STATE OF WASHINGTON
Plaintiff

v

JAMES NELSON
Defendant

CAUSE NO.# 05-1-02317-1
05-1-02361-9

APPEALS NO.# 34547-1-II
JUDGE - HONORABLE DIANE M. WOOLARD
ATTORNEY FOR STATE, - KATHLEEN HART
ATTORNEY FOR DEFENDANT, GEORGE MARLTON
ATTORNEY FOR Defendant, ANNE CRUSER

NOW COMES APPELLANT IN ABOVE NAMED APPEALS CAUSE NUMBER, SUBMITTING ADDITIONAL CAUSE FOR JUDICIAL SCRUTINY RE. CAUSE 05-1-02317-1, 05-1-02361-9. APPELLANT SUBMITS THE FOLLOWING;

1.) STATE APPOINTED ATTORNEY (MR. GEORGE MARLTON), EARLY ON IN OUR RELATIONSHIP MENTIONED THE FACT THAT THE JUDGE PRESIDING HAD BEEN INVOLVED IN AND A VICTEM OF DOMESTIC VIOLENCE. APPELLANT SUBMITS HAVING LIMITED EDUCATION, LEGAL SAVVY, AND WAS ASSISTED IN COMPELATION OF THIS DOCUMENT, AND WAS IGNORANT TO PROCEDURES OF DISQUALIFICATION OR RECUSEMENT OF JUDGE IN THESE PROCEEDINGS, WHERE BENCH CLEARY COULD BE CONSTRUED BIASED DUE TO HER PREVIOUS EVENT INVOLVING DOMESTIC VIOLENCE PERPETRATED AGAINST HER. ADDITIONALLY REFERRING NOW AND FOR THE REMAINDER TO THE TRANSCRIPTS OF THE PROCEEDINGS, ON PAGE 3 LINE 1, THE COURT SAYS; OKAY. MR. JONES, IS THAT YOUR... or; CLEARLY ILLUSTRATES BENCHES UNEQUIVICALLY FOCUSED ON A MR. JONES, APPELLANT SUBMITS, (A) THIS MYSTERIOUS MR. JONES WAS NOT DISCOVERED IN PRIOR TESTIMONY (B) WAS POSSIBLY AND PRIOR INDIVIDUAL BEFORE THE COURT, OR

QUITE POSSIBLY THE INDIVIDUAL ENCOUNTERED IN THE JUDGES PAST, IN SUMMARY OF THIS ISSUE IT IS OBVIOUS PRESIDING JUDGE WAS CLEARLY FOCUSED AND CONSIDERING UPON ANOTHER NOT PRESENT, WHAT WAS TRANSPIRING IN BENCHES SUBCONSCIOUS CAN ONLY BE ALLUDED TO.

2.) ON PAGE(S); 1 LINE(S) 16, PAGE 2 LINE 12; PAGE 3 LINE 10, REFRENCES TO THE CAUSE NO.# DO NOT MATCH THE SUBMITTED CAUSE NO.#, RAISING DOUBT TO VALIDITY.

3.) ON PAGE(S); 2 LINE(S) 9, DISTRICT ATTORNEY RAISES THE FACT THAT THE DEFENDANTS CRIMINAL HISTORY IS AN ISSUE.

4.) ON PAGE(S) 4 LINE(S) 2 THE COURT DISCUSSES AGAIN THE APPELLANTS CRIMINAL HISTORY.

5.) ON PAGE(S) 4 LINE(S) 5 THRU 9; COLLECTIVELY THE COURT, AND PROSECUTION DISCUSS THE LOWERING OF PRISON TIME APPELLANT WOULD FACE.

6.) ON PAGE(S) 8 LINE(S) LINE(S) 8-19, THE DISCUSSION BETWEEN THE BENCH AND THE STATE CLEARLY EXPOSE THE FACT(S) THAT THE COURT WAS UNSURE OF THE NATURE AND EXTENT OF THE CRIME APPELLANT CHARGED, AND THE FACT THAT FACTUAL BASIS WAS NOT PROPERLY LAIN FOR THE PARTIES TO PROCEED ON THE RECORD OR TO LEGALLY CONVICT / SENTENCE.

7.) PAGE(S) 9, LINE 1 - 5; COURT INTIMATES THAT 51 TO 60 MONTHS WOULD BE CONSTRUED AS THE HIGH END, THEREFORE A REMOTE POSSIBILITY.

8.) PAGE(S) 9, LINE 23; COURT STATE THE WORDS DOMESTIC VIOLENCE ON THE RECORD, GOING BACK TO THE APPELLANTS ARGUEMENT ON PAGE 1 NUMBER ONE.

9.) PAGE(S), 12-13; APPELLANT ENTERS ON THE RECORD HIS REASONING FOR AGREEING TO THE PLEA BARGAIN AND PLEADING TO THE CHARGE(S).

10.) PAGE(S) 10, LINE 12-20; APPELLANT RAISES RES-ERVATIONS REGARDING THE CONTENT AND FACT-UALITY OF THE POLICE REPORT, RAISING CONCERN OF MISFEASENCE ON DEFENSE COUNCILS PART.

SENTENCING DECEMBER 20, 2005 11:16 AM

11.) PAGE(S) 16, LINE 24 to PAGE 17 LINE 5; APPELLANT DIRECTS HONORABLE COURT TO THE DISCUSSION CONTAINED IN AFOREMENTIONED PAGES AND LINES, APPELLANT ARGUES (A) THE DOCUMENT(S) DISCUSSED ARE IN-ADMISSABLE DUE TO THE FACT THEY ARE NOT PRO-PERLY AND LEGALLY CERTIFIED AND ARE DEFICIENT DUE TO CONTENT AND FORMAT, ADDITIONALLY APPELLANT ARGUES THAT BURGLARY IN THE THIRD DEGREE COMMITTED IN ANOTHER JURISDICTION OUT OF STATE, DOES NOT RISE TO THE LEVEL OF SERIOUSNESS OR DEGREE THE STATE ALLEDGES, STATUTORILY OR LEGISLATIVELY.

12.) PAGE(S) 21, LINE-11, DEFENSE (MR. MARLTON) STARTS TO RAISE AN ISSUE, PRESUMABLY REGARDING THE APPLICATION AND NUMBER OF POINTS AS PRIORILY DISCUSSED ON RECORD, HOWEVER MR. MARLTON NEVER COMPLETES HIS THOUGTS NOR VIGOROUSLY DEFENDS THE APPELLANTS POSITION, THIS GLARING INADEQUATECY CONTINUES THROUGH-OUT THE PROCEEDINGS.

13.) PAGE, 22 LINE 24, COURT STATES, CLEARLY AND WITHOUT DOUBT APPELLANT QUOTE: "SO YOU'VE GOT YOUR TEN YEARS." THIS STATEMENT ON RECORD IS UNDENIABLY, PROOF THAT THE COURT ACKNOWLEDGED APPELLANTS 10 YEARS BETWEEN CRIMES AND OF THE INTENDENT CONSEQUENCES, IE. A WASHOUT OF ONE POINT.

14.) PAGE(S) 24, 23-25, AGAIN THE ISSUE REGARDING 10 YEARS TRANSPIRING BETWEEN CRIMES IS DISCUSSED AND DEEMED FAVORABLE TOWARDS APPELLANT.
(A) MR MARLTON: "SO DO WE HAVE TEN YEARS?"
THE COURT: YES, WE DO!

15.) PAGE(S) 25, 13-16, THE DEFENSE RAISES ISSUE REGARDING BARRED BEHAVIOUR BY THE STATE THAT WAS NOT CLARIFIED OR ADJUDICATED ON RECORD, RAISING CONSTITUTIONAL ISSUE FOR APPELLANT.

16.) PAGE(S) 26, LINE 7-10, COURT SEEMS TO DIRECT APPELLANT TO OTHER AVENUES, IE (APPEALS COURT(S), etc.) TO OBTAIN RESOLUTION OF HIS LEGAL MALADIES, SEEMINGLY

UNWILLING OR INCAPABLE OF RESOLVING THE ISSUES CURRENTLY BEFORE THIS COURT.

17.) PAGE, 26, LINE(S) 12-14; COURT FINDS IN DIRECT CONTROVENTION OF PREVIOUSLY STATED FACT!, ON RECORD PAGE 22, LINE 24 IE., APPELLANT HAS 10 YEARS!

IN SUMMARY APPELLANT ASK'S THE COURT TO CONSIDER THE FOLLOWING;

1.) WAS THE DEFENSE PUT ON FOR APPELLANT ADEQUATE AND FAIR OR RISING TO A LEVEL OF MINIMUM DEFENSE IN LIGHT OF THE FACTS THAT (A) DEFENSE (MR. MARLTON) WAS AWARE OF THE PRESIDING JUDGES HISTORY IN RE-GARDS TO DOMESTIC VIOLENCE AGAINST HER. (B) MR. MARLTON COMMUNICATED THIS INFORMATION TO APPELLANT FOR THE APPARENT REASON OF SUBJUGATING APPELLANT TO EASE THE ONCOMING PROCEEDINGS, AS THE DEFENSE DID NOT RAISE CONCERNS WITH THE COURT REGARDING BENCHES PAST AND THE APPEARENCES IT MIGHT CAUSE, ADDITIONALLY THE COURT PROPER DID NOT RECUSE ITSELF, RAISING ADDITIONAL CONCERN, RE: INPARTIALITY, BIASED. AS NO OTHER REASON CAN BE ASCERTAINED. THROUGHOUT PROCEEDINGS THE DEFENSE PRESENTED WAS HALF-HEARTED AND UNINSPIRED, LACKING REBUTTAL, ARGUEMENT, OR COMPLETE THOUGHTS.

2.) WHY WASNT THE JUDGE DISQUALIFIED OR RECUSED?

3.) WHY WAS THE STATE (MS. HART) ALLOWED TO CONTINUALLY INTERRUPT THE DEFENSE?

4.) WERE THE DOCUMENTS SUBMITTED REGARDING NEW YORK AND WASHINGTONS ALLEGED CRIMES LEGALLY PROFICIENT AND CERTIFIED AND ENTERED ON RECORD?

5.) WAS FACTUAL BASIS EVER LAWFULLY ACHIEVED AS DISCUSSED ON RECORD?

6.) WAS THE PLEA AGREEMENT VIOLATED BY THE BENCH AND OR THE STATE? AND IF SO IS APPELLANT BOUND BY IT?

7.) WAS THE POLICE REPORT EVER SCRUTINIZED BY THE DEFENSE, THE BENCH OR THE STATE AND WERE THE CONCERNS AND RESERVATIONS OF APPELLANT ARE CLEARLY RAISED AND DISMISSED OUT OF HAND?

8.) Does IN FACT 3 rd DEGREE BURGLARY RAISE TO COMPRABLE LEVEL AS PROFERRED BY STATE?

9.) Why DOES COURT RENIG ON PREVIOUSLY AGREED UPON FACTUAL BASIS OF WASHING OUT, THEN GO AGAINST BENCHES OWN RULINGS?

10) Why WHEN ASKED, DOES COURT REFUSE TO ADDRESS DEFENSES CONCERNS OF THE STATE ENGAGING IN BARRED BEHAVIOUR?

APPELLANT BELIEVES NUMEROUS AREAS OF APPEAL EXIST IN THIS CASE AND RESPECTFULLY REQUESTS THIS COURT TO CONSIDER THIS ADDITIONAL INFORMATION TO FIND A FAIR AND JUST CONCLUSION IN THIS CASE.

(6) RESPECTFULLY James Nelson