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AUG 11 2017

Washington State
Supreme Court

SUPREME COURT OF WASHINGTON

RALPH HOWARD BLAKELY,
Appellant/ Petitioner,

CASE No. 94632-9

COA NO. 74765-7-I

vs.

MICHAEL CHARLES KAHRs, et. al.
Respondent

MOTION FOR APPOINTMENT OF
COUNSEL FOR AN INCAPACITATED
PERSON

The Appellant/Petitioner, Ralph Howard Blakely, asks this Court for the Appointment of Counsel. Based on the extraordinary facts of Law by the Spokane Superior Court Judge Linda Tompkins rendering Ralph Howard Blakely an 'incapacitated person, as a matter of law, by Order dated 2/27/01. (page 7 of Petition and prior exhibits)

The Provisions of RCW 4.08.060 are 'MANDATORY' and not satisfied under a legal disability being represented by an Attorney; Dill v. Superior Court, 60 Wn. 2d 148, 372 P. 2d 541 (1962)

The issues involved in this case are complex and the appointment of counsel would be appropriate pursuant to RCW.08.060; to show misrepresentation, fraud upon the Court, (by Lawyer Kahrs) by a Washington State Bar Association Lawyer.

This Motion and Declaration setting forth assets, liabilities supports the request for Appointment of Counsel under RCW 4.08.060.

Dated August 8, 2017,

Ralph H. Blakely
Ralph Howard Blakely, 817995
SCCC H 1 B 48
191 Constantine Way
Aberdeen, WA 98520-9504

MOTION FOR APPOINTMENT OF COUNSEL

SUPREME COURT OF WASHINGTON

RALPH HOWARD BLAKELY,
Appellant/Petitioner,

vs.

MICHAEL CHARLES KAHRS, et.al.,
Respondent.

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DECLARATION OF RALPH H. Blakely
IN SUPPORT OF MOTION FOR
APPOINTMENT OF COUNSEL
RCW 4.08.060

The Appellant/Petitioner, Ralph Howard Blakely, age 81, blind left eye, distorted right eye vision, ADA disability, declares under penalty of perjury of the laws of the State of Washington, that the following is with personal knowledge and true.

2. That January and May, 2009, I signed two separate attorney-client 'GENERAL' agreements with Michael C. Kahrs for his representation (general).

3. Mr. Kahrs prepared the proposed Spokane Superior Court Order to obtain advance retainer of \$35,000 from my 'incapacitated person' Special Person needs Care Trust. (RCW 11.88 and RCW 4.08.060) Ex. 93-94) The Spokane Judge made special note "solely for the benefit of Mr. Blakely" on the December 3, 2009, Order. I absolutely received no benefit of these funds!

4. Kahrs declined to file medical malpractice and brutal injury complaints for Blakely, and refused to do the Ninth Circuit Court of Appeals brief on medical malpractice in another prior complaint. (See ex.# letters of Kahrs refusing, seized 5/6/17 by C/O Jones.

Also Kahrs refused to prepare and file Blakely's Complaint for the recovery of his legal documents seized September 10, 2009, which contained 'notorized recantation affidavit from Robbie Juarez-Trevino and others corroborating Blakely's actual factual innocence and a wrongful conviction. (See Exhibit # 12 a,b,c,d, and Exhibit No. 4,5,6)

5. January 25, 2016, King County Judge Inveen, struck Blakely's Motion to compel 'e-mail or corespondence' from Kahrs where he states that he got permission from trustee Spurgetis or the court to withdraw funds from the \$35,000 retainer. (Page 4 COA 4-27-17 Opinion, 3rd, Parg)

Mr. Kahrs declaration asserting that he submitted his billings for legal services on Blakely's behalf to the trustee for approval and transferred the money from the trust account only after he received permission from the trustee." (Judge Inveen issue an October, 2016 Order to compel Kahrs to produce all e-mail or letters of permission from trustee, but failed to produce those, because there were none. This would make grounds for the Appointment of a Washington State Bar Association Lawyer investigation to Kahrs false statement, (line 20p4 of 4/24,2017 COA Opinion.)

6. Kahrs stated that he always obtained the trustee's approval before making payments for medical and court records and for an 'investigator,' medical experts, and other professionals.

7. Mr. Blakely asked Kahrs to pay licensed Detective Mario Torres for his obtaining a 2009 notarized recantation from Robbie Juarez-Trevino, but against Blakely's request and refusal to communicate with Detective Torres (Exhibit # K 38) vs.8 of hiring an unlicensed investigator Kindred Taylor to have Robbie Juarez-Trevino to withdraw his recantation Declaration that was witnessed and obtained by Ignacio Cobos, (Exhibit #4,5) Stephan Espinosa Affidavits and licensed Torres.

The first notarized recantation Affidavit and others were seized by C/Os Gretchel, Newberry, Whaley September 10,2009. (Ex.# 12,a,b,c,d) already filed with the King County Superior Court and Court of Appeals I) Mr. Kahrs refused to represent Blakely for the order to show cause why the Department of Correction should not return his legal documents that were seized September 10,2009 that were substantial enough to prove Blakely's actual innocence beyond a reasonable doubt.(Ex#s 1-12)

NOW FOR A THIRD TIME, May 6, 2017, Blakely's legal documents were improperly seized by CUS Greg Jones and have not been returned.

8. Blakely's Motion for Discretionary Review~~26~~statement of Case and Court of Appeals decision discussion of Errors; Lawyers Kahrs conceals his billing from Blakely of January 2000 to June 23,2015. Page -vii¹ 2nd paragraph, The Court of Appeals Opinion page 4 "these representation agreements were 'superceded by the Spokane County Superior Court Order limiting his representation." (W)hen, the general attorney-client agreements clearly state and agree to full representation for Mr. Blakely under the 'mandates of RCW 4.08.060 and Washington

Bar Code of Professional Conduct RCP 8.4____, RPC 1.7 8. Kahrs stating that the Court limited his representation is false, based on several material facts of law: Blakely paid upfront \$35,000 for general attorney representation (RCW 4.08.060 mandates) clearly known by Mr. Kahrs.

This 2nd paragraph page 4 and page Vii of Blakely's Statement of the Case creates a disputed issue of material fact for reversing the Defendant's Summary Judgment based on the fact that Kahrs improperly dictated to the Spokane Superior Court 'limited representation' when Kahrs was paid \$35,000 for full general representation. The duty and loyalty of care by a lawyer for an 'incapacitated person' RCW 4.08.060 is a mandate. (see page -vii-)

9. This disputed Material Issue of the Court of Appeals stating that Judge Tompkins has exclusive jurisdiction over Ralph Blakely's 'incapacitated person' status; therefore a different superior court, court of appeals lack jurisdiction to proceed in the absence of counsel or guardian ad litem and this court must appoint counsel for Blakely. Where Kahrs misrepresented, misled the court is a violation of the Washington Bar Rules of Professional Conduct and must be investigated by a Washington Bar Assoc. Lawyer.

10. I am innocent of this wrongful conviction, and have been financially exploited by Lawyer Kahrs and Spurgetis. I have never received medical, nor the acceptable medication that I asked Kahrs to compel Medical to provide. Kahrs refused to compel DOC to return my legal documents that would have positively proved a wrongful conviction and my actual factual innocence.

11. I ask the Washington Supreme Court to reverse and vacate the Defendants' Summary Judgment and instructions for jury trial.

STATE OF WASHINGTON)

) ss: Scribed and sworn, August 8, 2017

COUNTY OF GRAY HARBOR)

Ralph Blakely 817995

IN THE **SUPREME** COURT OF WASHINGTON

FOR _____ COUNTY

RALPH HOWARD BLAKELY _____)
 Appellant/Petitioner,)
)
 v.)
)
 MICHAEL CHARLES KAHRS, et.al., _____)
 Respondent.)
 _____)

Case No. (94632-9

**ORDER GRANTING
APPOINTMENT OF COUNSEL**

This Court after being fully advised finds that the Appellant/Petitioner is indigent, therefore, **IT IS HEREBY ORDERED THAT:**

- The Appellant/Petitioner is permitted to file this action without payment of a filing fee.
- The County Sheriff is directed to serve the pleadings in this action without charge to the Appellant/Petitioner.
- Payment of the filing fee may be reviewed at a subsequent hearing.
- Forms shall be provided to the Appellant/Petitioner at no cost.
- The Clerks Office shall provide one complete set of copies of the pleadings to the Appellant/Petitioner without cost.
- The court shall appoint legal counsel to the Appellant/Petitioner without cost.
- The motion is denied.
- Other: extraordinary exception of 'incapacitated person'
mandates of RCW 4.08.060 and 11.88

Dated this _____ day of _____, 20__.

Judge/Court Commissioner

IN THE SUPREME COURT OF WASHINGTON

FOR _____ COUNTY

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Dated this _____ day of _____, 20__.

Judge/Court Commissioner