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NO. 63741-0-I

THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION ONE

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FILED
COURT OF APPEALS
STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

JAMES WILLIAMS,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR KING COUNTY

REPLY BRIEF OF APPELLANT

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A. ARGUMENT.

THE RECORD DOES NOT ESTABLISH MR. WILLIAMS'S PLEA WAS VOLUNTARY AND FREE OF COERCION.

“Pay no attention to that man behind the curtain.” The State’s response breathes new life into the wizard’s statement.

Following a nine-month period during which he was incompetent to stand trial for first degree murder, James Williams returned to court and at every turn, complained of routine and systematic abuse by King County Jail guards. Because of that abuse, Mr. Williams took every step he could to expedite his departure from the jail and the abuse he suffered. Mr. Williams directed his attorneys not to challenge his competency for fear of delaying his trial. Mr. Williams first sought a trial within a matter of weeks. He then sought to plead guilty, and insisted upon doing so immediately. Next he demanded an immediate sentencing. Each step of the way he detailed at length the abuse he was suffering, and made clear his singular goal was to escape that abuse.

The trial court accepted his plea.

The State repeats the claims it made below that “Mr. Williams repeatedly stated he was pleading guilty because he was guilty.” Brief of Respondent at 16. The State attempts to draw the

curtain tight, urging this Court to look at only pieces of Mr. William's statements and ignoring the contemporaneous and repeated claims of abuse. The State contends "[Mr.] Williams' bare allegation at the plea withdrawal hearing that his guilty plea was coerced by jail staff was insufficient to overcome the evidence of voluntariness." Brief of Respondent at 16. Mr. Williams did not begin complaining of abuse only after he had pleaded guilty. Instead his claims were voice before, during and after his guilty plea. 1RP 39-41, 52-58, 60, 62-65, 83-86, 99,103. Only if one completely ignores the context in which Mr. Williams made his plea, could one reach the conclusion that State urges. Mr. Williams did say he was pleading guilty because he was guilty. But it is equally true that these statements were bookended by repeated claims of abuse and his plain desire to escape that abuse by leaving the King County jail.

The State contends "the record reflects that in spite of [Mr.] Williams' schioaffective disorder and the resulting delusions, [Mr.] Williams was competent to stated trial." Brief of Respondent at 15. The State's argument is based upon a flawed premise - that Mr. Williams's repeated claims of abuse were delusions. Certainly there is nothing in the record to support that claim. To be sure, the

trial court never concluded they were delusions. Instead, the court simply ignored Mr. Williams's assertions all together. Having never concluded the abuse Mr. Williams spoke of was merely a delusion the trial court most certainly did not conclude that Mr. Williams was competent in spite of his delusions. That is precisely the point of Mr. Williams claim on appeal.

The State wrongly accuses Mr. Williams of misunderstanding the distinction between competency and mental illness. Brief of Respondent at 14. First, while mental illness does not in itself render a person incompetent, there is an obvious and substantial overlap. Second, Mr. Williams was engaging in course of action - pleading guilty to first degree murder - either because he was coerced into doing so by abuse at the hands of his jailers, or based upon his delusions that he was suffering abuse at the hands of his jailers. If it is the former, his plea was coerced. If it was the later, there was reason to believe Mr. Williams lacked both the ability to rationally assist his attorney and to rational understand the proceedings and was incompetent as his delusions are dictating his litigation strategy. See e.g., Dusky v. United States, 362 U.S. 402, 80 S.Ct. 788, 4 L. Ed. 2d 824 (1960). The trial court never resolved

that fundamental problem. And the State's response offers no meaningful framework for this Court to resolve that problem.

Mr. Williams's guilty plea was either coerced or made at a time when there was substantial reason to doubt his competency. Thus, Mr. Williams must be permitted to withdraw his plea.

B. CONCLUSION.

For the foregoing reasons, and those set forth in his previous brief, Mr. Williams must be permitted to withdraw his plea.

Respectfully submitted this 16th day of September 2010.



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