

PETITIONER MAY FILE THE  
PETITION WITHOUT PAYMENT OF  
A FILING FEE

COURT CLERK

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

NO. 35261-3

PERSONAL RESTRAINT PETITION

ARTHUR L. JOHNSON

Petitioner's Full Name

If there is not enough room on this form, use the back of these pages or use other paper. Fill out all of the form and other papers you are attaching before you sign this form in front of a notary.

A. STATUS OF PETITIONER

I, ARTHUR L. JOHNSON, DOC 255903, WASHINGTON STATE PENITENTIARY

(Full name and current address)

1313 North 13th Street, Walla Walla Wa., 99362

Apply for relief from confinement. I am XX am not \_\_\_\_\_ now in custody serving a sentence upon conviction of a crime. (If not serving a sentence upon conviction of a crime) I am now in custody because of the following type of court order: \_\_\_\_\_

(Identify type of court order)

1. The court in which I was sentenced is: SUPERIOR COURT, KITSAP COUNTY WA.

2. I was convicted of the crime of: Child molest. child rape, bail jumping

3. I was sentenced after (check one) Trial XX Plea of Guilty \_\_\_\_\_ on DEC. 2005

4. The Judge who imposed sentence was ANNA LAURIE, KITSAP CO. SUPERIOR  
Date of Sentence

5. My lawyer at trial court was PAUL THIMONS, SILVERDALE WA., 98383  
Name and Address if known

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6. I did XX did not \_\_\_\_\_ appeal from the decision of the trial court. (If the answer is that I did), I appealed to: \_\_\_\_\_  
Name of court or courts to which appeal took place

7. My lawyer for my appeal was: ERIC FONG [Rovang and Fong]  
Name and address if known or write "none"

The decision of the appellate court was \_\_\_\_\_ was not \_\_\_\_\_ published. (If the answer is that it was published, and I have this information) the decision is published in \_\_\_\_\_

N/A

8. Since my conviction I have XX have not \_\_\_\_\_ asked a court for some relief from my sentence other than I have already written above. (If the answer is that I have asked, the court I asked was Kitsap co. Superior court. Relief was denied on

Name of court  
fFebruary 3rd, 2006  
Date of Decision or, if more than one, all dates)

(If you have answered in question 7 that you did ask for relief), the name of your lawyer in the proceedings mentioned in my answer was PAUL THIMONS, SILVERDALE WA.  
Name and address if known

9. If the answers to the above questions do not really tell about the proceedings and the courts, judges and attorneys involved in your case, tell about it here: COURT WAS ADDRESSING

AN ISSUE OF TRIAL ROOM COACHING THAT WAS WITNESSED BY MYSELF  
AND OTHERS AS WELL. THE ISSUE WAS MISPEPRESENTED BY COUNSEL  
AS WELL AS THE STATE. DISMISSED DUE TO LACK OF 7.8 SUPPORTING DOC.S

#### B. GROUNDS FOR RELIEF:

(If I claim more than one reason for relief from confinement, I will attach sheets for each reason separately, in the same way as the first one. The attached sheets should be numbered "First Ground", "Second Ground", "Third Ground", etc). I claim that I have \_\_\_\_\_ reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

FIRST Ground  
(First, Second, etc)

1. I should be given a new trial or released from confinement because (State legal reasons why you think there was some error made in your case which gives you the right to a new trial or release from confinement): The detective's interogation report was used  
to obtain PROBABLE CAUSE and allow the case against me to move  
forward to trial. The report was fabricated in its entirety.

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona who know the fact and will support your statement of the fact. If the fact is already in the record of your case, indicate that also) I requested advice  
an Attorney/Judge and he was with me at the interogation. His pre-  
cautionary advice never had to be used. Please see attachment (A)

3. The following reported court decisions (indicate citations if possible) in cases similar to mine show the error I believed happened in my case. (If none are known, state "None Known". \_\_\_\_\_

None Known

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") \_\_\_\_\_

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: Appeal Is currently pending. I feel that my life is  
in danger due to the charge.

C. STATEMENT OF FINANCES:

If you cannot afford to pay the \$250 filing fee or cannot afford to pay an attorney to help you, fill out this form. If you have enough money for these, do not fill this part of the form. If currently in confinement you will need to attach a copy of your prison finance statement.

1. I do X do not \_\_\_\_\_ ask the court to file this without making me pay the \$250 filing fee because I am so poor and cannot pay the fee.

2. I have \$ 0.00 in my prison or institution account.

3. I do  do not  ask the court to appoint a lawyer for me because I am so poor and cannot afford to pay a layer.

4. I am  am not  employed. My salary or wages amount to \$ N/A a month. My employer is \_\_\_\_\_  
Name and address of employer

5. During the past 12 months I did  did not  get any money from a business, profession or other form of self-employment. (If I did, it was \_\_\_\_\_  
Type of self-employment  
And the total income I received was \$ \$0.00.

6. During the past 12 months I:

Did  Did Not  Receive any rent payments. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any interest. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any dividends. If so, the total I received was \$ \_\_\_\_\_

Did  Did Not  Receive any other money. If so the total I received was \$ \_\_\_\_\_

Do  Do Not  Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ \$0.00.

Do  Do Not  Have any savings or checking accounts. If so, the total amount in all accounts is \$ \_\_\_\_\_

Do  Do Not  Own stocks, bonds or notes. If so, their total value is: \$ \_\_\_\_\_

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what item or property is worth and how much you owe on it. Do not list household furniture and furnishings and clothing which you or your family need.

| Items                 | Value                      |
|-----------------------|----------------------------|
| <u>Own an old Van</u> | <u>unknown/blown motor</u> |
| _____                 | _____                      |
| _____                 | _____                      |

8. I am  am not  married. If I am married, my wife or husband's name and address is:  
\_\_\_\_\_  
\_\_\_\_\_

9. All of the persons who need me to support them are listed below:

| Name & Address    | Relationship | Age          |
|-------------------|--------------|--------------|
| Andrea R. Johnson | DAUGHTER     | age: 10 yrs. |
|                   |              |              |
|                   |              |              |

10. All the bills I owe are listed here:

| Name & Address of Creditor            | Amount          |
|---------------------------------------|-----------------|
| Washington water services             | appx 200-250.00 |
| Quest telephone services              | appx 200-250.00 |
| Retailers National Bank/Target Stores | unknown         |

D. REQUEST FOR RELIEF:

I want this court to:

\_\_\_\_\_ Vacate my conviction and give me a new trial

XXXXX Vacate my conviction and dismiss the criminal charges against me without a new trial

\_\_\_\_\_ Other: And any other relief this court deems necessary.  
(Please Specify)



**AFFIDAVIT**

FILED  
2006 JUL 12 11:50  
CLERK OF SUPERIOR COURT  
WALLA WALLA, WASHINGTON

**STATE OF WASHINGTON )**

**COUNTY OF KITSAP )**

**SS AFFIDAVIT OF ARTHUR L. JOHNSON**

**I, ARTHUR L. JOHNSON DOC 255903, after first being duly sworn upon oath, and aware of the penalty for perjury, do hereby**

**depose and say:**

Upon intrerview with Kitsap countys investigations unit, I was interviewed by one detective Phil Doremus regarding a complaint he received (see cause no. 04-1-01-178-5). Prior to arriving to the interview, my attorney of record advised that I should refrain from answering any questions if he were to raise his hand with his five fingers., and that this would indicate to take my fifth amendment right against self incrimination. We interviewed without incident and I was free to go. I requested my DAC attorney to provide me the resultant report. He stated that the report 'was lost'. after some time at county detainment, I requested that I be able to view the report. The newly found report was all fabricated with lies and questions and answers that never took place. My attorney, who was present the entire time, never once raised his hand. If any of the questions were asked by the detective, the attorneys hand would have been lifted.

This false reporting of events was used to convict me of crime(s) that I am innocent of. It is of my opinion that this is tantamount to malicious prosecution. See US V. LORIFICE 192 f3d 647 (7th cir. 1999) misconduct by investigating law enforcement agents is indistinguishable from misconduct by prosecuting attorney.

**SUBSCRIBED AND SWORN to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.**

OATH OF PETITIONER

I Arthur L. Johnson declare persuant \_\_\_\_\_

to U.S.C. 28 Section 1746, under penalty of perjury the laws of the United States of America that the foregoing is true and correct.

**Notary Public in and for the State of Washington. Residing in Walla Walla, Washington. My Commission Expires:**

EXECUTED ON this 12th day of July 2006

signature Arthur Johnson

Printed Name ARTHUR L. JOHNSON

ATTACHMENT A

# Washington State Court of Appeals



4454  
360-393-2806 (Fax)  
<http://www.courts.wa.gov/courts>

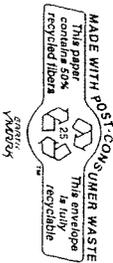
G

Arthur L.  
#255903  
Washington  
1313 N 1  
Walla Walla

Re

Dear Mr.

On June 1, 2006, your petition was  
be filed by you. The court has  
that the petition is not in your  
finances. The court has ordered  
filing fee.



*Vertical handwritten signature: Vincent L. ...*

...ant to RAP 16.8(a), a petition will  
...paid, unless the clerk determines  
...and found no statement of  
...60 days pending receipt of the  
...on account statement.

1

DGP:tg

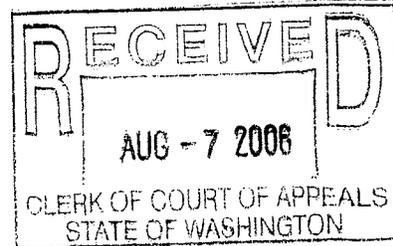


Washington State Court of Appeals  
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454  
David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, Issue Summaries, and General Information at <http://www.courts.wa.gov/courts>

July 25, 2006



Arthur L. Johnson  
#255903  
Washington State Penitentiary  
1313 N 13<sup>th</sup>  
Walla Walla, WA. 99362

Re: Personal Restraint Petition of Arthur L. Johnson

Dear Mr. Johnson:

On July 14, 2006, we received your personal restraint petition. Pursuant to RAP 16.8(a), a petition will be filed by the clerk of the Court of Appeals only if the \$250 filing fee is paid, unless the clerk determines that the petitioner is unable to pay the filing fee. I reviewed the petition and found no statement of finances. See RAP 16.7(a)(3). Accordingly, I will hold the petition for 10 days pending receipt of the filing fee or a statement of finances, **together with a copy of your prison account statement.**

Very truly yours,

*Received 7-28-06*

*8/4/06*

David C. Ponzoha,  
Court Clerk

DGP:tg

APPCAL# 34312-6-II

Dear Sir,

Thank you so much for your patience. I hope this is what you need. I have a note of indigency from the Judge would you be needing that also? I will forward the 1983 action as soon as I can get a document envelope and my property from the institution. I've tried for a long while with no answer. (yet)

Please correspond if theirs anything else I need to do. I don't understand due to A.D.D. and this is why I'm trying to get an

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON  
Plaintiff/Petitioner

vs.

ARTHUR L. JOHNSON  
Defendant(s)/Respondent(s)

NO. 04-1-01-178-5 Cause no.  
34312 II Appeal no.

APPLICATION TO PROCEED  
IN FORMA PAUPERIS, SUPPORTING  
DOCUMENTATION AND ORDER

I, Arthur L. Johnson, declare I am the plaintiff/petitioner in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present are *briefly* stated as follows:

In support of this application, I answer *all* of the following questions:

1. Are you presently employed? NO

Yes  State the amount of your salary or wages per month, and give the name and address of your employer (list both gross and net salary):

No  State the date of last employment and the amount of the salary and wages per month which you received: Approx. 1994 Industrial injury/disabled

2. In the past twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment
- b. Rent payments, interest or dividends
- c. Pensions, annuities or life insurance payments
- d. Disability or workers compensation payments
- e. Gifts or inheritances
- f. Any other sources

|                              |  |
|------------------------------|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each during the past twelve months:

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON

Plaintiff,

v.

ARTHUR L. JOHNSON

Defendant(s).

WRITTEN CONSENT FOR  
PAYMENT OF COSTS FROM ANY  
RECOVERY UNDER LOCAL RULE  
CR 3(b)

I, ARTHUR L. JOHNSON DOC 255903, hereby

consent that any recovery in damages that I may receive in the above-captioned cause may be reduced, if so directed by the court, in such an amount as is necessary for payment of the unpaid fees and costs which are taxed against me in the course of this litigation.

DATED this 30th day of JUNE, 20 06.

Re-Signed August 1<sup>st</sup> 06.

*Arthur L. Johnson*

*Arthur L. Johnson*  
Signature of Plaintiff

3. Do you own **any** cash, or do you have money in checking or savings accounts?

Yes  State the total value of each item (Include prison account funds):

No

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes  Describe the property and state its approximate value:

No

5. Are any persons dependent upon you for support?

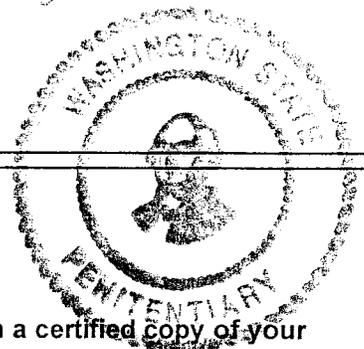
Yes  State your relationship to those persons, and indicate how much you contribute toward their support:

No DAUGHTER. 10 yrs. support in arrears due to indigency.

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on: June 30th, 2006  
DATE

Arthur L. Johnson  
SIGNATURE OF APPLICANT



**CERTIFICATION  
(FOR PRISONER APPLICANTS ONLY)**

Have the institution fill out the Certification portion of this application and attach a certified copy of your prison trust account statement showing transactions for the past six months.

I certify that the applicant named herein has the sum of \$ 0.00 on account to his/her credit at (name of institution) Washington State Penitentiary.

8/1/2006

Carol Munn

**ORDER OF COURT**

The application is hereby denied.

The application is hereby granted. Let the applicant proceed without prepayment of costs or fees or the necessity of giving security therefor.

\_\_\_\_\_  
United States Judge                      Date

\_\_\_\_\_  
United States Judge                      Date  
or Magistrate Judge

08/01/2006  
CMUNDEN

DEPARTMENT OF CORRECTIONS  
WASHINGTON STATE PENITENTIARY

Page 1 of 1  
OIRPLRAR  
6.03.1.0.1.2

PLRA IN FORMA PAUPERIS STATUS REPORT  
FOR DEFINED PERIOD : 02/01/2006 TO 07/31/2006

DOC : 0000255903      NAME : JOHNSON ARTHUR  
DOB : 02/02/1959

ADMIT DATE :12/20/2005  
ADMIT TIME :00:00

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| AVERAGE<br>MONTHLY<br>RECEIPTS | 20% OF<br>RECEIPTS | AVERAGE<br>SPENDABLE<br>BALANCE | 20% OF<br>SPENDABLE |
|--------------------------------|--------------------|---------------------------------|---------------------|
| 0.00                           | 0.00               | 0.00                            | 0.00                |

---



*Carolee munda*  
*8/1/06*