

68603-8

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FILED  
COURT OF APPEALS DIV I  
STATE OF WASHINGTON  
2013 JAN 28 PM 1:26

No. 68603-8-I

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

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STATE OF WASHINGTON

Respondent,

v.

TJUAN BLYE,

Appellant.

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

The Honorable George N. Bowden, Judge

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STATEMENT OF ADDITIONAL GROUNDS  
FOR REVIEW RAP 10.10

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Presented by,  
Sir Reginald Bell, Sr.,  
on behalf of,  
Tjuan Blye  
Coyote Ridge Corr. Center  
Post Office Box 769  
Connell, WA 88326

I, Tjuan Blye, (hereinafter Blye), have received and reviewed the opening brief prepared by my attorney. Summarized below are the issues omitted in that brief that are significant and obvious in the record. This omission by counsel renders her performance deficient in reviewing and presenting Blye's appeal to this Court.

#### Additional Ground 1

Blye was charged and convicted of Unlawful Possession of a Firearm in the First Degree and one count of Possession of a Stolen Firearm. CP 103-04, 71-72. Since the firearm was not found on Blye's person but rather found in a nightstand at 805½ 52 place west in Everett Washington, the State's theory of the case was Blye had dominion and control over the house where the gun was found.

Although the State failed to adduce any evidence that Blye was the registered owner or co-occupant of the residence, or any other evidence connecting Blye to the residence, his trial attorneys failed to file a motion for acquittal and his appeal attorney failed to challenge the sufficiency of the evidence.

Mr. Blye was denied his Sixth Amendment right

to effective assistance of counsel and right to due process of law under the Fourteenth Amendment. Mr. Blye's counsels failed to challenge the sufficiency of the evidence as in Jackson v. Virginia, 443 U.S. 307, 61 L.Ed.2d 560, 99 S. Ct. 2781, where the State had clearly failed to meet its burden of proving all the material elements of the charged crime as required by In re Winship, 397 U.S. 358, 364, 25 L.Ed.2d 368, 90 S. Ct. 1068 (1970).

1. The State failed to prove several elements of Mr. Blye's charged crimes.

Under the State and Federal Constitutions, due process requires the State prove beyond a reasonable doubt every fact necessary to establish the essential elements of the crime charged. Article I § 3 of the Washington Constitution; State v. Green, 94 Wn.2d 216, 616 P.2d 628 (1980); U.S. Constitution Fourteenth Amendment; Jackson v. Virginia, In re Winship.

The general rule on possession under State law is set forth in State v. Mathews, 4 Wn.App. 653; Since Blye was not in actual possession of the firearm.

**"Blye was arrested as he pulled in the address at 805½ 52nd place"**

1VRP69

"well, there were several items in the nitestand. Located the firearm in question, the 40 glock semiauto pistol"

1VRP73

the State had to prove constructive possession of the firearm, i.e., "dominion and control over the premises where the gun was found." State v. Callahan, 77 Wn.2d 27, 459 P.2d 400 (1969). State v. Knapstad, 41 Wn.App. 781, 706 P.2d 238; State v. Jeffery, 77 Wn.App. 222 (House) State v. Galbert, 70 Wn.App. 721 (House) State v. Walton, 64 Wn.App. at 416 (House) United States v. Hager, 969 F.2d 883, United States v. Mills, 29 F.3d 545; In most cases constructive possession over an object may be inferred if a defendant had exclusive possession of the premises where the object is found, it may also be found in joint occupancy cases where the government demonstrates some connection or nexus between the defendant and the contraband. U.S. v. Avery, 295 F.3d 1158; citing Mills, 29 F.3d 1136; see also U.S. v. Taylor, 113 F.3d 1136 (noting that in joint occupancy constructive possession cases, the government must present some evidence supporting at least a plausible inference that the defendant

had knowledge of and access to the contraband). Similarly, "[an] individual constructively possesses property when he knowingly holds the power and ability to exercise dominion and control over the property." U.S. v. Carter, 130 F.3d 1432 (citing) U.S. v. Carter, 130 F.3d 1519; Constructive possession is that possession which the law attaches to the legal title or ownership of property and, where there is a right to the immediate actual possession of property such possession is designated as possession in law. State v. Parent, 123 Wash. 624, 212 P.1061; State v. Walcott, 72 Wn.2d 959; State v. Trentton, 1 Wn.App. 607;

Here, the only evidence tending to prove dominion and control on Mr. Blye's part is purely circumstantial and consists of the fact that he was present in the driveway.

**"I believe that this was Mr. Blye's residence because of his presence"**

1VRP92

Because the Tahoe was observed being there on numerous occasions.

**Q. "how many days were those vehicles observed at that residence?"**

**A. "on numerous occasions"**

1VRP57

Because men's clothing were hanging in the closet.

**"mens clothing hanging in the closet"**

1VRP73

Because documents addressed to Mr. Blye were found.

**"a driver's license and other documents with Blye's name on them"**

1VRP81-82

Because a photograph of Blye was on the wall.

**"a photograph picture of Blye"**

1VRP87

Because Mr. Blye had a key.

**"a key to the residence"**

1VRP9

Turning to Mr. Blye's role as how many days the Tahoe he was driving was observed being at the residence, men's clothing hanging in the closet, several documents with Blye's name on them, a key, and a picture of Blye. Blye's case is analogous to State v. Knapstad, 41 Wn.App. 781, 706 P.2d 238; wherein the State sought to prove the crime by establishing constructive possession by Knapstad by the premises where the contraband was seized. In granting review and affirming the trial court's

dismissal of the case against Knapstad, the Supreme Court held, the trial court did not abuse its discretion in dismissing the information on the grounds of insufficient evidence to prove constructive possession. The Court relied upon its holding in State v. Callahan, 77 Wn.2d 27, 31, 459 P.2d 400 (1969).

**"constructive possession is established by proof that defendant had dominion and control over the premises where the contraband are found."**

The Supreme Court reasoned, the evidence of dominion and control in this case was Detective Miller's observations of three visits by Knapstad to the premises and the presence of a gasoline credit card and traffic ticket issued to Knapstad at a different address. The contraband were found in the attic and the premises was rented to Knapstad's brother. The Court compared Knapstad with Callahan. Callahan was a visitor on a houseboat for three days, articles of his clothing, several books, and a gun belonging to him was found on the boat. Callahan was the signal case, which persuaded the Knapstad court that there was insufficient evidence to prove constructive possession.

Here, with the exception of Knapstad being

found in the premises and Blye being found in the driveway, the evidence introduced at trial is the same.

Officer Wantland's observations of Blye, paperwork i.e., drivers license and a marijuana card, issued to Blye at a different address, premises rented to someone other than Blye, articles of mens clothing not identified as Blye's, and a key.

Moreover, testimony also reveals Blye was never seen inside the house.

**Q. you never saw Mr. Blye inside the house of 805 and a half 52nd Place?**

**A. I did not**

**Q. And you never saw hime exiting the house?**

**A. I did not**

**Q. And you observed the house for approximately five days?**

**A. It's possible. Yeah. I probably did.**

1VRP111-12;

Blye was not there when investigators arrived at the residence.

**Q. And when you arrived at the residence, he wasn't there?**

**A. No, he was not.**

1VRP113;

The house was rented by someone else.

Q. You testified earlier that he arrived  
sometime after with a woman?

A. That is correct. Yes.

Q. And she lived at the house?

A. Yes.

1VRP113;

The documents found belonging to Blye contained  
his real address.

"we know from Exhibit 59D, ... Address  
4623 Northeast 80th Street, Marysville,  
Washington 98270."

1VRP32

The girl Officer Wantland stated lived at this  
house indicated it wasn't Mr. Blye's house when she  
said,

"It's not your house, for one, it was my  
house"

1VRP32 and transcript of conversation with Gabrielle  
Krug.

Officer Wantland stated after he discovered the  
gun in the drawer he assumed that it belonged to Mr.  
Blye.

Q. And that was when you found the gun in  
the drawer?

A. Yeah.

Q. O.K. and, at that time, you assumed  
that it was Mr. Blye's, correct?

**A. Yes, I Did.**

1VRP113-14;

Officer Wantland's testimony concerning dominion and control is nothing more than pure speculation and conjecture providing nothing more than a scintilla of evidence and consequently the jury's verdict cannot stand being based on such. Lamphear v. Skagit Corp., 493 P.2d 1018, 6 Wash. App. 350 ("a verdict cannot be found on mere theory, speculation or conjecture instead law requires verdict rest upon evidence") ("evidence sufficient to support a verdict must be substantial, the scintilla of evidence doctrine having been repudiated") State v. Ruff, 157 P.2d 730, 22 Wash.2d 708; State v. Cox, 138 P.2d 169, 18 Wash.2d 49 ("evidence to be sufficient to support jury's verdict must be substantial and mere scintilla evidence is insufficient").

When substantial evidence is present, the drawing of reasonable inferences therefrom and the doing of some conjectures on the basis of such evidence is permissible and acceptable. Landers v. Kurn, 327 U.S. 645, 90 L.Ed. 916, 66 S. Ct. 740

(1946), if, however, the necessity for conjecture results from the fact that the evidence is merely scintilla evidence, than the necessity for conjecture is fatal. (quoting from) State v. Melrose, 2 Wn.App. 824 (1970).

In this case, under such circumstances, there exists no evidence from which the jury could have reasonably concluded Blye was a resident or co-occupant of 805½ 52nd place west or that he had knowledge of the presence of the firearm in the house. RCW 9.41.040(1)(a) states that "a person is guilty of first degree unlawful possession of a firearm if he possesses or controls a firearm after having been convicted of any serious offense." RCW 9A.56.310 states, "A person is guilty of possessing a stolen firearm if he possesses, carries, delivers, sells, or is in control of a stolen firearm." For both statutes the State must prove that the defendant knowingly possessed the firearm. State v. Anderson, 141 Wn.2d 357, 366, 5 P.3d 1247.

Unlawful possession of a firearm requires proof of identity to establish the corpus delicti because the fact that the crime occurred cannot be established without identifying the person who

committed it. Id. This is because firearm possession is not unlawful per se; rather, possession is unlawful only when the possessor has been previously convicted of a serious offenses. State v. Wright, 76 Wn.App. 811, 888 P.2d 1214 (1995). The corpus delicti of unlawful possession of a firearm, therefore, requires proof connecting the defendant with the firearm possession. Id at 818; Thus, to sustain Blye's conviction on counts 1 and 2 the State had to establish prima facie that Blye was the person who possessed the stolen firearm and that he knew it was stolen which it has failed to do.

Turning to Blye's presence at the house. See State v. Davis, 16 Wn.App. 657 (1977) states,

**"one cannot have constructive possession of contraband found in a house predicated upon his mere presence therein"**

The record evidences that no matter which way this conviction is pursued Mr. Blye's conviction for firearm possession and possession of a stolen firearm cannot stand under Washington State law.

#### Additional Ground 2

2. Blye's Trial and Appellate Counsel were Ineffective.

The state and federal constitutions guarantee a

defendant the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2952; State v. McFarland, 127 Wn.2d 322, 889 P.2d 1251; To prevail on such a claim, a defendant must show both deficient performance and resulting prejudice. Id. at 687; A defendant can meet this challenge the sufficiency of the evidence in the trial court and on appeal was ineffective assistance where the State's case was largely circumstantial.

Holsclaw v. Smith, 822 F.2d 1041 (11th Circ.)

#### CONCLUSION

For the reasons stated above, Mr. Blye requests that his convictions be vacated because they were obtained in violation of the due process clause. He was denied effective representation and there is no evidence of his guilt. Scware Board of Bar Examiners, 353 U.S. 232, 1 L.Ed 796; U.S. ex rel Vajtauer v. Commision of Immigration, 273 U.S. 103, 71 L.Ed 560.

#### Additional Grounds #3

#### STANDARD OF REVIEW

We hold that in reviewing findings of facts entered following a motion to suppress we will view only those facts to which error has been

entered following a motion to suppress, we will review only those facts to which error has been assigned. STATE v. HILL, 123 Wn.2d 641 (1994)

There is a line of cases holding that trial courts findings following a suppression motion are of great significance to the reviewing court, the fundamental constitutional rights involved require the appellate court to undertake an independent evaluation of the evidence. See Id., 123 Wn.2d 641, citing In re McNear 65 Wn.2d 530 ( ); Menneger 114 Wn.2d 304(1990)

Findings of facts entered under CrR3.6 following a suppression hearing are reviewed under substantial evidence standard. Id. 123 Wn.2d 641

#### ARGUMENT

Did the defense counsel fail to, A) Argue disputed facts; B) Fail to call and cross examine adverse witnesses; C) Without investigating or interviewing adverse witnesses, conceded to all facts relied on as undisputed?

Because defense counsel failed to challenge disputed facts, incorporated in the warrant affidavit to establish probable cause, during

CrR3.6 suppression hearing pursuant to Snohomish County Case No. 11-1-01279-9, see Appendix A Defense Memorandum in Support of Suppression, page 2, (2)(3).

Petitioner's trial and conviction were based on an erroneous of facts and conclusions of law, see Appendix B, Finding of Facts and Conclusions of Law, page 2 of 5 at 11(g); 3 of 5, at 5(m), 14(p).

Here the State's allegations, Id. of drug purchases and controlled buys from petitioner is no more than bold assertions.

There was no evidence to substantiate any drug buy, purchase, or delivery by the petitioner toto a confidential source(C.S.). See Id. 123 Wn2d 641, during the CrR3.6 suppression hearing. See Appendix B(G) (M) (P)

Because the trial court relied totally on the State's drafted...Facts and Conclusions of law... Id. Appendix B petitioner was denied the right to confront adverse witnesses, or the admissibility of evidence, to wit; buy money and alleged drugs clearly constitute a Crawford violation pursuant to Crawford v. Washington,

124 S.Ct.1354(2004).

. . .A trial court erroneous determination of facts, unsupported by substantial evidence will will not be binding on appeal. See Id. 123 Wn2d 641, citing Nord v. Eastside Ass'n Ltd, 134 Wn.App 796(1983)

**Conclusion**

Because of the reasons listed above, petitioner objects to the trial court, and state's findings of facts and conclusions of law pursuant to the search warrant affidavit pursuant to S.C. case number 11-1-01279-9, and so challenge the listed findings. I ask that this issue be remanded back to the trial court for an evidentiary hearing to resolve the above disputed facts.

DATED this 23 day of JAN, 2013

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TJUAN BIYE  
COYOTE RIDGE CORRECTION CENTER  
P.O. Box 769  
CONNELL, WA 99326

APPENDIX A

Defense Memorandum in Support of Suppression

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RECEIVED

JUN 29 2011

PROSECUTING ATTORNEY  
FOR SNOHOMISH COUNTY

BY \_\_\_\_\_  
FOR \_\_\_\_\_

JUN 29 2011

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

STATE OF WASHINGTON	)	
	)	
Plaintiff,	)	NO. 11-1-01279-9
	)	DEFENSE
vs.	)	MEMORANDUM IN SUPPORT
	)	OF SUPPRESSION
TJUAN BLYE	)	
	)	
Defendant.	)	

COMES NOW the defendant by and through his attorney, NATALIE A. TARANTINO of the Snohomish County Public Defender Association, and moves this Court for suppression of all evidence obtained pursuant to an unlawful and overbroad search warrant.

This motion is brought pursuant to CrR 3.6 on grounds that the search warrant violated the Fourth Amendment of the United States Constitution and Article I, Section 7 of the Washington State Constitution.

## FACTS

On May 26, 2011 Detective Wantland of the Everett Police Department obtained a search warrant for the person of Tjuan Blye, his car and a residence in Everett, 805 ½ 52<sup>nd</sup> Place W. (See attached exhibit A) The warrant was based in relevant part on:

1. The Detective's prior arrests of Mr. Blye in September 2010 and March 2011 for drug charges; the arrests involved the same vehicle referenced in the search warrant, Mr. Blye's Chevy Tahoe.
2. A confidential informant's purchase of drugs from Mr. Blye in April 2011 which also involved the Chevy Tahoe.
3. A confidential informant's purchase of drugs from Mr. Blye in late May 2011 which also involved the Chevy Tahoe. On that day, police observed the Chevy Tahoe leave the residence at 805 ½ 52<sup>nd</sup> Place W but not return to that address.
4. Officers' observations on three occasions in May 2011 (including the one referenced above) that the Chevy Tahoe was parked at 805 ½ 52<sup>nd</sup> Place W.

The warrant application concedes that the address referenced is not known to be Mr. Blye's address but does not mention the Marysville address Mr. Blye provided to police at the prior contacts. When the warrant was served, no evidence related to drug dealing or production was discovered but a firearm was located in a nightstand containing some paperwork belonging to Mr. Blye. He is charged with Unlawful Possession of that Firearm.

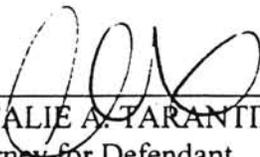
## MEMORANDUM

In determining if a search warrant was properly issued, the court looks to whether the information known to the issuing judge provided probable cause to issue the warrant. "The facts supporting a search warrant must be current facts, not remote in time, and sufficient to justify a conclusion by the magistrate that the property sought is probably on the person or premises to be searched at the time the warrant is issued." *State v. Anderson*, 41 Wn. App. 85, 95 (Division One, 1985). "Probable cause exists if the affidavit in support of the warrant sets forth facts and circumstances sufficient to establish a reasonable inference that the defendant is probably involved in criminal activity and that evidence of the crime can be found at the place to be searched." *State v. Thein*, 138 Wn.2d 133, 140 (1999) A search warrant must establish a factual nexus between criminal activity and the item to be seized and then establish a nexus between the item to be seized and the place to be searched. *Id.* General conclusions by the officer can not establish the required factual nexus. *Id.* at 145. "[P]robable cause to believe that a man has committed a crime on the street does not necessarily give rise to probable cause to search his home." *State v Dalton*, 73 Wash.App. 140 (Division Two, 1994); *Id.*

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Tjuan Blye had a limited known connection to the residence searched: he visited and parked his car in the driveway on a few occasions. There were no observations of drugs or transactions at that residence. The crimes of which Detective Wantland suspected him, drug dealing in small quantities out of his car, do not give rise to any inference or idea that evidence would be found at this residence or at any residence. Because the search warrant was overbroad as to the residence, lacking the required nexus, evidence obtained, specifically the firearm, must be suppressed.

DATED this 29 day of June, 2011.

  
\_\_\_\_\_  
NATALIE A. TARANTINO, WSBA #24867  
Attorney for Defendant

MEMORANDUM IN SUPPORT  
OF SUPPRESSION

SNOHOMISH COUNTY PUBLIC DEFENDER  
1721 HEWITT AVENUE, SUITE 200  
EVERETT, WASHINGTON 98201  
(425) 339-6300

APPENDIX B

Certificate pursuant to CrR 3.6 of the criminal rules for  
suppression hearing.

(Findings of Facts and Conclusions of Law)

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SONYA KRASKI  
COUNTY CLERK  
SNOHOMISH CO. WASH



CL15471401

SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY

THE STATE OF WASHINGTON,  
Plaintiff,

NO: 11-1-01279-9

vs.

CERTIFICATE PURSUANT TO  
CrR 3.6 OF THE CRIMINAL RULES  
FOR SUPPRESSION HEARING

BLYE, TJUAN  
Defendant.

On July 15, 2011, a hearing was held on the defendant's motion to suppress evidence. The Court considered the testimony of the witnesses at the hearing and the arguments and memoranda of counsel. Being fully advised, the court now enters the following findings of fact and conclusions of law:

1. Undisputed Facts

The Court finds that:

- a. The Defendant was under observation by the police for many months.
- b. The Defendant was known to drive a White 2001 Chevrolet Tahoe WA License plate 34XJS during the period of observation by police.

**ORIGINAL**

68

- 1 d. On 9/29/10 the Defendant was stopped in his White 2001 Chevrolet  
2 Tahoe WA License plate 34XJS and was found to have evidence of  
3 "crack dealing" including crack cocaine.
- 4 e. On 3/3/11 the Defendant was contacted and was arrested for  
5 possession of a controlled substance with the intent to deliver. The  
6 defendant's phone was searched after a warrant was obtained and the  
7 search showed texts related to drug dealing. The Defendant was again  
8 driving the Tahoe.
- 9 f. A few days after 3/3/11 the Defendant was seen driving the White 2001  
10 Chevrolet Tahoe WA License plate 34XJS.
- 11 g. In April 2011 a Confidential Source (CS) made a purchase of cocaine  
12 from the Defendant. The Defendant drove the same Tahoe to the drug  
13 transaction.
- 14 h. On 5/4/11 the Defendant was seen driving a blue Honda rental car, while  
15 his Tahoe was being driving by a woman, Ms. Krug. The woman was  
16 stopped for speeding in the Tahoe, and the Tahoe was impounded.
- 17 i. On 5/10/11 the Tahoe was picked up by the Defendant and Ms. Krug.  
18 The Defendant drove the blue Honda rental car to the impound lot. Both  
19 vehicles then went 805 ½ 52nd PI W, Everett, WA. The Tahoe was  
20 backed into the drive way in front of the garage doors.
- 21 j. Surveillance showed the rental car also used by the Defendant to be at  
22 the 805 ½ 52nd PI W, Everett, WA address.

- 1 k. On 5/11/11 surveillance showed the Tahoe was parked at the 805 ½  
2 52nd PI W address.
- 3 l. On 5/24/11 a man matching the Defendant's description was seen  
4 leaving the 805 ½ 52nd PI W address.
- 5 m. In May 2011 a CS buy was arranged with the Defendant. The  
6 Defendant's Tahoe was parked at the 805 ½ 52nd PI W address. He  
7 exited the residence after the buy was arranged by phone between the  
8 CS and the Defendant. The Defendant got into the Tahoe with Ms.  
9 Krug, and they drove directly to the location where the drug transaction  
10 took place.
- 11 n. The Defendant, Ms. Krug, and the Tahoe did not go back to the 805 ½  
12 52<sup>nd</sup> PI W address immediately following the drug transaction.
- 13 o. Police testified that the Defendant was secretive about his residence.
- 14 p. As a result of the execution of the warrant, the Defendant was found to  
15 be unlawfully in possession of a stolen firearm found in the residence at  
16 804 ½ 52nd PI W, Everett, WA.

17

18 2. Disputed Facts

- 19 a. There are no disputed facts.

20

21 3. Court's Conclusions as to Disputed Facts

- 22 a. Not applicable.

1 4. Court's Conclusions of Law

2 The Court concludes that:

3 a. There is sufficient evidence to show that the Defendant had been in  
4 possession of and dealing in controlled substances.

5 b. There are specific facts that establish a nexus between the Defendant,  
6 the Defendant's criminal behavior - dealing/possession of controlled  
7 substance, and the residence at 805 ½ 52<sup>nd</sup> Pl W, Everett, WA. These  
8 facts are based on the following:

9 i. The fact that the Defendant drove his Tahoe there after picking it  
10 up from the impound lot, the fact that a man fitting the description  
11 of the Defendant was seen at the residence, the fact that the both  
12 the vehicles the Defendant was in possession of were seen  
13 parked at the residence on <sup>two</sup>~~multiple~~ occasions over a couple of  
14 months, the fact the Defendant has a history of drug  
15 possessions/sales, the fact that when the CS contacted the  
16 Defendant to make the drug sale, the Defendant was observed  
17 leaving the 805 ½ 52<sup>nd</sup> W address in his Tahoe with the woman  
18 who has also been seen at that house, the fact that after he left  
19 the house he goes to directly to the drug sale, and the other facts  
20 found by the Court above are sufficient specific facts to form the  
21 required nexus between the residence, the Defendant, and the  
22  
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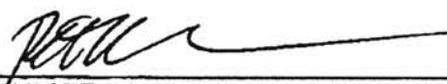
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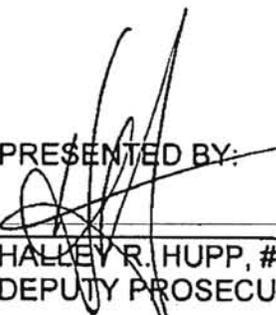
criminal behavior of either possessing controlled substance(s), or  
possessing controlled substance(s) with the intent to deliver.

c. Because there is a sufficient nexus between the house, the Defendant,  
and the controlled substances there was a sufficient basis in fact from  
which to conclude evidence of illegal activity would likely be found at the  
place to be searched, and therefore there was probable cause for the  
search warrant.

Therefore, based on these Findings and Conclusions, the Defendant's motion  
to suppress the evidence recovered from the Defendant's residence pursuant to the  
search warrant is denied.

DONE IN OPEN COURT THIS 19 DAY OF MARCH, 2012.

  
\_\_\_\_\_  
JUDGE RICHARD OKRENT

  
\_\_\_\_\_  
PRESENTED BY:  
HALLEY R. HUPP, #23331  
DEPUTY PROSECUTING ATTORNEY

COPY RECEIVED THIS 19 DAY OF MARCH, 2012.

  
\_\_\_\_\_  
JILL MALAT, #23727  
ATTORNEY FOR DEFENDANT

DIVISION 1 APPEALS COURT  
STATE OF WASHINGTON

STATE OF WASHINGTON  
Petitioner

Case No. 68603-8-1

TJUAN BLYE  
v.  
Defendant

DECLARATION OF MAILING

I, TJUAN BLYE [ name], declare that, on 1.23.13 [date], I deposited the foregoing [list document/s]:

STATEMENT OF ADDITIONAL GROUNDS

or a copy thereof, in the internal mail system of

COYOTE RIDGE CORRECTIONS CENTER [name of institution]

and made arrangements for postage, addressed to each of the following:

NEILSON BROMAN KOCH SNO.CO.PROS.DFC. COURT OF APPEALS  
1908 E. MADISON ST. 3000 ROCKEFELLER AVE. DIVISION 1  
SEATTLE, WA. 98122 EVERETT, WA. 98201 600 UNIVERSITY ST.  
SEATTLE, WA. 98101

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

DATED at CONNELL, WA. [city, STATE]

on this 23 day of JAN, 2013.

T. Blye  
[signature]

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2013 JAN 28 PM 1:26