

96746-6

COA 75416-5-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON

Respondent,

v.

STEPHEN P. DOWDNEY Jr.

Petitioner.

PETITION FOR DISCRETIONARY REVIEW

RAP 13.4

Stephen P. Dowdney Jr.
#971036
Stafford Creek Corr. Cent.
191 Constantine Way
Aberdeen, Wa, 98520

FILED
COURT OF APPEALS
DIVISION ONE
DEC 24 2018

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A. IDENTITY OF PETITIONER

Petitioner, Stephen P. Dowdney Jr., Pro Se, Respectfully requests this Honorable Court except review of the Court of Appeals decision terminating review, designated in part B.

B. COURT OF APPEALS DECISION

Petitioner seeks review of the Court of Appeals decision filed October 15th, 2018, and Order denying Motion for Reconsideration dismissing Appellant's Direct Review as Frivolous, affirming his conviction.

A copy of the Opinion and Order are attached as Attachment 1 & 2.

C. ISSUES PRESENTED FOR REVIEW

1. WAS DOWDNEY'S DIRECT APPEAL'S EXECUTION IN CONFLICT WITH STATE/FEDERAL CONSTITUTIONS?
2. WHEN DOES A TIME FOR TRIAL COMMENCEMENT DATE START TO RUN UNDER CrR 3.3?
3. HAS THE TERM "HELD TO ANSWER" BEEN ABROGATED IN WASHINGTON STATE?
4. WERE THE CONTINUANCES GRANTED BY THE TRIAL COURT BASED ON TENABLE GROUNDS?
5. IS CrR 4.1 UNCONSTITUTIONAL AS APPLIED TO DISTRICT COURT FILINGS?
6. DOES THE SNOHOMISH COUNTY PROCEDURE FOR FILING FELONIES IN DISTRICT COURT CONSTITUTE UNNECESSARY DELAY?
7. DID THE COURT OF APPEALS APPROPRIATELY DENY REVIEW OF DOWDNEY'S STATUTORY WRIT OF REVIEW?

D. STATEMENT OF THE CASE

A series of events ultimately lead to an arrest of Stephen P. Dowdney Jr. in Snohomish County on Friday March 11th, 2016. 2 RP 82-102

On Monday March 14th, 2016, Dowdney steps into Snohomish County District Court for his CrRLJ 3.2.1(d)(1) hearing CP_(Sub.No. 23), obtains Pro Se status and objects to the District Court filing of his Felony Charges CP 59 based on the information sheet provided by the Snohomish County Public Defenders Ass'n. CP 24,77 2RP 11,35, SAG 2,8,13,15, App. Reply Br 1(see Mtn For Recon's Appendix 11)

Tuesday, March 15th, 2016, The Snohomish County Prosecutor's Office, Washington State, files a "Criminal Complaint" before a Magistrate formally charging Dowdney with First Degree Robbery, Attempting to Elude a Pursuing Police Vehicle and Possession of a Stolen Vehicle all charges were proscribed by statute and denoted as "a felony" CP 56-57,59,CP_(Sub.No. 23), SAG 2,4,7-8,13-13, App. Reply Br. 10.

On Monday, March 21st, 2016, Dowdney awakens in his Snohomish County Jail cell to his formal charging

instrument (Criminal Complaint) resting under the 'facilities' after being slid under the cell door during the night, attached was a "Felony Complaint Information Sheet" provide by the Snohomish County District Court Judiciary. CP 56-57, CP 31,80, 2RP 11, App.Reply Br. 1,9.

Dowdney's subsequent attempts to be Heard or Present in Snohomish County District Court after filing pursuant his "Criminal Complaint" were flatly ignored. CP 70-75, 1RP 20, 2RP 9-10.

Snohomish County District Court Docket shows that Criminal Complaint #2714A16-f is dismissed on Friday April 1st, 2016. CP 60.

On Friday April 1st, 2016, The Snohomish County Prosecutor's office, files an Information charging Dowdney with First Degree Robbery and holds a "Preliminary Appearance or Reappearance" in Snohomish County Superior Court where "Probable Cause" is determined and a "CrR 3.2" hearing is held. CP_(Sub.No. 4), CP 84, DOWDNEY IS NOT PRESENT CP_(Sub.No. 4-signature), 3RP 11, 2RP 36-37, SAG 2,17-18.

Tuesday, April 5th, 2016, Dowdney is arraigned in Snohomish County Superior Court and after obtaining Pro Se status (again) CP 6-7 objects to the Commencement

and expiration dates as set by the Court. 1RP 19-23, SAG 2,8-9.

On Thursday, April 21st, 2016, in the Trial Court Dowdney asserts his Commencement Date is incorrect 2RP 5 when presenting his motion pursuant CrR 3.3(d)(3). CP 11-31, 2RP 13-14 and was silenced when attempting to connect being "Held To Answer" and Commencement Date with the triggering of Speedy Trial. 2RP 13-15.

May 6th, 2016, Dowdney motions the Trial Court for Release from Detention as a result of the procedures utilized by Snohomish County in filing cases in District Court. 3RP 3-21, 2RP 51, SAG 3. Motion is denied. CP_(Sub.No. 36), SAG 9. Following the denial of release, Dowdney presents his motion for missing Discovery under CrR 4.7. CP_(Sub.No. 39), 3RP 21-23, 2RP 40,54,55, SAG 9,11.

The State then informs the Court that Dowdney will have to "pick or choose" between his speedy trial and adequate discovery. 3RP 25-26.

The State, Trial Court and Dowdney then sign an altered agreement pertaining to time for trial, crossing out boiler plate language and adding additional language pertaining to agreed date.

CP_(Sub.No. 34), SAG 9-11.

May 13th, 2016, seven (7) days later, the State abjures on the prior agreement pertaining to time for trial and motions the court to move beyond the prior agreed upon date. The Court allows this over defense objections. 4RP 3-6. Another document is altered and signed by all parties. CP_(Sub.No. 47), SAG 3,9,11.

May 26th, 2016, again Dowdney steps into the Trial Court and moves that his trial date be moved back to May 27th, 2016 due to prior speedy trial issues and availability of witnesses pursuant CrR 3.3(d)(3). 5RP 3-5, SAG 11,CP 50 (filed 5/23/16).

On May 31st, 2016 Dowdney filed a Motion to Dismiss. CP 34-99.

June 6th, 2016, Dowdney presents his Motion to Dismiss in the Trial Court. Motion is denied. 2RP 32-54, SAG 12.

Dowdney is ultimately found guilty pursuant a stipulated facts bench trial and sentenced to 156 months of confinement.

CASE ON APPEAL

ON July 19th, 2016 Dowdney files timely notice of appeal. CP 75

March 3rd, 2017, appellate counsel files an Anders Brief*.

April 24th, 2017, Appellant files a Pro Se Statement of Additional Grounds for Review.

April 27th, 2017, the State files Respondents Brief.(response to the Anders)

10/16/17, 12/16/17 Appellant attempts to supplement his Statement of Additional Grounds arguments. Attachment 3,4.

1/29/18 Appellant motions for Oral Arguments, to which are denied. Attachment 5.

On February 6th, 2018 Dowdney files a General Rule 9 Rulemaking 'brief' in the Washington State Supreme Court to amend CrR 4.1 (see Mtn for Recon's Appendix 12)

On February 23rd, 2018, The Court of Appeals directs the State to respond to Appellant's Statement of Additional Grounds for Review. Attachment 6

On April 16th, 2018 Appellant files Motion to Modify the Record concerning current status of Criminal Complaint #2714A16-f.(see Mtn for Recon's Appendix 3)

* Anders v. California,
386 US 738,83 S.Ct. 1895,100 L.Ed 2d 493(1967)

On April 19th, 2018, Appellant files a Statutory Writ of Review (RCW 7.16.040) pertaining to his Motion to Dismiss his Criminal Complaint #2714A16-f (still pending in Snohomish District Court) (see Motn for Recon's appendix 4)

On April 20th, 2018, The Court of Appeals directs the State and Appellate Counsel to respond to Appellant's Motion to Modify the Record. Attachment 7

April 25th, 2018, the State responds to Motion to Modify the Record.(see Mtn for Recon's appendix 6)

April 30th, 2018, Appellate Counsel responds to Motion to modify the Record and requests to withdraw as counsel and to allow Appellant to proceed Pro Se under RAP's 1.2,6.1,10.3(g),10.10(a),12.1(a),18.3 and Wash.Const.art 1 §§ 3,22.(see Mtn for Recon's appendix 7)

May 9th, 2018, Appellant, Dowdney motions the court to Proceed Pro Se on appeal.(Mtn for Recon's appendix 8).

June 16th, 2018, the State responds to Appellant Statement of Additional Grounds.(see Mtn for Recon's appendix 9)

June 28th, 2018, Appellant files Motion to Permit Appellant Reply Brief and Appellant Reply Brief.(see Mtn for Recon's appendix 10,11).

October 15th, 2018, Court of Appeals dismisses appeal #75416-5-I as Frivolous and denies Motion to Modify the Record, Review of Statutory Writ, Motion to Proceed Pro Se. Attachment 1.

October 26th, 2018, Dowdney files Motion for Reconsideration in accordance with RAP 12.4.

October 31st, 2018, The Washington Supreme Court issues an Order publishing for comment, In The Matter of Suggested Amendment to CrR 3.3-Time for Trial. Attachment 8

November 13th, 2018, Appellant, Dowdney files a Statement of Additional Authorities/RAP 10.8 for the proposed amendment in the Court of Appeals. Attachment 9.

November 29th, 2018, the Court of Appeals denied Motion for Reconsideration. Attachment 2.

This timely Petition for Discretionary Review of Dowdney's Direct Appeal follows. RAP 13.4

E. WHY ARGUMENT SHOULD BE ACCEPTED

The considerations that govern the decision to grant review are set forth in RAP 13.4(b).

Petitioner believes that this court should accept review of these issues for the decision of the Court of Appeals is in conflict with other decisions of this Court, U.S. Supreme Court and the Court of Appeals (RAP 13.4(b)(1) and (2)), and involves significant question of law under the State and Federal Constitution. (RAP 13.4(b)(3), and involves issues of substantial public interest that should be determined by this Washington State Supreme Court (RAP 13.4(b)(4)).

F. ARGUMENT

1. THE EXECUTION OF DOWDNEY'S DIRECT APPEAL CONFLICTS WITH STATE AND FEDERAL CONSTITUTIONS.

(a) Dowdney has a State Constitutional Right to Appeal.

In Washington State the right to appeal is constitutional. Wash. Const. art. 1 § 22

A criminal defendant's constitutional right to a

fair trial is protected by a right to a direct appeal. In Re Pers. Restraint of Coats, 173 Wn.2d 123,140;267 P3d 324(2011) see RAP 6.1. Dowdney is on direct appeal. RAP 13.4.

(b) Dowdney's Pro Se Issues were 'Arguable' thus Not Frivolous

Appointed counsel on appeal filed an Anders brief consistent with Anders v. California, (citation omitted) concluding appeal was frivolous. App. Br.

Dowdney then filed a Statement of Additional Grounds for Review RAP 10.10, SAG.

Ten months later the Court of Appeals directed the State to respond to Appellant's Statement of Additional Grounds. RAP 10.10(f). Attachment 6.

Dowdney then filed a "Motion to Modify the Record" concerning the current status of original formal charges, charges pending in Snohomish County District Court for relevant conduct. (see Mtn for Recon's appendix 3).

Both the State and appointed counsel were directed

to respond to appellant motion to modify the record. Attachment 7. Also see(Mtn for Recon's Appendix 6,7).

The Court of appeals ultimately deems Appellant's Direct Appeal "wholly frivolous". Attachment 1,2.

Frivolous means:"[l]acking a legal basis or legal merit, not serious; not reasonably purposeful." Blacks Law Dictionary, 692(8th ed.1999).

As stated above, the Court directed the State to respond to Appellant's SAG and Motion to Modify the Record.

An appeal is frivolous only "if no debatable issues are presented upon which reasonable minds may differ, and if so devoid of merit that no reasonable possibility of reversal exists". A party has a right to appeal, and an appeal is not frivolous simply because the party's arguments are rejected. Dave Johnson Ins.,Inc. v. Wright,167 Wn.App. 758,785;275 P3d 339(2012)(Division two)citing Curhan v. Chelan County,156 Wn.App 30,37;230 P3d 1083(2010)(Division three)* RAP 13.4(b)(1)(2).

* Note: In the last ten (10) years division three has entertained zero (0) Anders briefs/ Division two,three (3)/ Division one has entertained at least 75.

Once the Court exercised it's discretion under RAP 10.10(f), as a matter of law the appeal was no longer frivolous as the legal points were arguable on their merits. Neitzke v. Williams, 490 US 319, 325 104 L.Ed.2d 338, 109 S.Ct. 1827(1989) as after the Court entertained argument between parties, regardless of the ultimate decision, the genuiness of Dowdney's claims did not turn on whether they succeeded but rather that they no longer met the parameters of frivolous. see Davis v. Cox, 183 Wn.2d 269, 293; 351 P3d 862(2015).

Upon it's own full examination of the record scouring the record searching for "any issue" Penson v. Ohio, McCoy v. Court of Appeals(citations omitted) and induced by the Anders procedure to "pursue all the more vigorously, it's own review as to afford [Mr. Dowdney] the same rights and opportunities. . . on appeal-as nearly as is practicable-as are enjoyed by those persons in a similar situation-but who[is] unable to afford private counsel." Anders, 386 US at 745. The Court not finding "any issue" independently.....at least required the State to respond to Dowdney's assertions, thus rendering his issues non-frivolous.

Once the Court concluded "that there are

non frivolous issues" counsel should have been appointed to pursue and prepare an advocates brief. State v. Nichols, 136 Wn.2d. 859,861;968 P2d 411(1998) also see Draper v. Washington, 372 US 487,496 9 L.Ed. 2d 899,905,81 S.Ct. 774(1963).

(c) Dowdney was Denied the Right to Proceed Pro Se on Appeal

Dowdney had the right to proceed Pro Se on appeal. Wash.Const. art 1 § 22.

When appointed counsel was directed to respond to appellant's Pro Se motion to "Modify the Record", counsel responded by requesting to withdraw as counsel and "permit Dowdney Jr to proceed pro se". (see Mtn for Recon's appendix 7)

As this request was separate and distinct from the Anders motion, the Court should have applied the "good cause" standard as set out in RAP 18.3 in determining whether or not Dowdney may be allowed to proceed Pro Se State v. Rafay, 167 Wn.2d 644,649-653;222 P3d 86(2009).

Dowdney filed a motion to proceed Pro Se, and this motion was ultimately denied.(see Mtn for Recon's appendix 1,8) attachment 1

2. A COMMENCEMENT DATE UNDER CrR 3.3 BEGINS TO RUN 14 DAYS FROM BEING HELD TO ANSWER.

(a) The Washington State Supreme Court's Order to Publish a Suggested Amendment to CrR 3.3 Renders the Appellate Court's Wholly Frivolous Opinion Void

On October 31st, 2018, this Court published for comment a suggested amendment to CrR 3.3 based on Stephen P. Dowdney Jr's General Rule 9. Rulemaking Brief, No.25700-A-1245.(see Mtn for Recon's appendix 12). Attachment 8

On November 13th, 2018, Dowdney filed a Statement of Additional Authorities in accordance with RAP 10.8 to be considered with Motion for Reconsideration. Attachment 9

The suggested amendment at CrR 3.3(c)(1) and (c)(1)(ii) pertain directly to Dowdney's commencement date issues argued on appeal. SAG 1,4-12, reply brief at 3-5 see RAP 13.4(b)(3).

(b) The Current Version of CrR 3.3 Dictates a Commencement Date from When an Individual Has Been Held to Answer for Proscribed Conduct

The State and Dowdney had far different versions of what "detained in jail" CrR 3.3(a)(3)(v), "pending" and "related" charges CrR 3.3(a)(3)(i),(ii) and the meaning of CrR 3.3(a)(5) see SAG 4-12, States response to SAG at 8, meant concerning the initial District Court filing of felonies.

This was at the least a "debatable issue upon which reasonable minds may differ" rendering a "frivolous" opinion inapplicable. Streater v. White, 20 Wn.App. 430,435;613 P2d 187(1980) also see Mtn for Recon 12-14. see RAP 13.4(b)(1)(2).

3. THE TERM HELD TO ANSWER HAS NOT BEEN ABROGATED IN WASHINGTON STATE

(a) The "Principles" of State v. Striker, 87 Wn.2d at 872-73 are still alive.

In the Trial Court Dowdney claimed his commencement date was incorrect as a result of not being held to answer (If he had been his commencement would be correct) 2RP 12-15. This contention was rejected by the State and Court 2RP 19,22. see SAG 5,6,10. (The State avoids the phrase "held to answer" on appeal) The contention that the State can hold one without considering a time for trial is incredulous.

Although Striker dealt with individuals that had been released pending trial, the ideals of a formal process progressing upon formal charge was the base principle foundation of being held to answer for an otherwise infamous crime. Rothgery v. Gillespie County, 554 US 191, 128 S.Ct. 2578, 171 L.Ed 2d 366(2008). also see US Const. amend V, Wash. Const art 4 § 6, CrR 3.3. This question of law is debatable, not frivolous. see RAP 13.4(b)(3)

4. THE CONTINUANCES GRANTED BY THE TRIAL COURT WERE BASED ON UNTENABLE GROUNDS

Dowdney asserts the continuances granted on May 6th and 13th have no bearing on the issues presented as they were based on the lack of discovery, where the State informed the Court Dowdney would have to "pick or choose" between discovery and speedy trial 3RP 22,23,25-26, 2RP 55. (please see Attachment 3,4)

Additionally, the State, Court and Dowdney all signed altered documents pertaining to agreements. CP_(Sub.No. 34,47) SAG 9,11.

These issues were in dispute, argued BOR 4 and if the commencement date was incorrect, all ruling based on such were untenable. State v. Kenyon, 167 Wn.2d

130,135;216 P3d 1024(2009). Aside from the clear "Hobson's choice", the issues surrounding the physicality of the "agreements" are debatable, thus not frivolous.

5. AS APPLIED TO THE FACTS OF THIS CASE CrR 4.1 IS UNCONSTITUTIONAL

(a) The Washington Supreme Court Suggested Rule Change to CrR 3.3 'Leapfrogs' CrR 4.1.

Dowdney raised the issue of CrR 4.1 in the Trial Court. CP 45-48 2RP 37-39, SAG 19-31.

According to the suggested amendment, attachment 8, felonies initially filed in Superior Court would still adhere to CrR 4.1, however, felonies initially filed in District Court would adhere to CrR 3.2.1(f), essentially 'leapfrogging' CrR 4.1 landing in CrR 3.3.

Interestingly, Dowdney argued the exact issue of CrR/CrRLJ 3.2.1(f) in the Trial Court. CP 13, 1RP 21, 2RP 5-7, 17-18, 20-21, 3RP 5-7.

In Dowdney's General Rule 9 brief, he suggested a change to CrR 4.1, the fact that it has been suggested to avoid CrR 4.1 for situations such as Dowdney's evinces his issues concerning CrR 4.1 are not so frivolous, arguable and thus not devoid of merit. see RAP 13.4(b)(1)(2)(3).

6. THE SNOHOMISH COUNTY PROCEDURE FOR FILING FELONIES
IN DISTRICT COURT VIOLATES WASH.CONST. ART 1 § 10,
UNNECESSARY DELAY

(a) On March 15th, 2016, Dowdney was Held to Answer
For Infamous Conduct.

On March 15th, 2016, the State filed a formal charging instrument by way of a "criminal complaint before a magistrate". CP 56-57, SAG 4,6,12 US Const. amend. V, Rothgery v. Gillespie County, 554 US 191, 207-08, 223, 128 S.Ct. 2578, 171 L.Ed. 2d 366(2008), also see State v. Hardesty, 149 Wn.2d 230, 235; 66 P3d 621(2003).

Filing in District Court is to determine whether or not a "felony" has been committed CrRLJ 3.2.1(g)(1). Dowdney's charging instrument denoted "felon[ies]" "proscribed" by statute. Dowdney was being held to answer for infamous crime[s]. RCW 29.040.079, RCW 10.37.015, US Const. amend V. The District Court filing was unnecessary. Wash. Const. art 1 § 10.

(b) Snohomish County Never Holds or Intends to Hold or Has Held a "Preliminary Hearing" to Determine "Probable Cause" in District Court... For Anyone.

Just because a "preliminary hearing" in District Court may be ultimately circumvented does not mean the State can fake the entire process rendering the entire procedure a complete boondoggle. CP 24,31,77,80 SAG 12-19. This issue cannot be said to be frivolous

Dowdney was "amenable to process", "held to answer" and "detained in jail" and Snohomish County willfully and unnecessarily delayed his arraignment. This issue was in dispute on appeal State's Response to Sag at 11-15. This issue involves substantial public interest.13.4(b)(4)

7. THE COURT OF APPEALS CANNOT DENY REVIEW OF DOWDNEY'S STATUTORY WRIT OF REVIEW

On April 1st, 2018 Dowdney filed a "motion to dismiss" his "criminal complaint" in the trial court. On April 9th, 2018, the Snohomish County District Court Clerk issued a "hearsay" ruling per Judge Howard.(Mtn for Recon's appendix 4)

On October 15th, 2018 without comment the Court of Appeals denied review contrary to RCW 7.16.040..attach.

1. This issue concerns whether or not the criminal complaint filed in District is still pending, today. The Court's ruling is in conflict with the statutory language of RCW 7.16.040.

G. CONCLUSION

Since the first day I stepped into Snohomish County concerning this comportment, I have been pleading, almost begging to be heard. My issues were ignored, scoffed at, and dismissed as frivolous.

I was not surprised, expecting it really, as Snohomish County acted very much the same way when they took my son from me in juvenile court for no reason other than the appeasement of my in-laws wishes only.

It was as I sat in the Snohomish County jail for a fabricated probation violation in connection with my 'dependency' that I noticed their filing processes.

I am not an attorney, my pleadings may have fallen short, my arguments not as crisp as they should be, I may not have stood tall..but I did stand up.

As the guardians of equity in Washington State, I ask this Court to review this case with blindfolds and scales.

A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

WASH. CONST. art 1 § 32

Respectfully,

~~FEDASIA~~ LAWNER

For J.H.D.

ATTACHMENT 1

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

STATE OF WASHINGTON,
Respondent,
v.
STEPHEN P. DOWDNEY, JR.,
Appellant.

No. 75416-5-1

UNPUBLISHED OPINION

FILED: **OCT 15 2018**

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 OCT 15 AM 9:03

PER CURIAM. Stephen Dowdney challenges his conviction for first degree robbery while armed with a deadly weapon. His court-appointed attorney has filed a motion to withdraw on the ground that there is no basis for a good faith argument on review. Pursuant to State v. Theobald, 78 Wn.2d 184, 470 P.2d 188 (1970), and Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), the motion to withdraw must:

(1) be accompanied by a brief referring to anything in the record that might arguably support the appeal. (2) A copy of counsel's brief should be furnished the indigent and (3) time allowed him to raise any points that he chooses; (4) the court—not counsel—then proceeds, after a full examination of all the proceedings, to decide whether the case is wholly frivolous.

Theobald, 78 Wn.2d at 185 (quoting Anders, 386 U.S. at 744).

This procedure has been followed. Dowdney's counsel on appeal filed a brief with the motion to withdraw. Dowdney was served with a copy of the brief and informed of his right to file a statement of additional grounds (SAG) for review. Dowdney has filed a statement of additional grounds.

The material facts are accurately set forth in counsel's brief in support of the motion to withdraw. The court has reviewed the briefs filed in this court and has independently reviewed the entire record. The court specifically considered the following potential issues raised by counsel:

1. Did Dowdney unequivocally, voluntarily, knowingly, and intelligently waive his right to counsel and elect to proceed pro se?
2. Did Dowdney voluntarily, knowingly, and intelligently waive his right to a jury trial?
3. Did the superior court err in denying Dowdney's motion to dismiss for violation of his right to a speedy trial?

This court also considered the following issues raised in Dowdney's SAG:

1. Did the trial court err in denying Dowdney's motions to dismiss for violation of his right to a speedy trial under CrR 3.3?
2. Did the State misuse the District Court filing process, and if so, did such misuse "amount to unnecessary delay inconsistent with good faith and due diligence, violating Wa. Const. Art. 1 Sec. 10, CrR 1.2 [and] CrR 8.3(b)"?
3. "Does CrR 4.1 violate equal protection and offend due process?"

The potential issues are wholly frivolous. Dowdney's motions for a writ of review, to proceed pro se, and to modify the record are denied. Counsel's motion to withdraw is granted and the appeal is dismissed.

FOR THE COURT:

Becker, J.

Dunn, Jr.

Lippel, CJ

ATTACHMENT 2

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

STATE OF WASHINGTON,

Respondent,

v.

STEPHEN P. DOWDNEY, JR.,

Appellant.

No. 75416-5-1

ORDER DENYING MOTION
FOR RECONSIDERATION

The appellant, Stephen Dowdney, has filed a motion for reconsideration. A majority of the panel has determined that the motion should be denied.

Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.


Judge

ATTACHMENT 3

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

STATE OF WASHINGTON,
Respondent,
v.
STEPHEN P. DOWDNEY, JR.,
Appellant.

No. 75416-5-I

MOTION TO MODIFY
RULING AND COMPEL
ACTION RAP 17.7

I. IDENTITY OF MOVING PARTY:

Stephen P. Dowdney, Jr, Pro Se, Appellant
named above Respectfully requests relief designated
in part II of this motion.

II. STATEMENT OF RELIEF SOUGHT:

1) Modify ruling of the Court Clerk filed
1/24/18. RAP 17.7

2) Compel action on motion filed 10/16/17.

III. FACTS RELEVANT TO MOTION:

On 5/15/17 appellant was granted motion to
supplement "authority" in accordance with RAP 10.8.

On 10/16/17 appellant filed motion to

supplement "argument" pertaining to CrR 4.1 and commencement and arraignment date.

To date appellant is unaware of any rulings, orders, decisions or action taken on that motion.

On 1/24/18 Court Clerk issued ruling denying motion to supplement "argument" pertaining to waiver of time for trial under CrR 3.3.

IIII. GROUNDS FOR RELIEF AND ARGUMENT:

A) Supplementing Authority

Appellant supplemented authority (filed 5/11/17) within three (3) weeks of filing Statement of Additional Grounds in accordance with RAP 10.8., motion contained no arguments and was filed before any decision on the merits.

B) Supplementing Argument

Appellant has two (2) motions to supplement argument filed pertaining to Statement of Additional Grounds. RAP 17.1(a)

The first motion filed 10/16/17 pertained to CrR 4.1 and was relevant to Respondents Brief as respondent asserted commencement coincided with the physical arraignment of the defendant.

Appellants motion to supplement argument pertains to a reading of the rule that coincides with CrR rule 3.3 and being "held to answer" and subject to the law.

The second motion ruled upon on 1/24/18 (to include motion to correct scriveners errors and a designation of clerks papers) was denied as appellant has already "supplemented" the original statement of additional grounds.

Respondent has argued that defendant waived his time for trial by agreement signed on 5/6/16, although only citing to "CP_____". BOR 4.

The submitted motions adequately brief both issues leveled by the state, pertain directly to the matter asserted and are properly before the court per RAP 17.1(a).

Appellant requests that he be permitted to supplement statement of additional grounds as to both motions as appellant is not represented by counsel, (17.1(a) filing without action) and pro se due to counsel's withdraw per 18.3(2).

Without counsel to respond in brief, latitude in


allowing appellant to reply to Respondents Brief per 10.2(d) RAP, respectfully requested.

IIIIII. CONCLUSION

Appellant Respectfully requests this Honorable Court to "modify ruling" of the Court Clerk, dated 1/24/18 and to "compel action" in the motion filed by appellant on 10/16/17 in accordance with RAP 18.8(a) and allow appellant to supplement the arguments pertaining to CrR 4.1 and waiver per prior motions filed in this Court. see RAP 17.7

I certify under penalty of perjury of the laws of Washington State, that the foregoing is true and correct.

Respectfully submitted this 6 day of February, 2018.


Stephen R. Dowdney Jr
SCCC
191 Constantine Way
Aberdeen, Wa, 98520

IN THE COURT OF APPEALS OF WASHINGTON STATE
DIVISION I

STATE OF WASHINGTON,)
Respondent,)
v.)
STEPHEN P. DOWDNEY JR,)
Appellant.)

No. 75416-5-I

DECLARATION OF SERVICE
BY MAILING GR 3.1(c)

I, Stephen P. Dowdney Jr, Appellant, Pro Se, in the above entitled cause, do hereby declare that I have served the following documents:

1) MOTION TO MODIFY AND COMPEL ACTION.

To the following parties:

Richard D. Johnson
Court Administrator
Division I Court of Appeals
One Union Square
600 University St.
Seattle, Wa, 98101-4170

Seth A Fine Attorney
Snohomish County Pros.Ofc
3000 Rockafeller Ave.
Everett, WA, 98201-4060

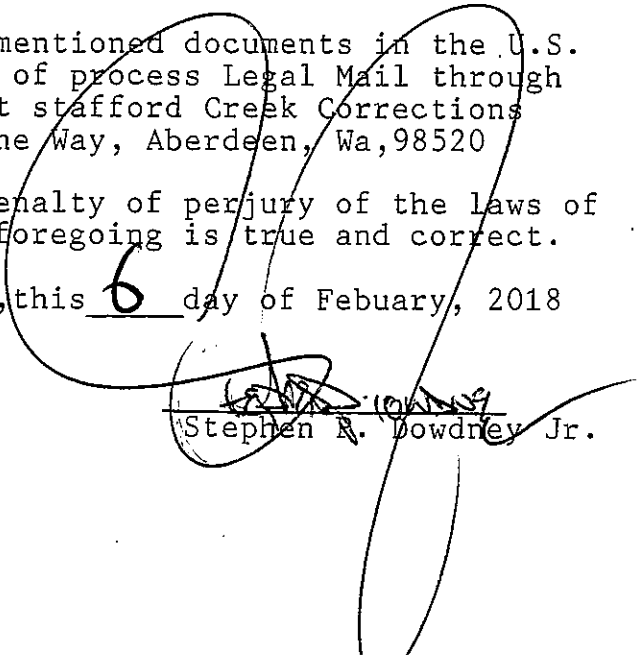
Jared Steed, Attorney
Nielson, Broman & Koch
1908 E. Madison St.
Seattle, Wa, 98122

Cc: Dowdney file

I deposited the aforementioned documents in the U.S. Postal Service by way of process Legal Mail through an officers station at stafford Creek Corrections Center, 191 Constantine Way, Aberdeen, Wa, 98520

I declare under the penalty of perjury of the laws of Washington State the foregoing is true and correct.

Signed in Aberdeen, Wa, this 6 day of Febuary, 2018


Stephen P. Dowdney Jr.

ATTACHMENT 4

No. 75416-5-I

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

STATE OF WASHINGTON,

Respondent,

v.

STEPHEN P. DOWDNEY, JR,

Appellant.

MOTION TO SUPPLEMENT STATEMENT OF ADDITIONAL
GROUNDS ARGUMENT PERTAINING TO WAIVER OF TIME
FOR TRIAL

Stephen P. Dowdney, Jr.
#971036
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA, 98520

2018 DEC 24 AM 11:39

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON

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COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION I

STATE OF WASHINGTON,)	
Respondent,)	No. 75416-5-I
v.)	
STEPHEN P. DOWDNEY, JR,)	MOTION TO SUPPLEMENT
Appellant.)	STATEMENT OF ADDITIONAL
)	GROUND ARGUMENT
)	PERTAINING TO WAIVER
)	OF TIME FOR TRIAL

I. IDENTITY OF MOVING PARTY:

Stephen P. Dowdney, Jr, Pro se, Appellant named above respectfully requests relief designated in part II of this motion.

II. STATEMENT OF RELIEF SOUGHT:

Allow appellant to supplement the statement of additional grounds in this cause as it pertains to defendants waiver of CrR 3.3.

III. FACTS RELEVANT TO MOTION:

As Dowdney disputed his time for trial. Calculations starting with arraignment in Superior Court. 1 RP 19-23. The State has maintained that his

trial was set within the time based on the March 15th, 2016 commencement date. 2RP 15 see Brief of Respondent stating "However, this argument need not be addressed as the court set trial within the defendant's calculated time for trial expiration at arraignment" BOR 9.

On May 6th, 2016, the court heard and granted a motion for discovery. The motion was based upon evidence collected by an arresting agency that was not forwarded to the Snohomish County prosecuting authority. CP 34, 3RP 22-23. This evidence was ultimately presented to the trier of fact as it "did have a connection to the case" 2RP 54,55, see agreed documented evidence 168 to 208.

Dowdney also filed a motion for discovery pertaining to photographs taken of him at the jail(outside of booking photos) 3RP 22, CP_ to which were never provided until obtained by public disclosure(outside record), also the requests for "CAD" reports were made and provided that day.

Initial discovery was not provided until April 21st, 2016, 2RP 26-29 along with the throng of Pro se

issues. The agreed continuance signed on May 6th, 2016, is ambiguous and cannot be said to be a voluntary or unequivocal waiver.

ARGUMENT

WAIVER (Exhibit 1)

A) A waiver is the intentional and voluntary relinquishment of a known right. Jones v Best, 134 Wn.2d 232,241;950 p2d 1(1998). The act or conduct evidencing intent to waive must be unequivocal and will not be inferred from doubtful or ambiguous factors. Wagner v. Wagner, 95 Wn.2d 94,102;621 p2d 1279(1980).

The agreement signed on May 6th, 2016 by the state, defendant and trial court was considered a contract. State v. Bisson, 156 Wn.2d 507,520;130 p3d 820(2006).

The agreement on May 6th, 2016, contained crossed out boiler plate language pertaining to the addition of 30 days to the time for trial period as well as excluded periods. Even if these

delineations are in conflict with the court rule, due process dictates specific performance. Bisson, at 520.

In addition, a hand written inscription states "...this selected date does not waive any previous arguments made by [defendant]". CP 92,CP_(Sub No. 34) By crossing out the boiler plate language and handwriting others, the parties created an internal discrepancy on whether Dowdney was agreeing to compromising his time for trial rules. Considering the parties "objective manifestation of intent" and ignoring "un-expressed subjective intent" Dowdney disputed his expiration date as set by the court and did not agree to adding days or waiving his prior arguments. See State v. Turley, 149 Wn.2d 395,400;69 p3d 338(2003).

It is axiomatic that due process requires courts to construe any ambiguity in agreement against the government and in accordance with the defendants reasonable understanding of the agreement. As a matter of law, imprecision and ambiguousness must be read against the government. See Bisson, at 523 citing United States v Harvey, 791 F2d 294,300 (4th cir 1992). The state must bear responsibility for lack of clarity in the agreement, not the defendant.

See United States v. De La Fuente, 8 F3d 1333,1338 (9th cir 1993). The Judges decision to allow the continuance was a discretionary ruling State v. Espinoza, 112 Wn.2d 819,822-23;774 p2d 1177(1989).

B) EXTRINSIC EVIDENCE

The primary objective in contract interpretation is determining intent. Wilkinson v. Chiwawa Cmty, 180 Wn.2d 241,250;327 p3d 614(2014). A party may use extrinsic evidence in a contract dispute to help the fact finder interpret the contracting parties intent. Wilkinson, at 251.

Clearly Dowdney had continually contested the time for trial issue before and after May 6th, 2016. 1RP 19-23 2RP 5,12,38,39 3RP 35,38 4RP 5 5RP 3-4 CP_(Sub. No.50) also see "Motion to reset trial date/maintain expiration date set by court/non waiver" filed May 6th, 2016, RETRACTED May 13th, 2016. 4RP 3-4(See Appellants Designated clerks papers)(Exhibit 2). Taking into account the contract, the subsequent acts and conduct of the parties to the contract and the circumstances surrounding the making of the contract,

the determination of intent reasonably imputes on both parties Dowdney's dispute with the respective expiration date. Roberts, Jackson & Associates v. Pier 66 corp., 41 Wn.App. 64,69;702 p2d 137(1985). It should be noted that it has been previously held that a request for continuance did not result in waiver as the continuance did not set the trial beyond the 60 day requirement. Harkins v. South District Justice Court, 34 Wn.App. 508,512;662 p2d 403(1983).(Based on a March 15th, 2016, filing date May 27th, 2016 was last allowable day for trial).

C) SECOND CONTRACT (Exhibit 3)

On May 13th, 2016, the state, defendant and the trial entered into a second contract pertaining to time for trial. CP 90-91 CP_(Sub.No.47).

The trial was continued to June 3rd, 2016, for a "vacation" despite a trial date of May 27th, 2016, being set seven (7) days prior. 4RP 4-5.

The state and trial court were under no obligation to alter or allow alterations to the continuance document despite defendants objections to moving trial past the May 27th, 2016 trial date. The

alterations included, as before, crossing out the boiler plate language concerning extension of time for trial and excluded periods, and imputed that the June 6th, 2016 trial date was by "prior" calculation and that the defendant did not waive or diminish existing objections concerning the expiration date.

When parties enter into a second contract dealing with the same subject matter as the first, but do not say whether the second contract is intended to discharge the first, both contracts are construed together. If there are inconsistencies between the two contracts, the second prevails becoming a substitute for the first. Durand v. HMIC Corp., 151 Wn.App. 818,830;214 p3d 189(2009). The second contract clearly imputes not only dispute in the expiration date but that additional and excluded periods do not apply.

D) COERCED WAIVER

Objectively Dowdney did not want to compromise statutory time for trial under CrR 3.3. By not having known discovery available to him until right before a critical stage in the litigation process, Dowdney had

to choose between his speedy trial and effective counsel. In fact before the waiver was introduced the state made a statement to the court that Dowdney would have to "pick or choose" in relation between discovery or speedy trial.

When the state fails to provide discovery materials until shortly before a crucial stage in the litigation process it may prejudice the defendants right to a fair trial. State v Brooks, 149 Wn.App. 373,387-88;203 p3d 397(2009) citing State v. Price, 94 Wn.2d 810,814;620 p2d 994(1980) also see State v. Crawford, 147 Wn.2d 424,432;54 p3d 656(2002).

The right to a fair trial "includes the right to a speedy trial and the right to be represented by counsel who has had sufficient opportunity to prepare a material part of his defense". State v. Michielli, 132 Wn.2d 229,240;937 p2d 587(1997). Access to evidence is a crucial element to due process and the right to a fair trial. State v. Grenning, 169 Wn.2d 47,55,58;234 p3d 169(2010), CrR 4.7(a). Failure to provide discovery may implicate CrR 3.3, Art 1 § 22, U.S. Const. Am. 6. State v. Norris, 157 Wn.App.

50,81;236 p3d 225(2010). Actual prejudice can be shown if the state's belated interjection of new facts into a case forces a defendant to choose between the right to a speedy trial and the right to prepare an adequate defense. State v. Krenik, 156 Wn.App. 314,321 p3d 252(2010) also see "Hobson's Choice" State v. Sherman, 59 Wn.App. 763,769;801 p2d 274(1990) 4RP 4.

Dowdney had a right to a time for trial period under CrR 3.3 as well as to prepare a meaningful pro se defense. Bounds v Smith, 430 US 817,828 97 S.Ct. 1491, 52 L.Ed. 2d 72(1977); State v. Bebb, 108 Wn.2d 515,524;740 p2d (1987); Art. 1 § 22 Wash. Const.,U.S. Const. Am.6.

Dowdney's waiver was coerced and thereafter invalid. State v. Silva, 107 Wn.App. 605,613;27 p3d 663(2001). The continuance was the result of the state's failure to disclose material facts until shortly before a critical stage in the litigation process, therefore, excluded periods do not apply. Wash. Pract. § 1212, citing Price, at 814.

Dowdney's waiver was coerced, equivocal and contractually ambiguous and thus void.

IIII. GROUNDS FOR RELIEF:

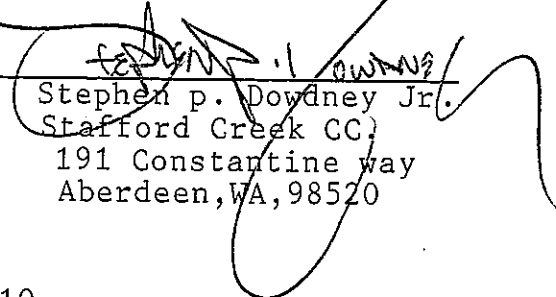
RAP 18.8 provides in pertinent part, as follows:

(a) Generally. The appellant court may, on it's own initiative or on motion of a party, waive or alter the provisions of any of these rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice....

As a neophyte appellant respectfully requests that this honorable court consider the issues within this motion as so the most thorough and effective review of the case can be had on this direct review of appeal. Appellant respectfully requests consideration and patience pertaining to this delinquent supplemental argument.

I certify under penalty of perjury under the laws of Washington State that the foregoing is true and correct.

Respectfully Submitted this 12TH day of December, 2017.


Stephen p. Dowdney Jr.
Stafford Creek CC
191 Constantine way
Aberdeen, WA, 98520

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

STATE OF WASHINGTON,
Plaintiff,

v.

STEPHEN P. DOWDNEY, JR.,
Appellant.

No. 75416-5-I

DECLARATION OF SERVICE BY
MAILING (GR 3.1(c))

2018 DEC 24 AM 11:38

FILED
COURT OF APPEALS DIV I
STATE OF WASHINGTON

I, Stephen P. Dowdney Jr., Appellant, pro se',
in the above entitled cause, do hereby declare that I
have served the following documents:

MOTION TO SUPPLEMENT STATEMENT OF ADDITIONAL GROUNDS
PERTAINING TO WAIVER OF TIME FOR TRIAL

To the following parties;

Richard D. Johnson
Court Administrator
Division I Court of appeals
One Union square
600 University St.
Seattle, WA, 98101-4170

Snohomish County
prosecutors office
3000 Rockafeller ave.
Everett, WA, 98201-4060

Nielson Broman & Koch
Jared Steed, attorney
1908 E. Madison St.
Seattle, Wa, 98122

C.C. Dowdney File

I deposited the aforementioned document(s) in the U.S.
Postal Service by way of process Legal mail through an
officers station at Stafford Creek Corrections Center
191 Constantine Way, Aberdeen, WA, 98520.

I declare under penalty of perjury of the laws of
Washington State that the foregoing is true and correct.

Signed in Aberdeen Wa, on this 12th day of December 2017.

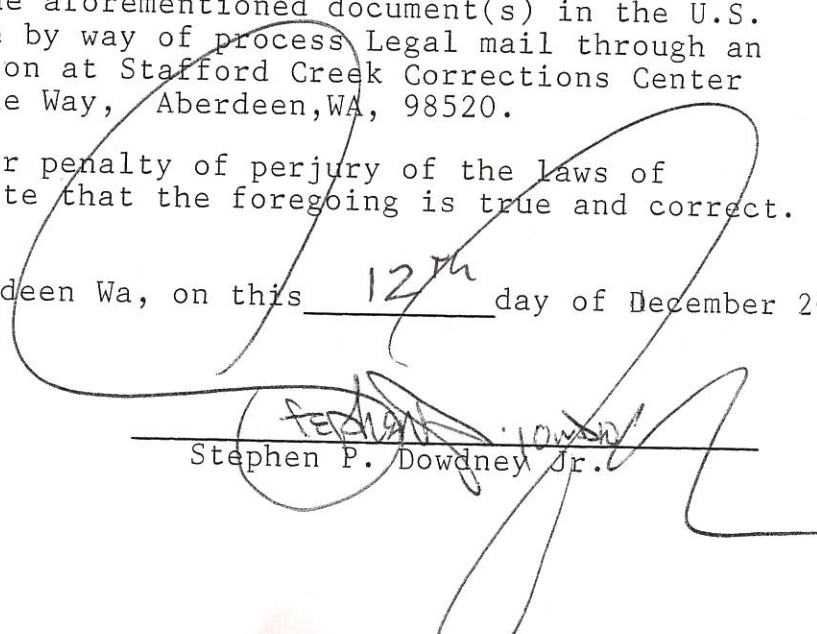

Stephen P. Dowdney Jr.

EXHIBIT 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

THE STATE OF WASHINGTON,

Plaintiff,

v.

Dowdney, Stephen P., Jr.

Defendant.

No. 16-1-00712-5

AGREED TRIAL CONTINUANCE
(Clerk's Action Required)

1. On the agreement of the prosecutor and the defendant, trial is hereby continued to the following date:
5/27/16 at 1:00 p.m. in C304.

2. The following hearings are set in the Courtroom 304:

- Omnibus Hearing : 5/13/16 Set for Thursday or Friday at 9:00 a.m. at ~~10:30~~ a.m.
- Omnibus / Plea Hearing at [] 9:00 a.m.
- Sentencing Hearing at [] 10:30 a.m.
- Set for Wednesday In-Custody 8:45 a.m. Out-of-Custody 10:30 a.m.
- Plea Sentencing Hearing at 3:00 p.m.
- 3.5 Hearing ^{Motion} Hearing 5/13/16 Monday - Friday at 9:00 a.m.
- Arraignment on Amended Info Set for Thursday or Friday at 9:00 a.m.

3. Prior to entry of this order, trial was scheduled for 5/13/16. The period between that date and the new trial date specified above shall be an excluded period in computing the allowable time for trial. CrR 3.3(e)(3).

4. The last allowable date for trial pursuant to CrR 3.3 is ~~6/16/16~~ ^{SPD} 6/16/16 The expiration date is the later of (a) 30 days after the trial date specified above or (b) 60/90 days after the commencement date, plus any excluded periods. 6/16/16 is on agreed speedy trial date. This selected date does not waive any previous arguments made by Δ.

THIS ORDER IS VALID ONLY IF PERSONALLY SIGNED BY THE DEFENDANT. IF THE DEFENDANT CHOOSES NOT TO SIGN, OR IS UNABLE TO SIGN, A CONTINUANCE MAY ONLY BE GRANTED PURSUANT TO CrR 3.3(f)(2).

THE DEFENDANT MUST APPEAR FOR TRIAL AND FOR ALL SCHEDULED HEARINGS. FAILURE TO APPEAR MAY RESULT IN ISSUANCE OF AN ARREST WARRANT, FORFEITURE OF BAIL, AND CRIMINAL PROSECUTION FOR BAIL JUMPING.

THE DEFENDANT SHALL MEET WITH HIS/HER ATTORNEY PRIOR TO THE OMNIBUS HEARING SET FORTH IN SECTION (1). FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE REVOCATION OF BAIL AND/OR PERSONAL RECOGNIZANCE PREVIOUSLY ORDERED IN THIS CAUSE.

DONE IN OPEN COURT this 6th day of May, 2013

[Signature]
Judge

Presented by:
[Signature] 24021
Deputy Prosecuting Attorney

Approved for entry; copy received.

[Signature]
Attorney for Defendant
[Signature]
Stanley-Chance

[Signature]
Defendant Pro Se

Defendant's Address:
Same as in last Order of Release/Detention

New Address:

EXHIBIT 2

defuse, as well as not acknowledging pro se Court order. (See attached grievances and Court order dated April 18th, 2016.) (motion dated 4/10)

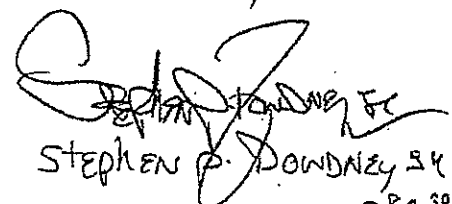
Defendant did not receive "full discovery" until April 27th / or was unable to access (see attached "Memorandum" for USB Flash drive)

Defendant has filed discovery violation under 4.7(a)(3)(d) due to missing exculpatory evidence relating to defuse.

Defendant has ^{BEEN} denied "ANY" funds to secure "expert services" as the supervising authority of Snohomish County public defenders association has refused to acknowledge realm of responsibility for pro se defendants.

Due to the aforementioned defendant feels he should not be placed in the position of choosing between a speedy trial and a fair trial by compromising defuse.

Respectfully Submitted This 6th day of May 2016.


STEPHEN P. DOWNEY SR
pro se

Snohomish County Sheriff's Office - Correction Bureau
 Inmate Grievance Form

For Grievance Coordinator Use Only

Date Received: 4.11.16 Tracking Number: 272 Assigned to: (Dept./Name) Classification
 Inmate Name: DOWDNEY, STEPHEN P. CIN 1732519 Module F3-05

Is this an appeal of a previous grievance? _____ What was the tracking number of the previous grievance? _____

NOTE - IF AN APPEAL YOU MUST ATTACH A COPY OF THE ORIGINAL GRIEVANCE

Location of the incident: _____ Date of the Incident: _____ Time of the Incident: _____

List names of any persons involved in the incident to include staff, inmates, volunteers, etc...:

State your grievance clearly in the space below. If you need more space, attach separate sheets of paper. For appeals, indicate what new information you believe has become available, or what error you believe was made by the original respondent.

ON 4/10/16 Upon requesting copies for my pro se defense a Ms. Kessler attempted to charge me over 10 dollars to file a motion with the court. Then wanted to take my motion to copy and stated she would return it "Some time tomorrow" This does not comport with state law concerning pro se defense.

What actions have you taken to resolve this complaint informally? Indicate the names of staff with whom you have attempted to resolve this issue and their response.

talk to her / filed motion with court.

What action or resolution are you seeking?

to be treated with some sort of understanding of law

Inmate Signature

Date

Staff Receiving Grievance - Name and Personnel #

Date

Time

Final Response / Decision

When you request photocopies, you must fill out a money/property release form to the jail. The cost per photocopy is \$.15. Counselor Kessler tried to assist you on 4/11/16 with legal copies. Before she left the module you changed your mind and did not want your paperwork to leave your presence.

Alquiere A #6325
 Respondent Printed Name and Personnel # 7028

K Parker 7028
 Respondent Signature

4.15.16
 Date

Olsen 6326
 Response Delivered to Inmate by - Staff Name and Personnel #

14/16/16 06:19
 Date/Time

[Signature]
 Inmate Initial

Pink Copy - Retained by Inmate upon Filing Grievance

Yellow Copy - Returned to inmate with Response

White Copy - Inmate File

**Snohomish County Sheriff's Office - Correction Bureau
Inmate Grievance Form**

For Grievance Coordinator Use Only

Date Received: 4/13/16 Tracking Number: _____ Assigned to: (Dept./Name) Classification
 Inmate Name: DOWDNEY, STEPHEN P. CIN 1732519 Module F3-05 A

Is this an appeal of a previous grievance? _____ What was the tracking number of the previous grievance? _____
 NOTE - IF AN APPEAL YOU MUST ATTACH A COPY OF THE ORIGINAL GRIEVANCE

Location of the incident: _____ Date of the Incident: _____ Time of the Incident: _____

List names of any persons involved in the incident to include staff, inmates, volunteers, etc...:

State your grievance clearly in the space below. If you need more space, attach separate sheets of paper. For appeals, indicate what new information you believe has become available, or what error you believe was made by the original respondent.

ON 4/11/16 MS Kessler brought me two legal envelopes for the Court and prosecutor (which they say I must request in advance so they can fill them out; this is not practical) upon receipt of them I realized in the return address area my name was written as "INMATE DOWDNEY". IF This Facility wants to continue to disrespect me due to being prose- I promise you, the Sheriff, Jail administrators and whom ever else will know my correct name AS Facility is far from within state Jail Guidelines on MANY issues.

What actions have you taken to resolve this complaint informally? Indicate the names of staff with whom you have attempted to resolve this issue and their response.

MS KESSLER

What action or resolution are you seeking?

Just starting to exhaust my state remedies per Federal (1983) Lawsuit Guidelines

[Signature] 4/12/16
Inmate Signature Date

D. Pelt 6306 104/12/16 12:22
Staff Receiving Grievance - Name and Personnel # Date Time

Final Response / Decision

I spoke with Classification Specialist Kessler and she meant no disrespect. Legal mail envelopes are addressed with "Inm" or "Inmate" and the first & last name along with the jacket number.

K Parker 7028 4-14-16
Respondent Printed Name and Personnel # Respondent Signature Date

Response Delivered to Inmate by - Staff Name and Personnel # _____ Date/Time _____ Inmate Initial _____

Pink Copy - Retained by Inmate upon Filing Grievance Yellow Copy - Returned to inmate with Response White Copy - Inmate File

Snohomish County Sheriff's Office - Correction Bureau
Inmate Grievance Form

For Grievance Coordinator Use Only

Date Received: 4/15/16 Tracking Number: 284 Assigned to: (Dept./Name) _____

Inmate Name: DOWNEY, STEPHEN PALMER CIN 1732519 Module F3-05A

Is this an appeal of a previous grievance? _____ What was the tracking number of the previous grievance? _____

NOTE - IF AN APPEAL YOU MUST ATTACH A COPY OF THE ORIGINAL GRIEVANCE

Location of the incident: _____ Date of the Incident: _____ Time of the Incident: _____

List names of any persons involved in the incident to include staff, inmates, volunteers, etc...:

State your grievance clearly in the space below. If you need more space, attach separate sheets of paper. For appeals, indicate what new information you believe has become available, or what error you believe was made by the original respondent.
 Previous Grievances Do Not Contain tracking numbers per policy, making appeal to next level impossible. This Facility is in direct violation of Court order appointing me pro se. you HAVE denied me access to the Law library. you have not provided copies of motions in accordance with pro se Standards (I do not have to pay \$10.00) you have made receiving legal envelopes to access the courts impractical by having me request them as needed via kite then when they arrive (anywhere between two and five days later) my name in return address is "inmate DOWNEY" I have never received pencils or pens I have received 2 legal pads although one was taken because of no receipt. The other ripped apart by officer before court. This Facility has not followed court orders thus violating my rights to a fair trial.

What actions have you taken to resolve this complaint informally? Indicate the names of staff with whom you have attempted to resolve this issue and their response.

I have written (9) prior grievances attempting to resolve issue.

What action or resolution are you seeking?

[Signature]
Inmate Signature

Staff Receiving Grievance - Name and Personnel # _____ Date 4/15/16 Time 11:25

Final Response / Decision
 SEE RESPONSE ON GRIEVANCE (TRACKING # 287).
 6# - Mag

CAPT STAPLES 6601 Respondent Printed Name and Personnel # _____ Respondent Signature [Signature] Date 4/18/16

Response Delivered to Inmate by - Staff Name and Personnel # _____ Date/Time 4/18/16 11:30 Inmate Initial [Initials]

Pink Copy - Retained by Inmate upon Filing Grievance Yellow Copy - Returned to inmate with Response White Copy - Inmate File

Inmate Grievance Form

EMERGENCY Grievance

For Grievance Coordinator Use Only

Date Received: 4/14/16 Tracking Number: 282 Assigned to: (Dept. / Name)

Inmate Name: DOWDNEY, STEPHEN CIN 1732519 Module F305

Is this an appeal of a previous grievance? _____ What was the tracking number of the previous grievance? _____

NOTE - IF AN APPEAL YOU MUST ATTACH A COPY OF THE ORIGINAL GRIEVANCE

Location of the incident: _____ Date of the Incident: _____ Time of the Incident: _____

List names of any persons involved in the incident to include staff, inmates, volunteers, etc....:

State your grievance clearly in the space below. If you need more space, attach separate sheets of paper. For appeals, indicate what new information you believe has become available, or what error you believe was made by the original respondent.

ON 4/14/16 I was told by pod officer That I Do not Get Law Library anymore "because I have an attorney" This is not true. as Standby Counsel is part of being pro se: one more clue That you people have no clue as to what your Doing. All your Doing is Compounding your Complicity in Denying me a Fair Trial, you are to Follow The ORDER of The Court not make Decisions ON your own, Clearly your UNqualified.

What actions have you taken to resolve this complaint informally? Indicate the names of staff with whom you have attempted to resolve this issue and their response.

I tried to explain to pod officer.

What action or resolution are you seeking? I need the name of who make this decision.

For somebody to actually know what they're doing.

Inmate Signature: [Signature] Date: 4/14/16

Staff Receiving Grievance - Name and Personnel #: [Signature] 46038 Date: 04/14/16 Time: 1253 hr

Final Response / Decision

I spoke with the Law Librarian and he confirmed with the court on 4/14/16 and 4/15/16 that you are not pro se. The court clerk said you are being represented by Jason Weiss and he put in a notice of appearance. To have access to the law library, you must be pro se and have an "N" order from the court specifying your pro se status.

Respondent Printed Name and Personnel #: K. Parker 7028 Respondent Signature: [Signature] Date: 4-15-16

Response Delivered to Inmate by - Staff Name and Personnel #: Olson 6326 Date/Time: 4/14/16 06:19 Inmate Initial: [Initials]

Pink Copy - Retained by Inmate upon Filing Grievance Yellow Copy - Returned to inmate with Response White Copy - Inmate File

Snohomish County Sheriff's Office - Correction Bureau

Inmate Grievance Form

For Grievance Coordinator Use Only

Date Received: 4-11-16 Tracking Number: 272 Assigned to: (Dept./Name) Classification

Inmate Name: DOWNEY, S.P. Stephen CIN: 1732519 Module F3-05

Is this an appeal of a previous grievance? What was the tracking number of the previous grievance?

NOTE - IF AN APPEAL YOU MUST ATTACH A COPY OF THE ORIGINAL GRIEVANCE

Location of the incident: Date of the Incident: Time of the Incident:

List names of any persons involved in the incident to include staff, inmates, volunteers, etc...:

State your grievance clearly in the space below. If you need more space, attach separate sheets of paper. For appeals, indicate what new information you believe has become available, or what error you believe was made by the original respondent.

I HAVE NOT BEEN PROVIDED ADEQUATE LEGAL SERVICES AS A PRO SE OFFENDER. I HAVE ASKED FOR COPIES OF MOTIONS SEVERAL TIMES, AND NEVER ONCE HAVE I BEEN PROVIDED THEM IN A TIMELY MANNER. ON 4/10/16 AFTER WRITING SEVERAL KITES. THE POD OFFICER CALLED ANN HENNESSY WHOM INSTEAD OF JUST PROVIDING COPIES SAID SHE NEVER GOT A KITE. THIS IS AFTER SHE SAID I NEED TO PAY FOR THEM. SHE HAS NO CLUE WHAT SHE'S DOING. THIS FACILITY IS LIABLE FOR HER LACK OF UNDERSTANDING OF PRO SE.

What actions have you taken to resolve this complaint informally? Indicate the names of staff with whom you have attempted to resolve this issue and their response.

POD OFFICER / ANN HENNESSY

What action or resolution are you seeking?

I NEED COPIES NOW / CIVIL ACTION

Stephen Downey 4/10/16
Inmate Signature Date

AJ-1 #6112 4/11/16 11407
Staff Receiving Grievance - Name and Personnel # Date Time

Final Response / Decision

If you need photocopies you must fill out a classification kite along with a money/property release form. Counselor Kessler tried to assist you with legal copies on 4/11 and you changed your mind. Counselor Mitchell spoke with you on 4/14/16 and you again declined his assistance for legal copies. The price for a photocopy is \$.15 per page.

K. Parker 7028 K Parker 7028 4-15-16
Respondent Printed Name and Personnel # Respondent Signature Date

Olson 6326 4/11/16 01:58
Response Delivered to Inmate by - Staff Name and Personnel # Date/Time Inmate Initial

Pink Copy - Retained by Inmate upon Filing Grievance Yellow Copy - Returned to inmate with Response White Copy - Inmate File

**Snohomish County Sheriff's Office - Correction Bureau
Inmate Grievance Form**

For Grievance Coordinator Use Only

Date Received: 4/17/16 Tracking Number: 287 Assigned to: (Dept / Name) LAW LIBRARY

Inmate Name: DOWDNEY, STEPHEN P. CIN 1732519 Module F305A

Is this an appeal of a previous grievance? YES What was the tracking number of the previous grievance? 282

NOTE - IF AN APPEAL YOU MUST ATTACH A COPY OF THE ORIGINAL GRIEVANCE

Location of the incident: Snohomish Court Date of the Incident: 4/10/16 - present Time of the Incident: _____

List names of any persons involved in the incident to include staff, inmates, volunteers, etc.

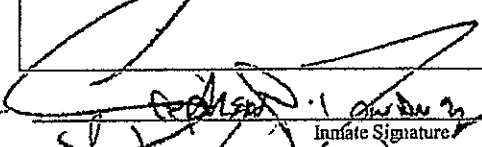
State your grievance clearly in the space below. If you need more space, attach separate sheets of paper. For appeals, indicate what new information you believe has become available, or what error you believe was made by the original respondent.

ON 4/5/16 A SUPERIOR COURT JUDGE ORDERED ME/ALLOWED ME TO PROCEED PRO SE AND APPOINTED ME STANDBY COUNSEL. A CIVILIAN EMPLOYEE OR EVEN A COURT CLERK CANNOT OVERRIDE A COURT ORDER, PERIOD. YOU ARE OVERRIDING A COURT ORDER WITHOUT AUTHORITY. I AM PRO SE AND YOU HAVE DENIED ME PENS/PENCILS, AMPLE PAPER YOU HAVE ATTEMPTED TO HAVE ME INCUR DEPT BY CHARGING ME FOR LEGAL COPIES YOU HAVE NOW DENIED ME ACCESS TO A LAW LIBRARY. YOU HAVE STATED THAT I MUST REQUEST LEGAL ENVELOPES 2-5 DAYS IN ADVANCE. YOU HAVE MADE ME INCUR DEPT BY CHARGING ME POSTAGE ON THOSE LEGAL MAILINGS. YOU HAVE CAUSED MY FILINGS TO BE UNTIMELY. YOU HAVE IGNORED MY STANDBY COUNSEL'S ATTEMPTS TO NOTIFY YOU OF THE CONTRARY THAT I AM PRO SE. INSTEAD OF AIRING ON THE SIDE OF CAUTION, YOU HAVE BECOME COMPLACENT IN YOUR ABUSE OF AUTHORITY THUS NOW, ADDING COMPLICITY IN DENYING ME A FAIR TRIAL.

What actions have you taken to resolve this complaint informally? Indicate the names of staff with whom you have attempted to resolve this issue and their response.

I HAVE WRITTEN AT LEAST (7) NINE PRIOR GRIEVANCES ON ALL ISSUES ABOVE.

What action or resolution are you seeking?


Inmate Signature

4/16/16
Date

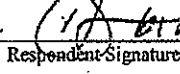
c/o J. Dowdney #6197
Staff Receiving Grievance - Name and Personnel #

4/16/16 10:02 A.M.
Date Time

Final Response / Decision

YOUR ATTORNEY WAS CONTACTED & HE STATED THAT THERE WILL BE A MOTION TO MAKE YOU PRO SE. AT THAT POINT, YOU WILL BE ALLOWED TO UTILIZE THE LAW LIBRARY. AS A PRO SE INMATE YOU WILL NEED TO BE MINDFUL THAT OUR STAFF ARE NOT AT YOUR BECK & CALL. REQUEST FOR AUTHORIZED SUPPLIES ~~DO NOT~~ GET FILLED IMMEDIATELY. IF YOU ARE NOT INDIGENT, YOU WILL BE CHARGED FOR SERVICES & COPYING FEES.

CAPT STEVE BECI
Respondent Printed Name and Personnel #

 4/18/16
Respondent Signature Date

#6197
Response Delivered to Inmate by - Staff Name and Personnel #

4/15/16 DWD 31X
Date/Time Inmate Initial



Ty Trenary, Sheriff

Community First

MEMORANDUM

TO: Stephen Dowdney #1732519 – F3

FROM: Classification Supervisor Parker *Parker*

DATE: April 27, 2016

RE: Law Library USB Flash Drive

This memo allows Inmate Stephen Dowdney #1732519 to have in his possession a USB flash drive for his Law Library access. Inmate Dowdney can only take the flash drive out of his housing module when he is scheduled to go to the Law Library.

F3

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

THE STATE OF WASHINGTON,

Plaintiff,

No. 16-1-00712-5

v.
Dowdney, Stephen P.

ORDER ON MOTION

Defendant.

THIS MATTER having come on regularly before the undersigned Judge of the above court on the motion of [] State [X] defendant [] court to:

enter this written order, noting Defendant is Pro Se.

AND THE COURT having considered the records and files herein and being fully advised;
Now Therefore,

IT IS HEREBY ORDERED that Defendant's request to proceed Pro Se
was granted by Judge Downes on 4/5/16. Jason Weiss was
appointed as Standby-counsel.

DONE IN OPEN COURT this 19th day of April, 2014/15

[Signature]
Judge

Presented by:

[Signature]
Deputy Prosecuting Attorney 45188

Approved for entry; copy received:

[Signature]
Attorney for Defendant

[Signature]
Defendant

EXHIBIT 3

SUPERIOR COURT OF WASHINGTON
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,

Plaintiff,

No. 16-1-00712-5

TRIAL CONTINUANCE

(Clerk's Action Required)

v.
Stephen P. Dowdney, Jr.
Defendant.

THIS MATTER came before the court for consideration of a motion for continuance brought by the State [] defendant [] Court.

AND THE COURT having considered the motion herein and being fully advised hereby finds:

A continuance to the date set out below is required in the administration of justice and the defendant will not be prejudiced in the presentation of his or her defense. The reasons for the continuance are Assigned prosecutor will be out of the area on vacation.
The court finds this is good cause.
Now Therefore,

IT IS HEREBY ORDERED:

1. Hearing dates are hereby reset as follows:

Omnibus Hearing

at 10:30 a.m.

Trial

6/3/16
Set for Thursday or Friday

at 1:00 p.m.

Other Hearings

Cir 3.5 & Arraignment
Set Wednesday, Thursday or Friday

5/26/16
Set for Friday

at 9:00 am.
Dept. 304

Affects to Amended Information
2. The last allowable date for trial pursuant to CrR 3.3 is 6/6/16 by calculation and
is the state's calculation
The defendant calculates the expiration differently (5/28/16) and does not waive or diminish any existing objections.
The expiration date is the later of (a) 30 days after the date specified above or (b) 60/90 days after the commencement date, plus any excluded periods.

3. Trial and all hearings will be held in the Criminal Hearings Department, Courtroom 304, unless otherwise noted.

4. Prior to entry of this order, trial was scheduled for 5/27/16
The period between that date and the new trial date specified above shall be an excluded period in computing the allowable time for trial. CrR 3.3(e)(3).

If the defendant objects to the trial date on the ground that it is not within the time limits prescribed by CrR 3.3, the defendant must, within 10 days from today, move that the court set a trial within those time limits. The defendant must also promptly note that motion for hearing in accordance with local procedures. If the defendant fails to do this, he or she will lose the right to object that a trial commenced on that date is not within the time limits prescribed by CrR 3.3.

THE DEFENDANT MUST APPEAR FOR TRIAL AND FOR ALL SCHEDULED HEARINGS. FAILURE TO APPEAR MAY RESULT IN ISSUANCE OF AN ARREST WARRANT, FORFEITURE OF BAIL, AND CRIMINAL PROSECUTION FOR BAIL JUMPING.

THE DEFENDANT SHALL MEET WITH HIS/HER ATTORNEY PRIOR TO THE OMNIBUS HEARING SET FORTH IN SECTION (1). FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE REVOCATION OF BAIL AND/OR PERSONAL RECOGNIZANCE PREVIOUSLY ORDERED IN THIS CAUSE.

DONE IN OPEN COURT this 13th day of May 2016 ~~2013~~

Judge THOMAS J. WYNN

Presented by: [Signature] 24021
Deputy Prosecuting Attorney

Approved for entry, copy received.

[Signature]
Attorney for Defendant

[Signature]
Defendant PROSE
Defendant's Address:
Same as in last Order of Release/Detention
New Address:

514

ATTACHMENT 5

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

STATE OF WASHINGTON,
RESPONDENT,

v.

STEPHEN P. DOWDNEY JR,
APPELLANT.

MOTION FOR ORAL ARGUMENTS

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 DEC 24 AM 11:39

Stephen P. Dowdney, Jr.
#971036
SCCC
191 Constantine Way
Aberdeen, Wa, 98520

Table of Authorities

Federal Case Law

Anders v. California,
386 US 738, 87 S.Ct. 1369, 18 L.Ed. 2d 493(1967).....1

Rules of Appellate Procedure

RAP 10.1

RAP 10.2

RAP 10.10

RAP 11.1

RAP 17.4

RAP 18.3

RAP 18.8

Constitution

5th Amendment U.S.

~~COURT OF APPEALS OF THE STATE OF WASHINGTON~~

DIVISION I

STATE OF WASHINGTON,
Respondent,

v.

STEPHEN P. DOWDNEY, JR.,
Appellant.

No. 75416-5-I

MOTION FOR ORAL ARGUMENTS
RAP 11.1 / RAP 17.4(2)

I. IDENTITY OF MOVING PARTY:

Stephen P. Dowdney Jr., Pro Se, Appellant named above respectfully requests relief designated in part II of this motion.

II. STATEMENT OF RELIEF SOUGHT:

Order oral arguments in the above case in cause per RAP 11.1.

III. FACTS RELEVANT TO MOTION:

An Appellant's brief was submitted on 2/27/17, (amended thereafter as to citation to the record only) to which counsel filed an "Anders Brief" Anders v. California, 386 US 738, 87 S.Ct.1396, 18 L.Ed. 2nd 493(1967). RAP 18.3(2).

A Statement of Additional Grounds was submitted on
4/24/17. RAP 10.10.

A respondents brief was submitted on or about 4/27/17.
RAP 10.2(c).

The Statement of Additional Grounds filed by
appellant, contained three (3) grounds for review. S.A.G
(i).

The following arguments were not addressed in
respondents brief. RAP 10.1(c).

Argument #2: "The State's Willful misuse of the District
Court filing process amounts to unnecessary delay".

Argument #3: "CrR 4.1 is unconstitutional". S.A.G. 12,19

As such these issues have not been sufficiently
briefed and argued from an adversarial stand point.

IIII. GROUND FOR RELIEF AND ARGUMENT:

Each division of the court of appeals will
determine by General Order whether a party may note a
motion for hearing. RAP 17.4(2).

An Appellate court may, on it's own initiative or
on motion of a party waive or alter the provisions of any
of these rules. RAP 18.8(a).

In accordance with RAP Title 11, Appellant respectfully requests Oral Arguments in order to allow Respondent to sufficiently brief and argue whether or not the State's (Snohomish County's) conduct concerning the District Court filing process, and whether or not the court rules in conjunction with that conduct offends Due Process, Equal Protection and whether or not it stands repugnant to the 5th Amendment to the United States Constitution:

"No person shall be held to answer for a capitol, or otherwise infamous crime, unless on a presentment...." CP 18, CP 47, 2SRB, 6, 7, 9

14-15, S.A.G. 5, 6, 9, 10, 19, 30, 31.

Appellant Respectfully requests Oral Arguments in the above named cause.

I certify under the penalty of perjury of the Laws of Washington State that the foregoing is true and correct.

Respectfully submitted this 24 day of January 2018.

~~STEPHEN P. DOWNEY JR~~
Stephen P. Downey Jr
971036
SCCC
191 Constantine Way
Aberdeen, Wa, 98520

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

STATE OF WASHINGTON,

RESPONDENT,

v.

STEPHEN P. DOWDNEY, JR,

APPELLANT.

MOTION TO PERMIT APPELLANT TO PRESENT
ORAL ARGUMENTS

Stephen P. Dowdney, Jr
#971036
SCCC
191 Constantine Way
Aberdeen, Wa, 98520

Table of Authorities

Rules of Appellate Procedure

RAP 11.2

RAP 17.5

RAP 18.3

RAP 18.8

Constitution

Article 1 § 22 (Amendment 10) Wash. State Const.

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,)
Respondent,)
v.)
STEPHEN P. DOWDNEY, JR,)
Appellant.)

No. 75416-5-I

MOTION TO PERMIT
APPELLANT TO PRESENT
ORAL ARGUMENTS
RAP 11.2(a)

I. IDENTITY OF MOVING PARTY:

Stephen P. Dowdney Jr, Pro se, appellant named above respectfully requests relief designated in part II of this motion.

II. STATEMENT OF RELIEF SOUGHT:

Appellant respectfully requests that he be allowed to present oral arguments in the above named cause.

III. FACTS RELEVANT TO MOTION:

Appellant appears Pro Se before this court in the named action as counsel has filed a motion to withdraw per RAP 18.3(2). (see Anders Brief Feb 27, 2017.)

Appellant appeared Pro se in the trial court from 'before' filing and every subsequent proceeding in the above named action. (proceedings of which invited) CP

~~59, (3/14/16), RP 1,2,3,4,5.~~

IIII. GROUNDS FOR RELIEF AND ARGUMENT:

Appellant is eligible to present Oral Arguments as party has filed brief in cause RAP 11.2(a). (see S.A.G.).

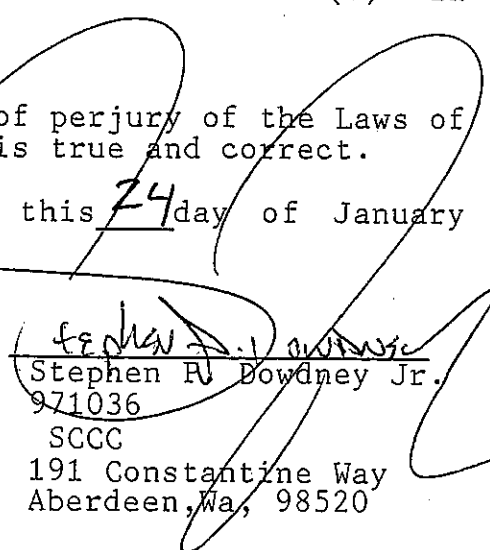
In Washington State a defendant has the right to "defend in person" or by counsel. "[I]n person" appears before the right to counsel, evincing precedence. The "right to appeal" also is contained within the same paragraph. The right to represent oneself on appeal is indeed "constitutional" in Washington State. Article 1 § 22 (Amendment 10).

Although admittedly unorthodox, Appellant firmly believes merit in concept to which he respectfully requests to stand and be heard. Appellant has presented himself, articulately and respectfully in all hearings held afore to date. 2 RP 80-81.

Appellant Respectfully Requests to present Oral Arguments or in alternative see RAP 17.5(e) in conjunction with RAP 18.8(a).

I certify under penalty of perjury of the Laws of Washington State, the foregoing is true and correct.

Respectfully submitted this 24 day of January 2018.


Stephen R. Dowdney Jr.
971036
SCCC
191 Constantine Way
Aberdeen, Wa, 98520

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

STATE OF WASHINGTON,)
Respondent,)
v.)
STEPHEN P. DOWDNEY, JR,)
Appellant.)

No. 75416-5-I

DECLARATION OF SERVICE
BY MAILING (GR 3.1(c))

I, Stephen P. Dowdney Jr, Appellant, Pro se, in the above entitled cause, do hereby declare that I have served the following documents:

- 1) MOTION FOR ORAL ARGUMENTS
- 2) MOTION TO PERMIT APPELLANT TO PRESENT ORAL ARGUMENTS

**** CONTAINS TWO (2) SEPERATE MOTIONS. ****

To the following parties:

Richard D. Johnson
Court Administrator
Division I Court of Appeals
One Union Square
600 University St.
Seattle, WA, 98101-4170

Snohomish County
Prosecutors Office
3000 Rockafeller Ave.
Everett, WA, 98201-4060

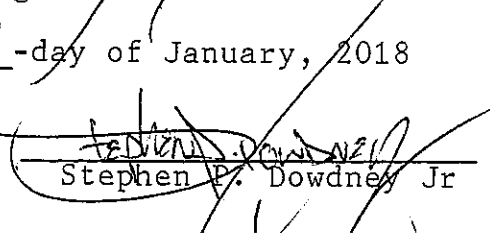
Jared Steed, Esq
Nielson, Broman & Koch
1908 E. Madison St.
Seattle, WA, 98122

Cc: DOWDNEY FILE

I deposited the aforementioned documents in the U.S Postal Service by of process Legal Mail through an officers station at Stafford Creek Corrections Center, 191 Constantine Way, Aberdeen, Wa, 98520

I declare under the penalty of perjury of the laws of Washington State that the foregoing is true and correct.

Signed in Aberdeen, WA, on this 24-day of January, 2018


Stephen P. Dowdney Jr

ATTACHMENT 6

The Court of Appeals
of the
State of Washington

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

February 23, 2018

Jared Berkeley Steed
Nielsen Broman & Koch PLLC
1908 E Madison St
Seattle, WA 98122-2842
steedj@nwattorney.net

Francesca Morvarid Yahyavi
Snohomish Co Prosecutors Office
3000 Rockefeller Ave
Everett, WA 98201-4046
Francesca.Yahyavi@co.snohomish.wa.us

Nielsen Broman Koch PLLC
Attorney at Law
1908 E Madison St
Seattle, WA 98122
Sloanej@nwattorney.net

Stephen P. Dowdney, Jr.
#971036 – H6B38
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

CASE #: 75416-5-I

State of Washington, Respondent v. Stephen Palmer Dowdney Jr., Appellant

Counsel:

The following notation ruling by Commissioner Mary Neel of the Court was entered on February 23, 2018, regarding appellant's statement of additional grounds for review:

NOTATION RULING
State v. Stephen Dowdney
No. 75416-5-I
February 23, 2018

In this matter appellant Stephen Dowdney has filed a pro se statement of additional grounds for review (SAGR). The State is directed to file an answer to the SAGR by March 23, 2018. See RAP 10.10(f) (appellate court may request additional briefing from counsel to address issues raised in the pro se statement). No reply should be filed unless requested by the court.

Mary S. Neel
Commissioner

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

khn

ATTACHMENT 7

*The Court of Appeals
of the
State of Washington*

RICHARD D. JOHNSON,
Court Administrator/Clerk

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

April 20, 2018

Jared Berkeley Steed
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steedj@nwattorney.net

Francesca Morvarid Yahyavi
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Attorney at Law
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Sloanej@nwattorney.net

Stephen P. Dowdney Jr. ✓
#971036
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

CASE #: 75416-5-I
State of Washington, Respondent v. Stephen Palmer Dowdney Jr., Appellant

Counsel:

On April 19, 2018, Appellant Stephen P. Dowdney Jr. filed a "Motion to Modify Current Record". Counsel for Appellant and Respondent are directed to file a response to the motion on or before **April 30, 2018**. Counsel's failure to comply may result in the imposition of sanctions pursuant to RAP 18.9.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

khn

ATTACHMENT 8

FILED
OCT 31 2018
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF SUGGESTED AMENDMENT)
TO CrR 3.3—TIME FOR TRIAL)
)
)
)
_____)

ORDER

NO. 25700-A-1245

The Washington State Bar Association Counsel on Public Defense, in response to the Supreme Court Rules Committee referral of a request by Mr. Stephen Dowdney to eliminate a perceived delay that results from filing felony charges in district court that are subsequently refiled in superior court, having recommended the suggested amendment to CrR 3.3—Time for Trial, and the Court having approved the suggested amendment for publication:

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2019.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2019. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 DEC 24 AM 11:39

Page 2

ORDER

IN THE MATTER OF SUGGESTED AMENDMENT TO ARRAIGNMENT OR CrR 3.3—
TIME FOR TRIAL

DATED at Olympia, Washington this 31st day of October, 2018.

For the Court

Fairhurst, CJ
CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Change to the SUPERIOR COURT CRIMINAL RULES

CrR 3.3—Time for Trial

**Submitted by Council on Public Defense at the request of the Supreme Court
Rules Committee**

The Supreme Court received a request from Mr. Stephen Dowdney to amend CrR 4.1 in order to eliminate a perceived delay that results from filing felony charges in district court and the subsequent refiling of the same charge in superior court. The Supreme Court Rules Committee referred the proposal to interested groups including the Washington State Bar Association Council on Public Defense (CPD) to review and provide feedback.

As a result of that review, the CPD suggested an amendment to CrR 3.3 as a simpler way to address the issue of delay when felony charges are filed in district court and refilled in superior court.

**CrR 3.3
TIME FOR TRIAL**

(a) - (b) [Unchanged]

(c) **Commencement Date.**

(1) *Initial Commencement Date.* ~~The initial commencement date shall be the date of arraignment as determined under CrR 4.1.~~

(i) In the event the charge is initially filed into superior court the commencement date shall be the date of arraignment as determined under CrR 4.1.

(ii) In the event a felony complaint is initially filed under CrRLJ 3.2.1(g), the defendant is detained in jail, and a preliminary hearing is not held, the commencement date shall begin 14 days after the expiration of the time limits specified under CrR 3.2.1(f).

(2) [Unchanged]

(d) - (h) [Unchanged]

ATTACHMENT 9

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

STATE OF WASHINGTON,
Respondent,
v.
STEPHEN P. DOWDNEY JR.,
Appellant.

No. 75416-5-I

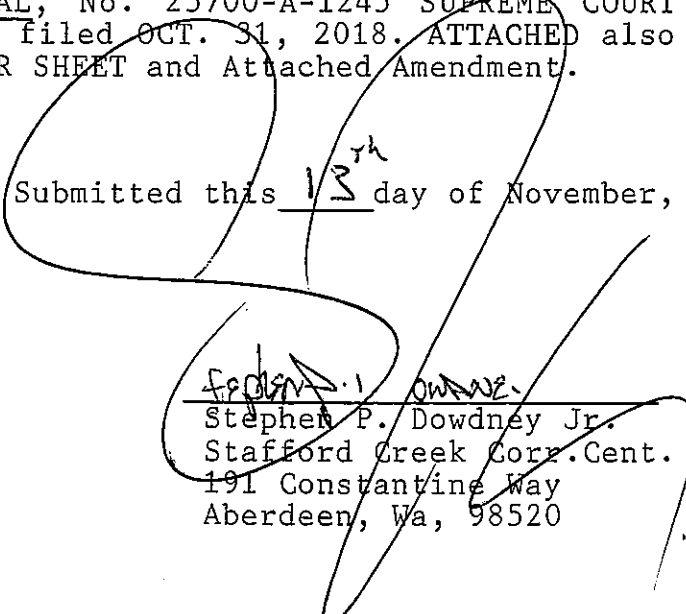
STATEMENT OF ADDITIONAL
AUTHORITIES
RAP 10.8

Stephen P. Dowdney Jr., Pro Se, presents this Statement of Additional Authority to be considered and incorporated into Appellant's MOTION FOR RECONSIDERATION, issues B and C.

The Authority relevant to the above referenced issues/grounds is:

IN THE MATTER OF SUGGESTED AMENDMENT TO CrR 3.3-TIME FOR TRIAL, No. 25700-A-1245 SUPREME COURT OF WASHINGTON filed OCT. 31, 2018. ATTACHED also see GR 9 COVER SHEET and Attached Amendment.

Respectfully Submitted this 13th day of November, 2018.


Stephen P. Dowdney Jr.
Stafford Creek Corr.Cent.
191 Constantine Way
Aberdeen, Wa, 98520

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

STATE OF WASHINGTON,)
Respondent,)
v.)
STEPHEN P. DOWDNEY JR.,)
Appellant.)

No. 75416-5-I

DECLARATION OF SERVICE BY
MAILING

I, Stephen P. Dowdney Jr., Pro Se, in the above
entitled cause, do hereby declare that I have in fact
served the following document:

1) STATEMENT OF ADDITIONAL AUTHORITIES

TO THE FOLLOWING PARTIES:

Richard D. Johnson,
Court Administrator
Division One, Court of Appeals
One Union Square
600 University St.
Seattle, Wa, 98101-4170

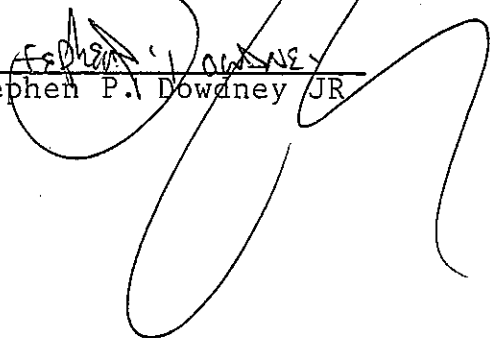
Jared Steed, Attorney
Nielson, Broman, Koch
1908 E. Madison St.
Seattle, Wa, 98122

Snohomish County Prosecutor et.al.
Snohomish County Prosecutor's office
3000 Rockefeller Ave. M/S 504
Everett, Wa, 98201-4060

Cc: Dowdney
file

I deposited the aforementioned document in the
U.S Postal Service by way of LEGAL MAIL through an
officer's station at Stafford Creek Corr. Cent., 191
Constantine way, Aberdeen, Wa, 98520 on the 13th day of
November, 2018.

I certify under penalty of perjury under the laws
of Washington State the forgoing is true and correct.
Signed in Aberdeen Wa,


Stephen P. Dowdney JR

ATTACHMENT 10

Snohomish County Booking Photo 3/15/16



03/11/2016

SCANNED

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

STATE OF WASHINGTON,
Respondent,
v.
STEPHEN P. DOWDNEY Jr.,
Petitioner.

No. 75416-5-I

DECLARATION OF SERVICE
BY MAIL

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 DEC 24 PM 12:15

I, Stephen P. Dowdney Jr., Petitioner, Pro Se, in the above entitled cause, do hereby certify that I have in fact, served the following documents.

- 1) PETITION FOR DISCRETIONARY REVIEW/RAP 13.4 with 10 attachments.

TO THE FOLLOWING PARTIES:

- 1. Richard D. Johnson, Court Administrator
Division One/Court of Appeals
One Union Square
600 University St.
Seattle, Wa, 98101-4170
- 2. Snohomish County Prosecutor Et.al.
Snohomish County Prosecutor's Office
3000 Rockefeller Ave M/S 504
Everett, Wa, 98201-4060
- 3. DOWDNEY FILE

I deposited the aforementioned document with attachments in U.S. Postal Service by way of LEGAL MAIL through an Officer's station at Stafford Creek Corrections Center, 191 Constantine Way, Aberdeen, WA, 98520 on this 20th day of December 2018.

I certify under penalty of perjury under the laws of Washington state the foregoing is true and correct.


Stephen P. Dowdney Jr.