

00:00 PM 1:24

No. 35744-5

consol to 34967-4

COPY

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

DeBERT Beatty) Personal Restraint Petition
[put your name here]) HABEAS CORPUS
Petitioner.)

A. Status of Petitioner

I, ^(full name and address) DeBERT BEATTY Doc 889544 Twin R. Waps
CORRECTION CENTER PO Box 888 MONROE WA 98272
apply for relief from confinement. I am 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 order)* _____

1. The court in which I was sentenced is SUPERIOR COURT
LEWIS COUNTY WA
2. I was convicted of the crime(s) of CONSPIRACY TO COMMIT
CHILD MOLEST IN THE FIRST AND ATTEMPTED CHILD MOLEST IN THE
FIRST.
3. I was sentenced after trial after plea of guilty

PETITIONER MAY FILE THE
PETITION WITHOUT PAYMENT OF
A FILING FEE

1

[Signature]
COURT CLERK

19 kb

on (date of sentence) 6-9-06, 19__ . The judge who imposed sentence was (name of trial court judge) NELSON E HUNT.

4. My lawyer at trial court was (name and address if known; if none, write "none")-
BROCE HANWIPY # 15112 J DONT
Know address He's in PORTLAND WA
PROSECUTING ATTORNEY OFFICE

5. I did X 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 was taken) Court of Appeals of the State of Washington. Division ~~One~~ Two.

My lawyer on appeal was: the Washington Appellate Project. 1405 Fourth Ave., Ste 802. Seattle. WA 98101.
telephone (206) 587-2711.

The decision of the appellate court was __ was not X published. (If the answer is that it was published, and I have this information,), the decision is published in (volume number, Washington Appellate Reports or Washington Reports, and page number) _____

6. Since my conviction I have have not ~~X~~ 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 (name of court or courts in which relief was sought) _____

_____.)

Relief was denied on (date of decision or, if more than one, dates of all decisions) _____

7. (If I have answered in question 6 that I did ask for relief), the name of my lawyer in the proceeding mentioned in my answer to question 6 was (name and address if known; if none, write "none") _____

8. If the answers to the above questions do not really tell about the proceedings and the court, judges and attorneys involved in your case, tell about it here: _____

B. Grounds for Relief

(If I claim more than one reason for relief from confinement, I 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 ^{6 pages}_(number) _____ reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

First Ground

1. I should be given a new trial or released from confinement because [Here 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.]: MY MULTIPLE CONVICTIONS VIOLATED MY RIGHT TO BE FREE OF DOUBLE JEOPARDY. AND THAT HAD TO HAVE BOTH COURTS TO MAKE ONE.

2. The following facts are important when considering my case [After each fact statement, put the name of the person or persons 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.]: FACT ONE IS THERE WAS A TAPED INTERVIEW THAT THE DETECTIVE ELDER DID AND HE COULD NOT GET CANDACE TO SAY SHE WOULD TELL THE TRUTH BRUCE HAWAII HAS THIS INTERVIEW.

3. The following reported court decisions [include citations if possible] in cases similar to mine show the error I believe happened in my case [If none are known, state "None known"].: ~~None Known~~
WIN 2d 296 8'68 P. 2d 835 1994

C. Statement of Finances

If you cannot afford to pay the filing fee or cannot afford to pay an attorney to help you, fill this out. If you have enough money for these things, do not fill out this part of the form.

1. I do do not ask the court to file this without making me pay the filing fee because I am so poor I cannot pay the fee.
2. I have \$ 60.00 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 I cannot afford to pay a lawyer.
4. I am am not employed. My salary or wages amount to \$ 0 a month. My employer is (name and address) HARD TO GET A JOB HERE
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 (kind of self-employment) 0 and the total income I got was \$ 0.)
6. During the past 12 months, I

- did did not
- get any rent payments. If so, the total amount I got was \$_____.
 - get any interest. If so, the total amount I got was \$_____.
 - get any dividends. If so, the total amount I got was \$_____.
 - get any other money. If so, the amount of money I got was \$_____.
7. — have any cash except as said in answer 2. If so, the total amount of cash I have is \$_____.
- have any savings accounts or checking accounts. If so, the total amount of cash I have is \$_____.
- own stocks, bonds, or notes. If so, their total value is \$_____.

8. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what each item of 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
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<i>None</i>	

(Second, Third, etc.) _____ Ground

1. I should be given a new trial or released from confinement because [Here 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.]: There was evidence showing

THAT CANDACE HAD DONE THIS BE FOR
AND LIDE ABOUT IT AND SCHOOL RECORDS
THAT SHOWED THAT SHE LIDE IN SCHOOL AND MY LAWYER
DID NOT BRING THIS UP HE HAS ALL THE THINGS.

2. The following facts are important when considering my case [After each fact statement, put the name of the person or persons 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.]: There was

WITNESSES THAT WOULD HAVE COME FORWARD
AND TESTIFIED BUT MY LAWYER WOULD NOT
BRING THEM IN. HE SAID THAT WE
COULD NOT MAKE IT LOOK LIKE WE WERE
PICKING ON THE CHILD. AND THERE IS MORE.

3. The following reported court decisions [include citations if possible] in cases similar to mine show the error I believe 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 known, state "None known"].: _____

NONE KNOWN

5. This petition is the best way I know to get the relief I want, and no other way will work as well because: ~~_____~~ ~~_____~~ *I'm* _____

NOT A LAWYER

9. I am am not married. If I am married, my wife or husband's name and address is: _____

10. All of the persons who need me to support them are listed here.

Name and Address	Relationship	Age
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NONE

11. All the bills I owe are listed here.

Name of creditor you owe money to	Address	Amount
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*I DON'T KNOW I HAVE BEEN
LOCKED UP SINCE DEC 8 05 I KNOW
I HAVE LATER BILLS BUT I DON'T
KNOW HOW MUCH.*

4. The following statutes and constitutional provisions should be considered by the court [If none are known, state "None known"].: _____

None Known

5. This petition is the best way I know to get the relief I want, and no other way will work as well because: IM NOT A

LAWYER

If a notary is not available, explain why none is available and indicate who can be contacted to help you find a notary: _____

Then sign below:

I declare that I have examined this petition and to the best of my knowledge and belief it is true and correct.

Dated this ___ day of _____, 19__.

[sign here]

First Grounds

I would like THE COURT TO LOOK AT THE FACT THAT THE STATES WITNESS COULD NOT KEEP TO HER STORY. AND SHE WOULD NOT TELL THE DETECTIVE THAT SHE WOULD TELL THE TRUTH IN THE FIRST INTERVIEW. BUT THAT STILL WORKED WITH HER AND MADE A CASE - SHE TOLD THE DETECTIVE THAT I TOUCHED HER KNEE. THEN SHE SAID THAT HER MOM AND I TOUCHED HER BUT THEN IN COURT 9 MONTHS LATER SHE SAID THAT I TOUCHED HER GENITALS. PP 89 IT WAS NOT CLEAR IF THE TOUCHING HAPPEN UNDER OR OVER THE NIGHT GOWN SHE DID NOT KNOW. SO THAT BRINGS THE QUESTION IF TOUCHING EVEN HAPPEND? PP 90-208-08.

SECOND Grounds

I would like the court to look at the fact, that the charges changed at the Haft was point of the trial. With at that time it went from CONSPIRACY TO COMMIT RAPE OF A CHILD IN THE FIRST DEGREE. AND ATTEMPTED RAPE OF A CHILD IN THE FIRST DEGREE. TO CONSPIRACY TO COMMIT MOLESTATION IN THE FIRST DEGREE AND ATTEMPTED MOLESTATION IN THE FIRST DEGREE. IF A PROSECUTOR CAN KEEP CHANGING THE CHARGES. HOW CAN PERSON BE EVER FOUND NOT GUILTY. WE WENT TO TRIAL TO DEFEND AGAINST THE FIRST SET OF CHARGES. THEN AT LUNCH SHE CHANGE THE CHARGES. TO THE NEW CHARGES, WITH I FEEL AT THAT TIME IT WAS A NEW CASE. IT IS NOT RIGHT THAT WHEN THE PROSECUTOR IS NOT WINNING SHE CAN CHANGE TO SOMETHING DIFFERENT TO WIN.

THIRD Grounds
I would like THE COURT TO LOOK AT RP91. WHERE
CEC MADE THE STATEMENT THAT SEE WENT TO SLEEP.
SOMEONE THAT IS AFRAID THAT THEY ARE GOING TO
BE TOUCHED OR MESS'D ~~UP~~ WOULD NOT HAVE JUST
FELL ASLEEP.

FOURTH GROUND'S

C.E.C. TESTIFIED THAT W.E.C. AND I TOOK HER TO WAL MART. WHERE I PURCHASED BRAS AND THONG UNDERWEAR. THE STATE IS MAKING IT LOOK LIKE IT WAS MY IDEA. I WAS ALL READY GOING TO WAL MART TO GET SOME CD'S AND A BRITHDAY GIFT FOR MY GRANDSON. AND THEY WENT WITH ME. C.E.C. TESTIFIED THAT SHE PICKED OUT THE BRAS AND UNDERWEAR RP 73-74. SO IF SHE PICKED THEM OUT THEN IT MUST HAVE BEEN WHAT SHE WANTED. AND ALL I DID IS PAY FOR ALL THE THINGS. HER AND HER MOTHER WENT THERE WAY ~~AND~~ I WENT MY WAY IN THE STORE. HER MOTHER LET HER PICKED THEM OUT. I KNOW NOW THAT I SHOULD HAVE SAID NO WHEN WE MET AT THE CHECK STAND.

Fifth Grounds

C.E.C. testified that later that night W.E.C. told C.E.C. to put on the thong underwear, and black nightgown (RP 72). Both W.E.C. and Betty poked C.E.C. buttocks (RP 75). W.E.C. then asked C.E.C. to get in bed with Betty and herself. So if we were in bed how were we poking her buttocks? (RP 75-77) Then C.E.C. testified that I did something to W.E.C. under the covers for several minutes, but the thing is something under the covers, that doesn't say anything to do with sex was going on like the state makes it look like (RP 78-81). Then C.E.C. testified she felt ill and went to the bathroom, and W.E.C. followed her. There was no way I could know what was being said in the bathroom, or have anything to do with what was being said, and further more, that says she had freedom to come and go as she wished. There again C.E.C. testified that when she returned from the bathroom, that Betty asked her to get back in bed. See there again someone that was afraid of being raped or molested would not have returned to that room. (RP 84). And no where did anyone say that they were there to tend. And again C.E.C. testified that W.E.C. went under the covers and did something to Betty. (RP 84) So my question is if there was something going on why didn't C.E.C. get up and leave the room? She said that she got up and went to the bathroom. And no one stopped here.

THE Kids are TOT in SCHOOL and in BOOKS AND ON TV. THAT if SOMEONE TOUCHS YOU i'm AWAY THAT YOU DON'T LIKE JUST Tell your Teacher or counsior. AND THAT will TAKE CARE OF IT. BUT THAT DON'T Tell Kids WHAT will HAPPEN. I HAVE TOW SON'S THAT I RAIZED. AS A SINGAL PARENT, THAT Told me all ABOUT WHAT THAT TEACH IN SCHOOL. WITCH is A good THING BUT THAT WOULD TO TEACH NOT TO US IT TO WHEN THAT get mard. AGIN C.E.C TESTIFIED THAT BEATTY SAID THAT he WOULD MASSAGE he SCIATIC NERVE WITCH SHE heard her mother SAY THAT Her's HURT ALL THE Time. BUT First SHE SAID THAT BEATTY TOUCH her KNEE THEN Her BUTT THEN her genital's. (RP 89) THEN C.E.C TESTIFIED THAT SHE Told BEATTY STOP AND he didn't TOUCH her any FURTHER AND SHE Fell ASLEEP. DOSE THAT SOND Like Someone who is Being molested. Then why Didn't SHE get up AND Leave THE Room. BUT NO SHE want To sleep (RP 91) I'm Trying To Tell some of my STORY Hear. I never got To Testifie in my Be HAFT.

Sixth Grounds

Sentencing BOTH CONVICTIONS were merged For Purposes of Sentencing. I would Like THE COURT TO LOOK AT THE Sentence. 51 month To Life. I'm A First Time offender, AND I GOT NO CONSIDERATION For THAT From THE COURT. PLUSS THAY give me COMMUNITY CUSTODY For Life IF THAY Let me out of hear. PLUSS THAY SAY THAT I CAN'T Be anywhere AROUND MY Grandson For THE Rest of my Life, THAY HAVE me Under THE Sentence Review Board AND THAY CAN Keep giving me more Time AS THAY WANT To. AND D.A.C. IS NOT giving me ANY good Time. I HAVE Had EVERYTHING TAKEN AWAY From me Over THIS. I Feel THAT THE Punishment is A Little High For MAKING A Bid mistake. AND Yes I Know I MADE A Big mistake AND IT will never HADden A gin. Please DON'T LET Them Take THE Rest of my Life From me. or From my Grandson.

Im 51 Years old I HANK YOU
AND I JUST WANT Delbert Beatty
To go Home AND
Be WITH God AND
My Family AND GO
BACK To my JOB.