

FILED
SUPREME COURT
STATE OF WASHINGTON
3/31/2021 9:45 AM
BY SUSAN L. CARLSON
CLERK

No. 99531-1

SUPREME COURT
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON, Respondent,
v.
JOHN WAYNE JENNINGS, Petitioner,

MOTION FOR DISCRETIONARY REVIEW

Treated as a PETITION FOR REVIEW

JOHN WAYNE JENNINGS
[Name of petitioner]

JOHN W. JENNINGS #382219
AHCC / NR-20-L
P.O. Box 2049
AIRWAY HEIGHTS, WA 99001
[Address]

THE SUPREME COURT OF STATE OF WASHINGTON

STATE OF WASHINGTON v JOHN WAYNE JENNINGS	S.C. # 99531-1 MOTION FOR DISCRETIONARY REVIEW
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1°) IDENTITY

COME NOW THE DEFENDANT/APPELLANT JOHN WAYNE JENNINGS, PRO SE AND SUBMITS THIS MOTION FOR DISCRETIONARY REVIEW FOR THIS COURT'S CONSIDERATION, AND ASKS THIS COURT FOR THE RELIEF DESIGNATED IN PART 2 OF THIS MOTION.

2°) RELIEF SOUGHT

THE PETITIONER RESPECTFULLY REQUESTS THE FOLLOWING:

1°) MR. JENNINGS RESPECTFULLY REQUESTS THAT THIS COURT REVIEW AND INCORPORATE THE ARGUMENTS FROM HIS STATEMENT OF ADDITIONAL GROUNDS. THE APPELLANT REQUEST THAT THIS COURT THEN PREFORM ITS REQUISITE DE NOVO REVIEW OF THE

2°) RELIEF SOUGHT

COMMISSIONER'S ADVERSE RULING IN HIS CASE. (SEE IN RE PERS. RESTRAINT OF JOHNSON, 173 W.N. APP. 417, 419, 294 P.3d 781 (2013)).

b.) MR. JENNINGS OBJECTS TO THE ATEMPTED TRANSFER OF HIS 7.8 MOTION INTO A PERSONAL RESTRAINT PETITION, BECAUSE IT DENIES HIS RIGHT TO DIRECT APPEAL AS OF RIGHT UNDER R.A.P. 2.2 (9) AND SHIFTS THE BURDEN OF PROOF FROM THE STATE ONTO THE UNTRAINED IN LAW DEFENDANT, MAKING IT POSSIBLE TO CONTINUE CONFINEMENT UNDER A CLEARLY ILLEGAL JUDGMENT AND SENTENCE IN VIOLATION OF DUE PROCESS.

c.) PREJUDICE TO THIS MOTION MAY BE OVERCOME BY THIS COURTS APPOINTMENT OF COUNSEL TO PROPERLY PRESENT AND ARGUE THIS CASE.

d.) REVIEW THE ISSUE AND SUPPORTING ARGUMENTS WHY RELIEF FROM THIS ILLEGAL SENTENCE SHOULD BE GRANTED CONTAINED BELOW IN THIS MOTION.

ISSUE PRESENTED: JURISDICTION - [INDIAN COUNTRY]

AUTHORITIES FOR ARGUMENT:

INDIAN COUNTRY 81 WN. APP. 36, 912 P.2d 1075 STATE V. COOPER. THE INDIAN MAJOR CRIMES ACT, 18 U.S.C.'S § 1151 & 1153 THE TRIAL COURT {912 P.2d 1078} ERRED. AS WE HAVE DISCUSSED ABOVE, THE QUESTION WHETHER THE STATE HAS CRIMINAL JURISDICTION TURNS ON WHETHER THE PROPERTY IS TRUST LAND OR ALLOTTED LAND, I.E., WHETHER IT IS INDIAN COUNTRY FOR PURPOSES OF 18 U.S.C. §§ 1151, 1153. BY PRESENTING PRIMA FACIE PROOF THAT THE PROPERTY ON WHICH THE CRIME IS ALLEGED TO HAVE OCCURRED IS ALLOTTED TRUST LAND, COOPER MIT HIS BURDEN TO CONTEST JURISDICTION, AND IT BECAME THE STATE'S BURDEN TO SHOW THAT IT HAD JURISDICTION. SEE STATE V. L. J. M., 79 WN. APP. 133, 136, 141-42, 900 P.2d 1119, REVIEW GRANTED, 128 WN. 2d 1002, 907 P.2d 297 (1995) (IF A DEFENDANT CONTESTS JURISDICTION, THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT THAT JURISDICTION DOES IN FACT REST WITH WASHINGTON COURTS) (CITING STATE V. SVENSON, 104 WN. 2d 533, 542, 707 P.2d 120 (1985)). WHILE STATE CONTENDS THAT IT INTRODUCED EVIDENCE THAT THE CRIME WAS COMMITTED OUTSIDE "INDIAN COUNTRY," THERE IS NO SUCH EVIDENCE IN THE RECORD. BECAUSE IT WAS THE STATE'S

BURDEN TO SHOW THAT IT HAD JURISDICTION ONCE JURISDICTION WAS CONTESTED, ITS FAILURE TO REBUT COOPER'S PRIMA FACIE SHOWING WITH ANY EVIDENCE THAT THE PROPERTY WHERE THE CRIME OCCURRED WAS NOT TRUST LAND REQUIRES US TO DISMISS THE UNDERLYING CHARGE. SEE *L. J. M.* 79 Wn. App. AT 144.

STATE V. L. J. M. (79 Wn. App. 133, AT 141) TO THE SAME EFFECT IS *W. P. I. C.* 4.20 WHICH RECOGNIZES THAT "THE STATE HAS THE BURDEN OF PROVING BEYOND A REASONABLE DOUBT AT "TRIAL" THAT JURISDICTION DOES IN FACT REST WITH WASHINGTON COURTS." {79 Wn. App. 142} BUT ONLY "IF THE FACTS ON WHICH JURISDICTION IS BASED ARE IN DISPUTE."

W. P. I. C. 4.20, INTRODUCTION. IT IS IMPORTANT TO DISTINGUISH THE LINE OF CASES WHICH RELY ON PRESUMPTIONS. "[A] COURT OF GENERAL JURISDICTION TO GIVE THE JUDGEMENTS AND DECREES IT RENDERS UNTILL THE CONTRARY APPEARS."

STATE V. LILLIE, 172 ORE. 194, 139 P.2D 576, 581 (1943)
: 22 C. J. S. CRIMINAL LAW § 174 (1984). THIS PREMISE HAS BEEN APPLIED TO CASES INVOLVING INDIAN PROSECUTION. SEE GENERALLY *STATE V. ST. FRANCIS*, 151 Vt. 384, 563 A.2D 249, 252-53 (1989) AND AUTHORITIES CITED THEREIN; SEE ALSO *STATE V. WILLIAMS*, 13 WASH. 335, 42 P. 15 (1895) SUCH AUTHORITY {900 P.2D 1125} IS IN APPOSITE BECAUSE "WHETHER A COURT IS PROCEEDING WITHIN THE SCOPE OF ITS POWERS"

BEGS THE QUESTION OF TERRITORIAL IS WHOLLY INCOMPATIBLE WITH LANE AND SVENSON. OTHER CASES RELY ON NARROWER STATUTORY PRESUMPTIONS. UNDER INDIANA LAW, FOR EXAMPLE, WHEN A MURDER VICTIM'S BODY IS FOUND IN THE STATE, A PRESUMPTION ARISES THAT THE VICTIM DIED IN THE STATE. *McKinney*, 553 N.E.2d at 862. IF EITHER DEATH OR INJURY LATER RESULTING IN DEATH OCCURS WITHIN THE STATE, INDIANA HAS JURISDICTION. *McKinney*, 553 N.E.2d at 862. WITH THE PRESUMPTION IN PLACE, JURISDICTION IS LIKEWISE PRESUMED AND THE DEFENCE HAS "THE BURDEN OF GOING FORWARD WITH DISPUTIVE EVIDENCE." *McKinney*, 553 N.E.2d at 863. A DECISION IN THE SAME VEIN IS *STATE V. SMITH*, 124 IDAHO 671, 862 P.2d 1093 (Ct. App. 1993) THESE AUTHORITIES ARE MENTIONED ONLY IN PASSING BECAUSE THE { 79 WN. APP. 143 } STATUTES IN THIS CASE DO NOT RAISE A PRESUMPTION OF JURISDICTION. THERE IS NO PRESUMPTION IN *R. C. W. 37.12* THAT RESERVATION LAND IS OR IS NOT HELD IN FEE. IT IS PURELY AN ISSUE OF FACT WITH THE BURDENS OF PRODUCTION AND PERSUASION ON THE STATE.

FACTS RELEVANT TO GROUNDS

① IN AN UNPUBLISHED OPINION OF STATE V JOHN JENNINGS FILED JUNE 28, 2018; BY THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION THREE, ON PAGE 11 UNDER THE SECTION LISTED AS § THE TRIAL COURT'S TO-CONVICT INSTRUCTIONS ON THIS COUNT PROVIDED, IN RELEVANT PART §

TO-CONVICT THE DEFENDENT, JOHN JENNINGS, OF THE CRIME OF UNLAWFUL DELIVERY OF A FIREARM, EACH OF THE FOLLOWING ELEMENTS OF THE CRIME MUST BE PROVED BEYOND A REASONABLE DOUBT §

(3) THAT THE DELIVERY OCCURRED IN THE STATE OF WASHINGTON.

ONE WOULD NATURALLY BELIEVE A SIMILAR TYPE OF INSTRUCTION WOULD BE USED IN COUNT ONE § MURDER IN THE FIRST DEGREE PREMEDITATED (ACCOMPLICE).

② IN THAT SAME OPINION § THE ONLY REFERENCE TO THE LOCATION OF THE MURDER IS FOUND ON PAGE 3 UNDER "FACTS". THERE IT SAYS ONLY § "THEY PASSED BY COW CAMP ROAD". JUST AS SPARSE AS THESE FACTS ARE HERE LIKEWISE THEY WERE AT TRIAL.

③ AT TRIAL THE STATE NEVER PROVED TO THE JURY THE GEOGRAPHIC LOCATION NOR WHO HAD JURISDICTION OF THIS AREA.

④ GEOGRAPHICLY COW CAMP ROAD LAYS ON BUCKHORN MOUNTAIN,
AND BUCKHORN MOUNTAIN LAYS BETWEEN THE COLUMBIA RIVER TO
THE EAST AND THE OKANOGAN RIVER ON THE WEST, AND IS BOUNDED
ON THE NORTH BY THE CANADIAN BORDER.

⑤ IN OKANOGAN HIGHLANDS ALLIANCE V. WILLIAMS
236 F.3d 468 (2000) AT 28 THIS AREA IS DESCRIBED AS
BEING THE NORTH END OF THE COLVILLE RESERVATION,
"INDIAN COUNTRY."

ARGUMENT:

I HAVE SIGHTED THE AUTHORITIES AND THE FACTS SO WHAT'S TO ARGUE? WHAT IS TO ARGUE IN DEED, WILL THE REASON WHY I SHOULD NO LONGER BE ILLEGALLY IMPRISONED. THOSE REASONS ARE AS FOLLOWS:

1) I HAVE CLEARLY ESTABLISHED THAT THE CRIME I WAS CONVICTED OF OCCURRED ON THE COLVILLE RESERVATION, "INDIAN COUNTRY"; AND THAT THERE IS NO PRESUMPTION IN R.C.W. 3A.02 THAT RESERVATION LAND IS OR IS NOT HELD IN FEE. IT IS AN ISSUE OF FACT WITH THE BURDENS OF PRODUCTION AND PERSUASION ON THE STATE.

2) I HAVE CLEARLY ESTABLISHED THAT THE TRIAL COURT'S TO-CONVICT INSTRUCTION REQUIRED THE STATE TO PROVE EACH ELEMENT OF THE CRIME ~~BEYOND~~ BEYOND A REASONABLE DOUBT.

3) I HAVE ALLEGED THAT THE ELEMENT IN THE TO-CONVICT INSTRUCTIONS, THAT, "THE DELIVERY OCCURRED IN THE STATE OF WASHINGTON"; THERE MAYBE A SEEMLIER ONE IN COUNT ONE'S INSTRUCTIONS OR THE JURY MAY HAVE THAT APPLIED TO BOTH COUNTS.

4) I HAVE STATED TO THE BEST OF MY KNOWLEDGE AND IN

READING THE TRIAL TRANSCRIPTS THE STATE DID NOT EVEN VENTURE INTO THIS ELEMENT OF JURISDICTION NOR DID THEY TO ESTABLISH THAT THE STATE HAD IT. THE STATE JUST LET THE JURY ASSUME THAT BECAUSE THEY, THE JURY, WERE SETTING IN A SUPERIOR COURTROOM FOR THE STATE OF WASHINGTON IN OKANOGAN COUNTY THAT THE STATE DID NOT NEED TO PROVE THIS ELEMENT.

5) DUE TO THE STATE LACK OF JURISDICTION AND NOT MEETING IT'S BURDEN TO SHOW THAT IT HAD JURISDICTION AT TRIAL THAT JURISDICTION DOES IN FACT REST WITH WASHINGTON COURTS IN ACCORDENCE WITH R.C.W. 37.12. I STRONGLY BELIEVE THAT THE COURT SHOULD APPLY THE RULE OF LENITY IN IT'S FINDINGS AND THAT THE STATE DID NOT MEET IT'S BURDEN. ALSO THAT THE STATE'S LACK OF JURISDICTION IS THE UNDERLYING CAUSE OF ALL POSSABLE ABUSES OF MY RIGHTS BY THE STATE. I STRONGLY BELIEVE THAT THE RECORD OF MY TRIAL WILL CONFIRM THAT NO EVIDENCE EXIST THAT THE CRIME WAS COMMITTED OUTSIDE "INDIAN COUNTRY, AND BECAUSE IT WAS THE STATE'S BURDEN TO SHOW THAT IT HAD JURISDICTION AND THAT THE PROPERTYS WHERE THE CRIME OCCURRED WAS NOT TRUST LAND SHOULD REQUIER THE COURT TO DISMISS THE UNDERLYING CHARGE.

6) IN THE COMMISSIONER'S RULING FILED OCTOBER 19, 2020;

BECAUSE OF THE FOLLOWING " IN THE STATEMENT OF ADDITIONAL GROUNDS, MR. JENNINGS CLAIMS THAT THE STATE LACKED JURISDICTION BECAUSE THE ALLEGED OFFENSE OCCURRED IN INDIAN COUNTY AS DEFINED BY FEDERAL LAW, AND THE STATE FAILED TO PROVE IT HAD JURISDICTION. MR. JENNINGS DID NOT RAISE THIS ISSUE IN HIS MOTION. MOREOVER, HE FAILS TO SUPPORT THIS ARGUMENT WITH ANY EVIDENCE IN THE RECORD OTHER THAN HIS OWN UNSWORN STATEMENT. WELL ISN'T THIS JUST THE POINT THAT THERE ISN'T ANY EVIDENCE THAT THE STATE MADE ITS BURDEN AT TRIAL. FURTHERMORE THE STATE DID THE SAME WHEN IT REPLIED TO THIS ISSUE AT THE COMMISSIONER'S HEARING. THE COMMISSIONER GOES ON TO SAY " THE PROPER VEHICLE FOR SUCH AN ARGUMENT IS A PERSONAL RESTRAINT PETITION. I STRONGLY DISAGREE WITH AS THIS SHIFTS THE BURDEN OF PROOF TO ME TO PROVE THAT WHICH THE STATE HAS FAILED TWICE AT. ONCE AT TRIAL AND SECOND AT THE COMMISSIONER'S HEARING.

CONCLUSION :

FOR THE REASONS PUT FORTH ABOVE, THE PETITIONER RESPECTFULLY REQUESTS THAT THIS COURT GRANT HIS MOTION, AND AWARD ANY ALL RELIEF AS PROVIDED BY LAW.

IN ADDITION, MR. JENNINGS IS NOT ON A WHITCH HUNT HERE HE ONLY WANTS THE JUSTIS GARRENTEED TO HIM UNDER THE STATE'S CONSTITUTION. MR. JENNINGS TRUSTS THAT THE COURTS IN ALL OTHER MATTERS WILL FIND THAT WHICH IS JUST, FAIR, AND EQUITABLE.

FURTHERMORE, MR. JENNINGS RESPECTFULLY REQUESTS THAT THIS COURT APPOINT COUNSEL TO ARGUE ANY ISSUE THIS COURT FINDS MERITORIOUS.

RESPECTFULLY SUBMITTED

I, JOHN WAYNE JENNINGS, HEREBY SWEAR UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF WASHINGTON, THAT I HAVE READ THE CONTENTS OF THE ABOVE MOTION, AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED THIS DAY OF MARCH, 2021

OATH OF PETITIONER

THE STATE OF WASHINGTON)

) SS.

COUNTY OF SPOKANE)

After being first duly sworn, on oath, I depose and say:

That I am the petitioner, that I have read the petition, know its contents,

And I believe the petition is true,

John W. Jennings

SUBSCRIBED AND SWORN to me this 24 day of June, 2015.

Mary Lou Nelson

Notary Public in and for the state of Washington,

Residing at Spokane



APPENDIX A

FILED

OCT 19 2020

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

The Court of Appeals
of the
State of Washington
Division III

STATE OF WASHINGTON,)	No. 37211-1-III
)	
Respondent,)	
v.)	COMMISSIONER'S RULING
)	
JOHN WAYNE JENNINGS,)	
)	
Appellant.)	
)	

John Wayne Jennings appeals the Okanogan County superior court's October 21, 2019 order denying his motion for disclosure of post-conviction records pursuant to CrR 7.8(b) and RCW 42.56. This matter is before the court on appointed counsel's *Anders*¹ brief.

In November 2015, Mr. Jennings was convicted of first degree murder and delivery of a firearm to an ineligible person, with a special verdict finding that Mr. Jennings or an accomplice was armed with a deadly weapon at the time of the murder.

On appeal, this Court reversed and dismissed Mr. Jennings' conviction for

¹ *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L.Ed.2d 493 (1967).

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delivery of a firearm but affirmed the first degree murder conviction. The mandate was filed on November 8, 2018. The case was remanded for a resentencing hearing, and on November 27, 2018, Mr. Jennings' sentenced was reduced from 393 months to 380 months.

On October 9, 2019, Mr. Jennings filed a motion for disclosure of post-conviction records, citing various authorities including CrR 7.8(b)(2). He also requested an evidentiary hearing "to determine whether the inappropriate action of Karl F. Sloan² affected" his case. The trial court denied the motion on October 21, finding that Mr. Jennings failed to demonstrate meritorious grounds for relief pursuant to CrR 7.8(b). Mr. Jennings timely appealed.

Counsel on appeal has filed an *Anders* brief in which she asked to withdraw as Mr. Jennings lawyer. She asserted that she had reviewed the record and found no meritorious issue. *See Anders*, 386 U.S. 738.

As a possible issue, counsel raises whether the trial court erred by denying the motion for disclosure of post-conviction records. The State agrees with counsel's motion to withdraw. Mr. Jennings has filed a Statement of Additional Grounds in which he asserts that his underlying offense occurred on land that constitutes Indian Country as defined by 18 U.S.C. §§ 1151 and 1153. He contends that where the State failed to meet

² Mr. Sloan was the assigned prosecutor at the time of trial.

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its burden of proving it had jurisdiction, his remaining murder conviction must be dismissed.

The following subheadings concern the possible issues counsel and Mr. Jennings have identified.

1. Denial of CrR 7.8 Motion

CrR 7.8(b)(2) allows a defendant to seek relief from judgment based on newly discovered evidence which by due diligence could not be discovered in time to move for a new trial under CrR 7.5. When a motion for a new trial is based on newly discovered evidence, this court reviews a ruling denying the motion for an abuse of discretion. *State v. Grassman*, 160 Wn. App. 600, 609, 248 P.3d 155 (2011). A court will not grant a new trial on the basis of newly discovered evidence unless the moving party demonstrates that the evidence "(1) will probably change the result of the trial; (2) was discovered since the trial; (3) could not have been discovered before trial by the exercise of due diligence; (4) is material; and (5) is not merely cumulative or impeaching." *State v. Williams*, 96 Wn.2d 215, 223, 634 P.2d 868 (1981) (emphasis omitted). The absence of any one of these factors is grounds to deny a new trial. *Id.*

As the superior court noted at the hearing, Mr. Jennings' motion was somewhat confusing and it was difficult to discern exactly what he was requesting. The motion was titled a motion for disclosure of post-conviction records. In support of the motion, Mr.

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Jennings cited CrR 7.8(b)(2) and (3), and chapter 42.56 RCW (the Public Records Act). He claimed that at his resentencing hearing, the judge agreed with him that the ballistic report did not match the firearm at issue in the case. He also claimed that he disputed ever speaking with a key prosecution witness who testified to a conversation that allegedly occurred at the Chesaw Mercantile, and that the judge agreed there was controversy regarding the witness's testimony but he declined to speak about it. Clerks Papers (CP) 23. Additionally, Mr. Jennings referenced a request he apparently submitted to the Okanogan County prosecutor's office seeking public disclosure of "the material evidence from the court, Hon. Christopher Culp presiding, discovered by the defendant, during proceeding on November 27, 2018." CP 23-24. The motion also references a request for public disclosure material "on investigation of Karl F. Sloan misdeeds as the prosecutor of the defendant's case." CP 24.

With respect to Mr. Jennings' request for the disclosure of post-conviction records pursuant to the public records act, the prosecutor indicated it was working on responding to Mr. Jennings' request. Report of Proceedings (RP) (10/21/19) at 23. As to Mr. Jennings' request to vacate the judgment pursuant to CrR 7.8(b), the court noted that Mr. Jennings was not arguing any new evidence that would allow the court to hear the motion pursuant to CrR 7.8 but instead merely asserting evidentiary challenges that could have been raised pre-trial or in a direct appeal. RP (10/21/19) at 25-26. The court concluded

No. 37211-1-III

that Mr. Jennings failed to demonstrate he was entitled to relief, and denied the motion.

See RP (10/21/19) at 25-26; CP 27-29.

The superior court correctly noted that none of the supposed new evidence from the resentencing hearing satisfied the five requirements for newly discovered evidence. Moreover, it appears Mr. Jennings' motion misrepresents what occurred at the resentencing hearing. In response to Mr. Jennings' challenges to the ballistics evidence and the witness testimony, the court stated:

I also appreciate, Mr. Jennings, your sort of recitation of some of the evidence that either was or wasn't presented or that you feel was -- was disregarded.

Indeed, the evidence from trial, as I recall, was that there wasn't any eyewitness to your or your son's involvement. There were disputes about statements that were made to other people as to what you said or statements made by others as to what you said or didn't say. There was testimony from ballistics experts and that's why we have jury trials in our criminal justice system in this country. The whole idea is that two sides will present their evidence and then twelve people will ultimately determine whether there is merit to the charges. And not just that there's merit, but that they're satisfied beyond a reasonable doubt before someone can be declared guilty. And I think what you have to understand is that whether you agree or disagree, twelve people unanimously, it wasn't eleven to one or ten to two, it wasn't even seven to five. It was twelve to zero in terms of the vote. And those twelve people disagreed with what you claimed.

And again, whether you agree or disagree at the end of the day, you're going to have to accept that because this decision has been appealed, the Court of Appeals disagreed with one minor issue, but ultimately left in place the premeditated murder first degree conviction.

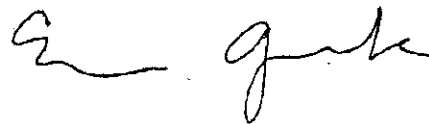
RP (11/27/2018) at 12-13.

The superior court correctly concluded that Mr. Jennings failed to demonstrate newly discovered evidence pursuant to CrR 7.8(b)(2), or that he was otherwise entitled to relief.

2. *Jurisdictional Issue*

In a Statement of Additional Grounds, Mr. Jennings claims that the State lacked jurisdiction because the alleged offense occurred in Indian County as defined by federal law, and the State failed to prove it had jurisdiction. Mr. Jennings did not raise this issue in his motion. Moreover, he fails to support this argument with any evidence in the record other than his own unsworn statement. The proper vehicle for such an argument is a personal restraint petition.

Anders also requires this Court to "make an independent examination of the record to determine whether the case is wholly frivolous." *State v. Theobald*, 78 Wn.2d 184, 186, 470 P.2d 188 (1970). The court has reviewed the record and has found no arguable issues of merit. Therefore, the court's order denying the motion is affirmed. Counsel's motion to withdraw is granted, conditioned upon her compliance with RAP 18.3(a)(3).



Erin Geske
Commissioner

No. 37211-1-III

that Mr. Jennings failed to demonstrate he was entitled to relief, and denied the motion.

See RP (10/21/19) at 25-26; CP 27-29.

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And again, whether you agree or disagree at the end of the day, you're going to have to accept that because this decision has been appealed, the Court of Appeals disagreed with one minor issue, but ultimately left in place the premeditated murder first degree conviction.

RP (11/27/2018) at 12-13.

FILED
Feb 01, 2021
Court of Appeals
Division III
State of Washington

**COURT OF APPEALS, DIVISION III, STATE OF
WASHINGTON**

STATE OF WASHINGTON,)	No. 37211-1-III
)	
Respondent,)	
)	
v.)	ORDER DENYING MOTION
)	TO MODIFY
JOHN WAYNE JENNINGS,)	COMMISSIONER'S RULING
)	
Appellant.)	

Having considered appellant's pro se motion to modify the commissioner's ruling of October 19, 2020, and the file and record herein;

IT IS ORDERED the motion to modify the commissioner's ruling is denied.

PANEL: Judges Lawrence-Berrey, Siddoway, and Pennell

FOR THE COURT:


REBECCA PENNELL
CHIEF JUDGE

INMATE

March 31, 2021 - 9:45 AM

Transmittal Information

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Appellate Court Case Number: 99531-1
Appellate Court Case Title: State of Washington v. John Wayne Jennings
Superior Court Case Number: 13-1-00395-1

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