE WHILE DISSOURTING
	Wingson
23	IN JUNE 2014, I FILED 2 MOTION FOR POST
	COMMUNICAL DALA TESTING OF THE HAVE, IN PARAGRAPH
and the second s	B above.
24	I SUPPORTED MY MOTION, IN PARAGRAPH 23
	above, with
afficant	de mir, almerte

(

ales subdividados del partidos de la Compa	
A 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 - 1000 -	a. MENNICOSCONTESTIMONICENDENCE OF
Anna A	MANGE THROWER, THROWER STATED THAT
274.000000000000000000000000000000000000	arown Twe 2006 HS FRIEND "E (ERIC
HINDING HOURS TO SEE AND TO THE SECOND	ROGERS)" COMPESSED TO SHOOTING HIS
egy top oil could a physic to William and the country of the co	GIRLIPALE WILSON, START
	HER EX. HARBOND WE WAS MENTER
ANNONNA ANNO ANNO ANNO ANNO ANNO ANNO A	JECUSED ZUD WRONGLY CONVICTED OF
SAMPENDO COMPANIO SERVICIO SE	THE CRIME, IN PARAGRAPH & ABOVE,
THE STATE OF THE S	JIHOWER'S DESCRIPTION OF HIS FRIEND "E"
SERVICE SERVIC	MATCHED JOHNICAL TO ROGERS PHYSICAL
	DESCRIPTION BLACK MALE, MID 30'S,
, and the second	about 5'10", about 2001bs, myschiar
, and the last of the last of the second section of the second se	BULD, MILLI BERD HAIR STYLE, ENEGLASSIS,
	b, went presented endance of a letter
1999 And Adoles of the Control of th	BY HANDWRITING EXPERT, DAMP G. CUPP,
,	WHICH CONCLUDED THET ROGERS, RETTURE
	THAN ME, HAD ANTHORED THE SMALL
	MOTEROOK, IN PARAGRAPH 19 ABOVE, THAT
	) HAD PROVED TO BE 20 CRITICAL PRECE OF
HOLING THE STATE OF THE STATE O	MCULPATORY EYIDENCE AT TRIAL, AND,
	C. MEMY PRESENTED EMBELLE OF PHONE RESORDS
	SHOWING THAT I DID NOT MEKE THE
	THE ATTENDED THE CALLS THAT WILSON
the form of the way of the formal territories.	PEREVED THE ESTACK, IN
Topics & depth-materials and the second seco	Paragraphs above,
25 ged:	CONTAINED IN THE SWALL NOTE BOOK, IN
3100	PARAGRAPH 19 ABOVE, ROGUERS LISTED NUMEROUS ITEMS
affinavit	de mr. awarto de la

NNA WAAAAA AA A	
	THAT HE LABELED TOLS, THAT HE PLANNED TO
	USE TO COMMIT THE CRIME EXPLANT WILSON, IN
	PARAGRAPHS above, and only of the Tools Robert
	Pawies to use was a "strawaer Hair";
26	MEDILINITORMATION AND PRELIEF, ROGERS PROGRADIC
	PLANMED TO USE THE HEAR, IN PARAGRAPH 25 JEONE,
**************************************	TO DRAW ATTENTION AWAY FROM HANSELF, TO CONFUSE
	POLICIE INVISTICATION, AND/OR TO PROPER CAUSE
	POLICE TO MISIONEY BUT MINOCENT PERSON;
2.7	MITTALLY, THE TRIBLE JUDGE CHEDUTED MY MOTTON,
	IN PARAGRAPH 23 disonte;
28	NU 2015, THE PIERCE COUNTY PROSESSIONS OFFICE
rysty yr Agabanau anna dd Weller, W	FILED & MOTION TO RESONGIOUS THE TRIBLE SUDGE'S
anniano, annique annique de la	action, in Paragraph 27 above;
29	LOTTOM Z'ETTETE ENVIORE EDING ENTERT ENTE
	UNTIMES, IN PARAGRAPH 28 ABOVE, BUT NEWERTHELESS
	RESCULLED HER PRIOR OFFICE, IN PARAGRAPH 27 ABOVE.
W. Spot (1997)	
	YERIELCATION
· Vocanation	AFTER BEING FIRST DULY INDER OUTH, I DEPOSE
A SAMONINA CONTRACTOR OF THE SAMONINA CONTRACTOR	JUDINION JAN THE BUTHER OF THIS DOCUMENT,
**************************************	THAT I HAVE READ AND KNOW ITS CONTEXTS, AND
Alexander of the Second of the	BELIEVE THIS DOCUMENT IS TRUE TO THE BEST OF MY
	KALOWLED GET.
	DATED THIS 28th Day OF MARCH, 2017.
and the second s	JEONE LEGAL DEVENTO
4	JERONE LEGGEL BUERTO
a	TOF MR. JUNETO D. L. OF K. T
New years & street 1965	

	MOTERY PUBLIC
	I CASTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE
	THAT MR. JAROME CERSON ALVERTO IX THE BERSON WHO
	RAPAERR (X)(ED) BEFORE ME, AND SIND PERSON REKNOMEDEE
	THET HE SIGNAL CHIEF THE MUSTELLI CHIEF CENTRE
	TO BE HIS FREE AND VOLUNTARY ACT FOR THE USE (S)
	THE IN CHILDREN SECTIONS IN THE WASTERING CHIS
	Dated: 03/28/17
	Notary Public State of Washington
	CIAM DOMINIQUE KASTLE
100 (100 (100 (100 (100 (100 (100 (100	MAY 8, 2020
	05-08-2020
. The same states and the same of the same states and the same states are same sta	

DECLARATION OF SERVICE	
I, JOROME CENSER ALMRTO, DEZLARE UNDER POLICITY	MIL 1 MIL 4
OF PERSURY THAT I SENT FOR DOWNEY, VIA U.S. PISTAL	
SERVICE, & TRUE AND COMPLETE COPY OF THE DOCUMENT	
TO WHICH THIS DECLARATION IS ATTACHED, TO:	Mark Sand o
(d) court of difficulty, pivision two (2) pierce county	*****
حساعاد کے ۱۹۹۵	· Materialisma · · · · · · · · · · · · · · · · · · ·
250 BEGGOVA GNE X	
Takona, wa. 98402 Jakona, wa. 98402	
	man weema e.
EXECUTED THIS 29Th Day OF MARKIT, 2017.	
3 June Longe and June 170	man or southern source doctors.
JEROME LAGAR BUERTO	
	to complete a series
	· · · · · · · · · · · · · · · · · · ·
	5° 5 manual manual managaran managaran managaran managaran managaran managaran managaran managaran managaran m
	V. material March 1881
	to a constitution of the con-
	· · · · · · · · · · · · · · · · · · ·
	and a second

.

# IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION II

STATE OF WASHINGTON,

No. 47960-5-II

Respondent,

v.

**UNPUBLISHED OPINION** 

JEROME CEASAR ALVERTO,

Appellant.

MAXA, A.C.J. – Jerome Ceasar Alverto was convicted of attempted first degree murder, first degree burglary, and first degree robbery for crimes committed against Stephanie Wilson, his former wife. Alverto appeals the trial court's denial of his motion for postconviction DNA (deoxyribonucleic acid) testing of a hair found at the crime scene. He argues that the trial court erred in denying his motion because the results of DNA testing of the hair, combined with other new evidence he submitted, would show his innocence.

We hold that the trial court did not err because regardless of whether DNA testing showed that the hair belonged to someone other than Alverto, it would not demonstrate Alverto's innocence. Accordingly, we affirm the trial court's order denying Alverto's motion for DNA testing.

### **FACTS**

## Attempted Murder

Wilson spent the evening of May 12, 2006 with her boyfriend, Eric Rogers, and then returned home. In the early morning of May 13, Wilson received a phone call from Alverto. Alverto asked Wilson about her concealed weapons permit and told her that she should not have married him. Alverto also asked Wilson if she was going to marry her boyfriend, Eric Rogers. Wilson hung up on Alverto and sent a text message to Rogers, who called her back.

Wilson then was attacked from behind. The attacker wore dark clothing, gloves, and a bandanna around his face. He hit Wilson on the head repeatedly with a gun and stated that she should not have married him. Wilson recognized the attacker as Alverto by his eyes, body, and voice.

At some point during the attack, Wilson was able to run out the front door and toward her neighbor's house. Alverto chased Wilson and shot her in the chest and then again in the hand. Wilson pretended she was dead until she heard Alverto leave, and then she continued to the neighbor's patio. But Alverto came back and shot Wilson in the back of the neck. Wilson collapsed, and Alverto grabbed her by the hair and pulled her down the patio steps onto the neighbor's lawn. He then shot Wilson twice in the head and left.

Wilson was able to reach another neighbor's house and knocked on the door. The neighbor called 911 and police arrived. The police encountered Rogers coming out of Wilson's housed and briefly detained him. Wilson told both the neighbor and the police that it was Alverto who attacked her.

## Investigation

Police went to Alverto's residence and observed Alverto in his car wearing dark clothing, including blood stained pants. DNA from the blood on Alverto's pants was later tested and matched Wilson's DNA. Police found a notebook in the front seat of Alverto's car that appeared to be a detailed "to-do list" for attacking someone. Report of Proceedings (RP) (Aug. 13, 2008) at 788.

Forensic investigators examined the scene of Wilson's attack, including the area around her house and neighboring houses. A forensic examiner collected a hair from the sliding glass door on the neighbor's patio, but did not test it. At the hospital where Wilson was treated for her injuries, a detective directed medical staff to take Wilson's fingernail scrapings in order to collect DNA. But the police never received any fingernail scrapings from the medical staff.

Later that morning, a contractor found a duffle bag at a nearby construction site and called the police. The bag contained a handgun with blood on it, a backpack, a leather jacket, light blue respirator masks, four gas masks with filters, and a blue bandanna. In the jacket pockets were two pairs of handcuffs and Wilson's cell phone. In the backpack were three trash bags, two stocking caps, jeans, a garage door opener for Wilson's garage door, a photograph of Wilson and Rogers, and two bracelets. Wilson later identified one of the bracelets as one she had given to Alverto when they were in a relationship. Inside the pair of jeans was a piece of paper with Alverto's name on it.

Alverto's Conviction, Appeals, and Postconviction Motions

The State charged Alverto with attempted first degree murder, first degree burglary, and first degree robbery. The case went to trial in August 2008. The jury found Alverto guilty on all charges. The trial court sentenced him to 460.5 months in prison.

Alverto filed a direct appeal, and in July 2010 this court affirmed his conviction. *State v. Alverto*, noted at 157 Wn. App. 1011, 2010 WL 2927452, at *7. Alverto later filed a personal restraint petition which raised numerous issues, including DNA testing of the hair and fingernail scrapings. This court dismissed his petition.

Alverto then filed a motion for postconviction DNA testing of hair and fingernail scrapings in the trial court. The trial court denied his motion, ruling that he had failed to show the likelihood that the DNA evidence would demonstrate his innocence on a more probable than not basis. On appeal, a commissioner of this court ruled that Alverto's appeal was frivolous and affirmed the trial court.

Present Motion for Postconviction DNA Testing

In June 2014, Alverto filed a second motion for postconviction DNA testing. This motion requested DNA testing of only the hair evidence.

Alverto submitted additional evidence with his motion. First, he submitted the affidavit of Maurice Thrower, a fellow inmate. Thrower stated that around June 2006 he met a man called "E" who confessed to him that he shot his girlfriend and let her ex-husband take the blame.

After meeting Alverto, Thrower believed that "E" could have been Eric Rogers. Second, Alverto submitted an unsworn opinion from handwriting examiner David Cupp that the notebook found in Alverto's car was not Alverto's handwriting, but could be Rogers' handwriting. Third,

Alverto submitted his cell phone records from May 2006 to show that he did not call Wilson before she was attacked.

In November 2014, the trial court granted Alverto's motion for postconviction DNA testing. Eight months later, the State filed a motion for reconsideration. Although the trial court noted that the State's motion for reconsideration was untimely, the trial court decided to reverse its earlier ruling granting Alverto's motion for DNA testing. The trial court stated that "if it's just the hair . . . that's all we're dealing with, I can't see how that would, on any basis, show your innocence." RP (July 30, 2015) at 12. Alverto filed a motion for reconsideration which the trial court denied.

Alverto appeals.

#### ANALYSIS

#### A. MOTION FOR POSTCONVICTION DNA TESTING

Alverto argues that the trial court should have granted his motion for DNA testing of the hair found on the sliding glass door at Wilson's neighbor's house because a favorable result, combined with the new evidence he submitted, would demonstrate his innocence. We disagree.

## 1. Legal Principles

"RCW 10.73.170 provides a mechanism under Washington law for individuals to seek
DNA testing in order to establish their innocence." *State v. Crumpton*, 181 Wn.2d 252, 258, 332
P.3d 448 (2014). Under RCW 10.73.170, a person currently imprisoned for a felony conviction
may file a motion with the trial court requesting DNA testing. The trial court must grant a
motion which meets certain procedural requirements and the substantive requirement that the
"convicted person has shown the likelihood that the DNA evidence would demonstrate

innocence on a more probable than not basis." RCW 10.73.170(3); see State v. Gentry, 183 Wn.2d 749, 764, 356 P.3d 714 (2015).

When determining the likelihood that DNA evidence will demonstrate the convicted person's innocence, the trial court must presume that the result of testing the DNA evidence will be favorable to the convicted person. *Gentry*, 183 Wn.2d at 765. But the trial court also must evaluate the presumed favorable DNA evidence in the context of all the evidence presented at trial against the convicted person and any newly discovered evidence. *Id.* at 766-68; *State v. Riofta*, 166 Wn.2d 358, 369, 209 P.3d 467 (2009). "It is only within the context of the other evidence that the court can determine whether DNA evidence might demonstrate innocence." *Crumpton*, 181 Wn.2d at 262. The inquiry is whether "considering all the evidence from trial and assuming an exculpatory DNA test result, it is likely the individual is innocent on a more probable than not basis." *Id.* at 260.

The defendant's burden to show that favorable DNA evidence would demonstrate innocence is onerous. *Id.* at 261. "Testing should be limited to situations where there is a credible showing that it could benefit a possibly innocent individual." *Id.* 

We review a trial court's denial of postconviction DNA testing for an abuse of discretion. Gentry, 183 Wn.2d at 764. A trial court abuses its discretion when the record does not support its decision or when it applies the wrong legal standard. *Id.* 

# 2. Analysis

Alverto argues that DNA from the hair found on the neighbor's door must be tested because if it matches Rogers' DNA, it would exculpate Alverto. We disagree.

Alverto asserts that his new evidence – the fellow inmate's affidavit, the handwriting analysis, and his phone records – supports his theory that Rogers attacked Wilson and framed Alverto. According to Alverto, if the hair from the neighbor's door is tested and matches Rogers' DNA, that evidence would demonstrate Alverto's innocence on a more probable than not basis.

We must presume that the DNA testing would be favorable to Alverto. *Gentry*, 183 Wn.2d at 765. Under Alverto's theory, the most favorable DNA result would be that the hair provides a DNA match with Rogers. However, when considering a motion for postconviction DNA testing we must look at *all* the evidence, not just the evidence supporting the defendant's theory. *Crumpton*, 181 Wn.2d at 262. In this case, even if DNA testing on the hair matches Rogers, that result would not demonstrate Alverto's innocence on a more probable than not basis.

Rogers' hair could have ended up on the neighbor's door by innocent means. Rogers was Wilson's boyfriend and he had spent time with her earlier in the evening before the attack. So it would be possible that Wilson transported his hair to the neighbor's door when she went for help. Therefore, the presence of Rogers' hair would not inculpate him as Wilson's attacker. This is not the type of case where the evidence found at the scene could only have come from the attacker. *See Gentry*, 183 Wn.2d at 767-68 (holding that the trial court did not abuse its

¹ Here, one favorable result would be that the DNA from the hair does not match Alverto, but the *most* favorable result to support Alverto's theory would be that the DNA from the hair matches Rogers. Case law does not specify whether the trial court must presume only that the DNA evidence does not match the defendant or whether it also must presume that the DNA matches a particular individual. We do not address this issue because DNA testing of the hair would not show Alverto's innocence even if it matched Rogers' DNA.

discretion in denying a motion for DNA testing of hair found on a murder victim's body because the hairs could have come from sources other than the perpetrator).

Alverto's new evidence, even in conjunction with DNA testing showing that the hair belonged to Rogers, cannot overcome the evidence against Alverto on a more probable than not basis. Thrower's affidavit is clearly dubious and may be treated with skepticism. *Riofta*, 166 Wn.2d at 372-373. And we need not consider the handwriting analysis because it is unsworn. *See id.* at 372. Finally, under RCW 10.73.170(3) the question is whether "the DNA evidence would demonstrate innocence on a more probable than not basis." (Emphasis added.) As noted above, even DNA test results showing that the hair belonged to Rogers would be inconclusive.

Accordingly, we hold that the trial court did not abuse its discretion in denying Alverto's motion for postconviction DNA testing.

## B. APPELLATE COSTS

Alverto requests that we refrain from awarding appellate costs if the State seeks them.

The State has not yet sought appellate costs. We decline to consider the issue.

Under *State v. Grant*, a defendant is not required to address appellate costs in his or her briefing to preserve the ability to object to the imposition of costs after the State files a cost bill. 196 Wn. App. 644, 650-51, 385 P.3d 184 (2016). A commissioner of this court will consider whether to award appellate costs in due course under the newly revised provisions of RAP 14.2 if the State decides to file a cost bill and if Alverto objects to that cost bill.

#### CONCLUSION

We affirm the trial court's order denying Alverto's motion for DNA testing.

# No. 47960-5-II

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Myla, A.C.J.

We concur: