

62234-0

62234-0

FILED
COURT OF APPEALS DIV. #1
STATE OF WASHINGTON
2009 JUN -1 PM 11:12

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

STATE OF WASHINGTON

Respondent,

No. 62234-0-1

v.

STATEMENT OF ADDITIONAL
GROUND FOR REVIEW

Danny wills
(your name)

Appellant

I, Danny wills, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

Along with my Attorneys Brief
Petitioner SEE'S when my offenders
score was miscounted due to the
facts they counted my current con-
victions also which changes my
offender score to 17 points.
(continue on back)

Additional Ground 2

Misinformation From Attorney
which creates an involuntary plea.
That falls under Due Process the 14th
and 5 Amendment.
continue on Paper

If there are additional grounds, a brief summary is attached to this statement.

Date: 5-25-09

Signature: Danny wills

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

STATE OF WASHINGTON)

Respondent,)

v.)

Danmy Wills
(your name))

Appellant.)

No. 62234-01

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW

I, _____, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground **3**

Ineffective Counsel attached is
AN AFFIDAVIT TO THE FACTS WITH
STRICKLAND VS WASHINGTON 466 US 668,
80 LED 674, 678 sections 20, 17, 21, 25

Additional Ground 2

If there are additional grounds, a brief summary is attached to this statement.

Date: _____

Signature: _____

Additional Grounds 1:

STATE vs. Cunningham 116 Wn. App. 219, 225 section #3 It states you cannot count the current offense in the offenders score. Judge ment and sentence Felony Criminal history - Appendix B Shows I have a total of 26 convictions with the 8 convictions which were before 1986 and are to be counted as 1. Makes my offenders score 19 which is supported by the record. So if you subtract the 4 current offenses it will make my offenders score 16 which is supported also by the records. Petitioner would also like to make the court aware at present this is not in the record before you. However in 1985 in King County Superior Court Judge Haley ruled that my 1970's convictions are invalid on the face. Which will change my offender score even more. So I realize my offenders score is more than 9 however in and non-violent Class C Felonys

it would bring about a different outcome. The facts being a case such as this would be approached totally different. If my offenders score was done correct, case and point, Felony's of this same magnitude would be a maximum of 60 months running current with a sentence between 22-29 months.

So, with the facts in mind I request relief of a sentence within the standard range. Only because I don't think a judge could sentence me fairly with all that has happened, or just let me withdraw my plea and start over.

Additional Ground #2

So, looking at the plea agreement proceeding held in front of the honorable Palmer Robinson. It shows on proceedings on July 7, 2008 pg. 7 line 19 thru. 23 I did not agree to and exceptional sentence. Also on the plea form Exhibit #1

that I did not agree to and exceptional sentence.

In *State vs. Hilyard* 63 Wn. App. 413, 420: Hilyard waived his statutory right to argue for a sentence within the standard range, by stipulation to consecutive terms. In *Wills vs. State* I did not knowingly stipulate to anything other than I was pleading to the charges. Petitioner Wills was told the exceptional sentence is only a recommendation and there had to be substantial and compelling reasons for the judge to give it to Wills. Wills was told not to worry. The only thing I was stipulating to was 22-29 months no lower than 25 months to run concurrent.

Once again in *Hilyard vs. State* 63 Wn. App. 413, 418: It states that the trial judge carefully and painstakingly explained the consequences of the guilty plea including the stipulation to Hilyard. The appellant was carefully questioned to ascertain

that he understood the recommended sentence and they were to run consecutive, before the plea was accepted as knowingly. IF you notice in my plea hearing it was done as if it was a regular plea agreement. Which and exceptional sentence is just that exceptional. It is up to the courts to find out that the defendant's stipulation to the exceptional sentence is made knowingly voluntarily, and intelligently, after a full advisement of rights and with the assistance of counsel the stipulation by the parties to the imposition of an exceptional sentence is a central and crucial part of a valid plea agreement between parties. With that in mind the prosecutor waits until the end of the hearing to bring up the fact that the defendant agrees that there's sufficient facts to support a finding pursuant to RCW 9A.04A.035(2) that multiple current offenses and that the defendant's life underscores the results of the current going unpunished.

this AS A way to cover up the fact that Willis truly does not understand that this is a way to stipulate to AND exceptional sentence, Willis sees it AS A way to circumvent the law. Through out the entire hearing you see where Willis the defendant is ask all questions However ~~one~~ of the most important questions is ask to my attorney which is in the July 7th proceedings on page 12 lines 9 thru 17. The other part of this issue is at the bottom of the plea agreement you will see the statement that was added on in the same fashion it was brought up at the end of my hearing. Once again I want to use Exhibit # 2 to show you I did not agree to AND exceptional sentence. Also Exhibit # 3 is the plea agreement my attorney went over with me. You will see no where on that agreement does it state anything such as what is stated on the July 7th

hearing on page 12 line 9 thru 17.

Another point I would like to make known when I was being presented with the colloquy it was never asked if my attorney went over the plea agreement that was given to me on July 7th 2008 in front of Judge Robinson. Will also will send exhibit #4 to show the plea agreement I approved, and no where does it say I must stipulated to and exceptional sentence to make it valid. Once again in exhibit #4 it will show I disagree too and exceptional sentence. It was marked in the fashion it was shown on exhibit #4 only because I made a point to make it known I am not agree^{ing} to and exceptional sentence.

In Ross 129 Wn 2d 279, 916
A sentencing consequence is ~~was~~
~~direct~~ direct when the result represents a definite immediate and largely automatic effect on the range of the defendants

punishment. Wills did not find out what a Free Felony was until Wills got to Shelton and was able to go to the Law Library in Breedlove 138 Wn 2d 298, 313 Breedlove agreed to the imposition for ~~reduced~~ reduced charges and presumably shorter sentence.

In State v. Derosia 124 Wn. App 138, 145 section: 14, 1 No Plea Bargain benefit. Wills would point to the plea agreement in the record there is no Plea Bargain benefit. Wills points this out for a number of reasons. Wills thought were Petrower is pleading to 22 to 24 months to run concurrent. The Prosecution Law recommend what ever they choose. However the Judge will go by the Law. Wills would not plea to and exceptional sentence if Wills had been informed of the true possibilities of the consequences that being a Free Felony was grounds for an exceptional sentence

In McCarthy Vs US 22 L ED 418, 424 Section [5, 6] Requiring the court to address the defendant personally. On July 7th at the plea proceeding, where during the colloquy, every question was addressed toward Wills. Making sure Wills understood. However the most important question was directed to MR Sorenson. Point being that was the most important question of all, that Wills should of understood.

In McCarthy Vs US 394 U.S. 22 L ED 2d 418, 425 Section [7-9] It states it cannot be truly voluntary unless the defendant possesses and understanding of the law in relation to the facts. Wills would like to state petitioner was not aware of the law regarding an Exceptional sentence. Especially the fact that the statement on page 12, 9 thru 17 on July 7th 2008 was actually saying I was stipulating to an Exceptional sentence. And also it was substantial and compelling reason for the

EXCEPTIONAL. Also in McCarthy
394 US 22 L ED 2d 418, 425
consequently if a defendant's
guilty plea is not equally voluntary
and knowing, it has been obtained
in violation of due process and
is therefore void.

The relief I am seeking is the
same resentenced under the normal
22 to 29 months concurrent or
The right to withdraw my
plea.

Additional Grounds #3

Strickland v Washington 466 US 668, 80 Led 674, 678 Section 20, 17, 21, 25 A convicted defendant alleging ineffective assistance of counsel must show not only that counsel was not functioning as the counsel guaranteed by the Sixth Amendment so as to provide reasonably effective assistance but also that counsel's errors were so serious as to deprive the defendant of a fair trial because of reasonable probability that, but for counsel's unprofessional errors, the result would have been different. Looking at both of these prongs. First of 1st Error was setting for trial. 2nd Error both attorneys read the discovery wrong. 3rd error neither attorney telling me about the 51 months. 4th error attorney not checking the facts of the case before we set for trial. 5th Error shown on Exhibit #6 Line 18 thru 20. The defense has, in fact stipulated to the fairly obvious facts that me

Wills has an offenders score of greater than 9 and that Mr Wills has pleaded to more than one offense. Which is true, However nothing was ever said about crimes going unpaid which is a major fact that was left out. Deception is the word that comes to mind. Error 6: Was he ever checked out my offenders score. Error 7 Mr Sorenson never had me evaluated by Dasia. Last but not least the outcome would of been different if he had check out the cases before he told me things that were untrue, AND too large of a case load is no excuse. Even if Mr Sorenson took for Granite what Mr Palmer was saying was true. That not professional at all. More or less its kind of oh I'm sorry for stepping in and not doing my job. So, these errors were a direct consequence, and the outcome

would of been different.
So, the relief I am asking
for is the opportunity to be
resentenced within the standard
range, or a plea bargain of
no more than 51 months, or
withdraw my plea.

I did not agree #
Exhibit 1

(g) The prosecuting attorney will make the following recommendation to the judge; 30 months
exceptional sentence on each count to be served consecutively to each other and to
09-1-03634-7 SEA 9 08-1-03534-1 SEA. \$500 CUPA Court Costs attorney fees. DNA fee

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference. *not agreed. Defendant will ask for concave standard range sentences of 25 months. no contact w/ victims*

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) I understand that I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Public assistance will be suspended during any period of imprisonment.
- (m) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee, unless the court finds that imposing the fee will cause me undue hardship.

ORIGINAL

NO signature

Exhibit # 2

FELONY PLEA AGREEMENT

Date of Crime: 1/1/09

Date: 1/1/09

Defendant: John H. King

Cause No: 07-1-041-01 SEA/KNT

The State of Washington and the defendant enter into this PLEA AGREEMENT which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to entry of the guilty plea. The PLEA AGREEMENT is as follows:

On Plea To: As charged in Count(s) I, II of the original amended information.

With Special Finding(s): deadly weapon - firearm, RCW 9.94A.510(3); deadly weapon other than firearm, RCW 9.94A.510(4); sexual motivation, RCW 9.94A.835; protected zone, RCW 69.50.435; domestic violence, RCW 10.99.020; other _____; for count(s): _____

DISMISS: Upon disposition of Count(s) _____, the State moves to dismiss: _____

REAL FACTS OF HIGHER/MORE SERIOUS AND/OR ADDITIONAL CRIMES: In accordance with RCW 9.94A.530 the parties have stipulated that the following are real and material facts for purposes of this sentencing:

- The facts set forth in the certification(s) for determination of probable cause and prosecutor's summary.
- The facts set forth in Appendix C; _____

The defendant acknowledges and waives any right to have a jury determine these facts by proof beyond a reasonable doubt.

RESTITUTION: Pursuant to RCW 9.94A.753, the defendant shall pay restitution in full to the victim(s) on charged counts and

- agrees to pay restitution in the specific amount of \$ 100
- agrees to pay restitution as set forth in Appendix C; _____

OTHER: Defendant agrees to pay restitution to the victim(s) in the amount of \$100.

CRIMINAL HISTORY AND OFFENDER SCORE:

a. The defendant agrees to this Plea Agreement and that the attached sentencing guidelines scoring form(s) (Appendix A) and the attached Prosecutor's Understanding of Defendant's Criminal History (Appendix B) are accurate and complete and that the defendant was represented by counsel or waived counsel at the time of prior conviction(s). The State makes the sentencing recommendation set forth in the State's sentence recommendation. An essential term of this agreement is the parties' understanding of the standard sentencing range(s) and if the parties are mistaken as to the offender score on any count, neither party is bound by any term of this agreement.

b. The defendant disputes the Prosecutor's Statement of the Defendant's Criminal History, as follows:

- (1) Conviction: _____ Basis: _____
- (2) Conviction: _____ Basis: _____

c. The parties agree that ~~neither party~~ will seek an exceptional sentence.

Maximum on Count(s) I, II is not more than 5 years each and \$ 4,100 fine each.

Maximum on Count(s) _____ is not more than _____ years each and \$ _____ fine each.

Mandatory Minimum Term(s) pursuant to RCW 9.94A.540 only: _____

Mandatory weapon sentence enhancement for Count(s) _____ is _____ months each; for Count(s) _____ is _____ months each. This/these additional term(s) must be served consecutively to each other and to any other term and without any earned early release.

The State's recommendation will increase in severity if additional criminal convictions are found or if the defendant commits any new charged or uncharged crimes, fails to appear for sentencing or violates the conditions of release.

Defendant

Deputy Prosecuting Attorney

Attorney for Defendant

Judge, King County Superior Court

ORIGINAL



1 In summary, not only must the Court find sufficient facts to support an exceptional
2 sentence, it must also agree that those facts constitute a substantial and compelling justification
3 for the imposition of an exceptional sentence.) While the Court undoubtedly *may* impose an
4 exceptional sentence in this case, to do so would not serve the ends of justice, it would not serve
5 the stated goal of sentence proportionality, and it would not assist Mr. Wills in his efforts to get
6 chemical dependency treatment and (finally) to become a productive member of society.

7 The defense recommends that the court impose a 25 month sentence in each of these
8 matters, to be served concurrently. This sentence is appropriate in light of the low-end sentence
9 imposed when Mr. Wills was found guilty of Theft in the Second Degree and Possession of
10 Cocaine in 2005. It is also appropriate in light of Mr. Wills' age, and in light of his willingness
11 to seek substance abuse treatment upon his release.

12 For each case, the defense would ask the Court to waive all non-mandatory fines and
13 assessments as Mr. Wills is indigent. See Stave v. Hayes, 56 Wn. App. 451 (1989), State v.
14 Earls, 51 Wn. App. 192 (1988). The defense has not received a request for restitution at this
15 point, so a restitution hearing may be necessary.

16
17 Respectfully submitted this ____ day of July, 2008.

18
19 _____
20 David Sorenson, WSBA#27617
21 Attorney for the Defendant.
22
23
24
25
26
27
28

- 1 2) The last time that Mr. Wills was before the court, he received a low-end sentence
2 under cause numbers 05-1-04110-9 SEA and 05-1-05492-8 SEA. He received a low-
3 end sentence despite the fact that he would have been eligible to receive an
4 exceptional sentence on the same grounds advanced by the state in the present cases.
- 5 3) Similarly situated individuals being sentenced for similar crimes in King County
6 Superior court do not receive exceptional sentences. Defense counsel is aware based
7 on his own experience and that of his colleagues that the prosecuting attorney's office
8 does not ask for and defendants do not receive exceptional sentences in cases where
9 the defendants have similarly lengthy criminal histories.
- 10 4) Mr. Wills is 53 years old. He has suffered from untreated chemical dependency for
11 virtually his entire adult life. It is wrong to warehouse Mr. Wills simply because he
12 continues to commit property crimes, when what Mr. Wills needs to do is undergo
13 chemical dependency treatment.
- 14 5) Finally, the specific amount of time that the state is requesting (ten years) is wholly
15 disproportionate with sentences that the state has requested in other cases. It is also
16 completely inconsistent with the previous sentencing recommendation made in this
17 case. Prior to the defense decision to set this matter for trial, the state offered to
18 recommend 51 months if the defendant agreed to plead guilty to Burglary in the
19 Second Degree, Malicious Mischief in the Second Degree, Theft in the Second
20 Degree, and Possession of Stolen Property in the Second Degree. Nothing has
21 changed in terms of the defendant's culpability between when the state was willing to
22 recommend a standard-range sentence of 51 months and now. In fact, the only thing
23 that has happened is that the State's case on the Burglary charge got more difficult for
24 the state to prove. How can the state credibly argue that a 51 month sentence was
25 appropriate for the same criminal conduct prior to the time that these matters were set
26 for trial, but that a 120 month sentence is appropriate now—especially in light of the
27 fact that the same facts supporting an exceptional sentence existed when the state was
28 willing to make a standard-range sentencing recommendation?

OFFENDERS SCORE Exhibit # 5
 a to 14

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,) No. 08-1-04149-9 SEA
)
 vs.) JUDGMENT AND SENTENCE,
) (FELONY) - APPENDIX B,
 DANNY WILLS) CRIMINAL HISTORY
)
 Defendant,)

2.2 The defendant has the following criminal history used in calculating the offender score (RCW 9.94A.525):

Crime	Sentencing Date	Adult or Juv. Crime	Cause Number	Location
1 THEFT 2 ND DEGREE (NOT FIREARM)	07/24/2000	ADULT	991024380	SPOKANE CO
2 POSSESS STOLEN PROPERTY 2	12/06/1991	ADULT	911063849	KING CO
3 VUCSA-POSSESS COCAINE	12/06/1991	ADULT	911059957	KING CO
4 BURGLARY 2	09/18/1974	ADULT	65087	KING CO
5 ASSAULT 2	07/15/1985	ADULT	851006310	KING CO
6 ESCAPE 1	06/15/1989	ADULT	891017471	KING CO
7 OBTAIN SIGNATURE BY DECIT/DURESS	10/22/2001	ADULT	011005180	SPOKANE CO
8 BURGLARY 2	04/07/1988	ADULT	871052636	KING CO
9 THEFT 2 (NOT FIREARM)	06/23/2005	ADULT	051054928	KING CO
10 VUCSA-POSSESS COCAINE	06/23/2005	ADULT	051043578	KING CO
11 FORGERY	06/23/2005	ADULT	051041109	KING CO
12 ATTEMPT ELUDE PURSUING POLICE	06/06/2000	ADULT	991016760	SPOKANE CO
1 BURGLARY 2	03/22/1996	ADULT	951051983	KING CO
2 BURGLARY 2	12/06/1991	ADULT	911040792	KING CO
3 BURGLARY 2	12/06/1991	ADULT	911040733	KING CO
4 FORGERY	04/11/1988	ADULT	871014637	KING CO
5 THEFT 2	02/01/1977	ADULT		SNOHOMISH CO
6 GRAND LARCENY	05/13/1975	ADULT	68818	KING CO
7 THEFT 1	07/01/1980	ADULT	801001902	KING CO
8 BURGLARY 2	07/01/1980	ADULT	801001902	KING CO
9 BURGLARY 2	07/01/1980	ADULT	801001902	KING CO
10 BURGLARY 2	07/01/1980	ADULT	801001902	KING CO
11 BURGLARY 2	07/01/1980	ADULT	801001902	KING CO
12 BURGLARY 2	07/01/1980	ADULT	801001902	KING CO
1 POSSESS STOLEN PROPERTY 2	07/01/1980	ADULT	801001902	KING CO
2 POSSESS STOLEN PROPERTY 2	07/01/1980	ADULT	801001902	KING CO

U.S. EN - 3 - 08 - 1
 conduct

[] The following prior convictions were counted as one offense in determining the offender score (RCW 9.94A.525(5)):

Date: 8-1-08

[Signature]
 JUDGE, KING COUNTY SUPERIOR COURT

This is the first Exhibit #6
I heard about stipulation!!

1 I. FACTS

2 Under cause number 08-1-04149-0 SEA Mr. Wills pleaded guilty to Malicious Mischief
3 in the Second Degree and Theft in the Second Degree following a March 23, incident during
4 which Mr. Wills broke into two cars and stole property from them (in essence, a vehicle prowler).
5 Under cause number 08-1-03634-7, Mr. Wills pleaded guilty to one count of Malicious Mischief
6 in the Second Degree. This plea followed a December 5, incident during which the front door of
7 the downtown Seattle North Face Store was broken and merchandise was removed from the
8 store. He also pleaded guilty to one count of Possession of Stolen Property in the Second
9 Degree. The plea to possession of stolen property in the second degree followed a January 26,
10 2008 incident during which Mr. Wills was found to be in possession of a stolen credit card.
11 Initially, Mr. Wills was charged with Burglary in the Second Degree under cause number 08-1-
12 03534-01 SEA based on the December 5 incident at the North Face store. That matter was
13 dismissed, and the charge of Malicious Mischief was added to cause number 08-1-04149-0 based
14 on the same criminal incident.

15 The state is asking for an exceptional sentence. It is asking the court to impose an
16 exceptional sentence solely on the basis that Mr. Wills has an offender score of more than 9 and
17 that he is being sentenced for more than one crime. As such, the state argues, some of Mr. Wills
18 crimes are going un-punished. The defense has, in-fact, stipulated to the fairly obvious facts
19 that Mr. Wills has an offender score of greater than 9 and that Mr. Wills has pleaded guilty to
20 more than one offense.

21 What the defense most emphatically does not agree with, however, is that an exceptional
22 sentence is warranted under the particular facts of this case and in light of the sentences handed
23 down in similar cases in King County. An exceptional sentence is not warranted for a number of
24 reasons—among them:

- 25 1) Mr. Wills' history consists almost entirely of property offenses. But for a 23 year old
26 Second Degree Assault, Mr. Wills crimes have been limited to property crimes. Mr.
27 Wills does not pose a danger. On the contrary, if he were given adequate community
28 support and treatment, he would likely be able to reform.

19th 2008 A new attorney would be handling my case. Mr Palmer was only pacifying me until the new attorney took over. However as of May 19th 2008 David P. Sorenson became my attorney. He came into my case right in the middle. However Mr Palmer told me all they had was a spot of blood on the floor, which I stated earlier. Also Mr Sorenson tells me all they have is a spot of blood on the floor, and the witness says the two defendants were 18 to 21 years of age, but he went back to England. I also tried to get the discovery on numerous occasions. I also talked to his legal assistant who said she would speak to Mr Sorenson and find out if it was alright. Never received discovery, so then after the prosecution offers 51 months and says if we set it for trial they will ask for and exceptional sentence.

My Attorney said we are
Aware and set it For trial.
So, right After court my Attorney
comes back to see me and
says the trial can go either
way, but the case is weak.
I ask him what are they
talking about in regards to an
exceptional sentence. Attorneys
say don't worry they will
not do that. Then approximately
a week before trial, Attorney
comes and says we can't win
there is blood all over the door
and we can't win. I thought
you said there was a spot on
the floor. Mr Sorenson said he
must of looked at it wrong.
What was strange not only
Mr Sorenson said that, Mr Palmer
at different times. So, now there
offering wills 120 months and
a exceptional sentence. Mr
Sorenson that's no deal. Mr
Sorenson said they do not have
to give you a deal. OK that's

Why we are going to trial,
Mr Sorenson says I'm being
stupid!! And he's not going to
sit here and try to explain it.
Just got up and left. Came
back the next day trying
to convince Wills to take
this plea. Wills told him I
want to go to trial and I
want a new Attorney. Mr.
Sorenson tells me I am not
going to get a new Attorney
Get up and storms out again.
So, now we are getting ready to
go to court, Mr Sorenson comes
to see me once again as Wills
is waiting to be called out to
go into the court room. Mr
Sorenson says to Wills before Wills
go out into the court room why
don't you think about this for
a couple more days. Wills
told him OK. Mr Sorenson came
to see me on a Sunday.
Mr Sorenson tell me there has
to be substantial and compelling
Reason to give Wills and

Exceptional sentence. And it was only an recommendation. Wills tells him I do not agree to and exceptional sentence. ~~was~~ At that time he wrote it on the plea agreement, which is on exhibit #1. Which in my head I thought that I was clear with that fact. As you can see on exhibit #4, Mr Sorenson states I was offered 51 months. I was never told by Mr Sorenson or Mr Palmer what I was told was they will not go along with treatment, so we will set for trial. Point being if my attorney was on his job he would of checked out what was going on before we set it for trial not after. Also looking at exhibit #3 it states there must be compelling and substantial reason to give Wills and exceptional sentence. Point being no where in the record does it show that a unpunished crime is reason

Enough to give AN EXCEPTIONAL
SENTENCE, OTHER than AT MY
PLEA HEARING WHICH WAS
BROUGHT UP AT THE VERY END
WHICH IS SHOWN ON PAGE 12
OF MY PLEA HEARING WHICH TOOK
PLACE ON JULY 7th 2008 IN FRONT
OF JUDGE PALMER ROBINSON ON LINE
9 THRU 17. ONE LAST THING I FEEL
IS IMPORTANT MY ATTORNEY ON
THE DAY MR SORENSON ASK WILLS
TO THINK ABOUT IT FOR A COUPLE
OF DAYS. MR SORENSON NEVER
TOLD ~~WILLS~~ WILLS THE BURGLARY
CHARGES WERE BEING DROPPED
FOR REASONS SOMETHING TO DO
WITH THE BLOOD. EXHIBIT # 4
LINE 22 TO 24

DECLARATION OF SERVICE 62234-0

FILED
COURT OF APPEALS DIV. 1
STATE OF WASHINGTON
2009 JUN - 1 AM 11:12

I, Danny Wills, certify that I deposited today in the internal mail system of McNeil Island Corrections Center a properly stamped and addressed envelope directed to:

DANIEL T. Satterberg
W554 King County Courthouse
516 3rd Avenue
Seattle, Wash
98104

Nelson, Brown, Koch
Attorney At Law
1908 - E Madison
Seattle, Wash
98122

Containing the following document(s):

- Additional Grounds
- Offenders convictions
- statements from attorney
- Affidavit by Danny Wills
- Plea agreement
- Original Plea agreement showing did not agree to exceptional sentence.

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

Submitted this 26 day of MAY, 2009, at McNeil Island Corrections Center, Steilacoom, Washington.

By Danny Wills
(Signature) #630060
Danny Wills B322
(Name, DOC# and Cell)
McNeil Island Corrections Center
P.O. BOX 88-1000
Steilacoom, WA 98388-1000