

SUPERIOR COURT / COURT OF APPEALS
DIVISION II
OF THE STATE OF WASHINGTON

PH 1110
sw

34451-3
CASE NO. 34451-3-II
consolidated 34461-1-II

STATE OF WASHINGTON
PLAINTIFF

VS

JAMES PHILIP DOUGLAS
DEFENDANT

PRO_SE SUPPLEMENTAL BRIEF

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STATEMENT OF NAME

I JAMES PHILIP DOUGLAS DO COME AND FILE A SUPPLEMENTAL BRIEF TO THE COURT OF APPEALS. I AM CURRENTLY RESIDING AT CLALLUM BAY CORRECTION CENTER, 1830 EAGLE CREST WAY, CLALLUM BAY WASHINGTON 98326.

ISSUE FOR REVIEW

AFTER A (12) DAY TRIAL, JUNE 8, 2005 THRU JUNE 22 OF 2005 I FILED A MOTION FOR INEFFECTIVE COUNCIL AND ORDER TO GO PRO-SE. I STATED MANY ERRORS BY MY THEN CURRENT ATTORNEY JOHN JENSEN OF TALOMA, WA INCLUDING: DRUNKENESS, FAILURE TO CALL WITNESSES ON MY BEHALF, FAILURE TO INVESTIGATE EVIDENCE, FAILURE TO CALL EXPERT WITNESSES, LACK OF PREPAREDNESS, ETC... I ALSO TOOK INITIATIVE TO FILE A COMPLAINT W/ THE BAR ASSOCIATION. MR JENSEN QUIT AS MY ATTORNEY ON JULY 8, 2005 AND DAVE WAS APPOINTED. A MR ROBERT QUILLIAN WAS APPOINTED AS NEW COUNCIL ON AUGUST 12 OF 2005. A SENTENCING HEARING WAS SCHEDULED SEPTEMBER 23 OF 2005, WHERE MY ORIGINAL DISCUSSION OF MY MOTION FOR NEW TRIAL WAS DISCUSSED ON RECORD W/ MR QUILLIAN. MR QUILLIAN TOOK MY MOTION FOR NEW TRIAL TELLING JUDGE CHUSHCOFF HE WOULD "ADD MORE TO IT AND RESUBMIT IT." MR CHUSHCOFF SCHEDULED A NEW TRIAL HEARING FOR THE 19 & 20TH OF DECEMBER, 2005 STATING THAT MR QUILLIAN WOULD NEED TIME FOR REVIEW AND TIME TO GET COPIES OF THE TRANSCRIPT, (SEE EXHIBIT 'H' PROVIDED). DURING THE THREE MONTHS MY MOTHER, NONA DOUGLAS, AND MYSELF CALLED MR QUILLIAN'S OFFICE 50+ TIMES, LEAVING MESSAGES

FOR HIM TO CONTACT ME. MR QUILLIAN FINALLY SHOWED UP ON THE 16TH OF DECEMBER, 3 DAYS BEFORE THE HEARING TELLING ME "I SHOULD JUST GET SENTENCED AND FILE MY APPEAL FROM PRISON." I TOLD HIM THIS WAS NOT WHAT WE DISCUSSED EARLIER AND ALSO TOLD HIM IF THE JUDGE TRIED TO SENTENCE ME I WOULD OBJECT AND FILE A DISCRETIONARY REVIEW. MR QUILLIAN ALSO STATED THAT THE TYPING OF MY TRANSCRIPT WOULD BE TOO COSTLY FOR QAC. AND THEY ADAMANTLY OPPOSED IT. I TOLD HIM BASICALLY THIS WAS UNACCEPTABLE TO ME. HE WENT BEFORE THE JUDGE ON DECEMBER 16, 2005 ALONE AND RESCHEDULED MY HEARING FOR NEW TRIAL TO SENTENCING ON DECEMBER, 29 OF 2005 OVER MY OBJECTIONS. AT THE DECEMBER 29, 2005 HEARING I DID OBJECT AND WAS GIVEN A HEARING TO GAIN MY TRANSCRIPT ON JANUARY 13 OF 2006 AND HEARING TO HEAR MOTION ON FEBRUARY 10 OF 2006. AT MY JANUARY 13, 2006 HEARING I WAS ONLY ALLOWED BY JUDGE CRUSHLOFF TO RECEIVE THE OPENING AND CLOSING STATEMENTS. MY ATTORNEY ACTUALLY ARGUED AGAINST ME RECEIVING MY TRANSCRIPT AT THE EXPENSE OF IT AND THERE WAS NO ONE THERE TO OPPOSE IT. DURING THE COURSE OF THE TRIAL THE WITNESSES ADMITTED TO ILLEGAL TAPING, CUSTODIAL INTERFERENCE AND CONSPIRACY. I BELIEVE THIS IS WHY THEY WOULDN'T GIVE ME MY TRANSCRIPT. I SENT LETTERS TO THE PROSECUTIONS OFFICE STATING SUCH BUT RECEIVED NO RESPONSE % GERALD HORN. I NEVER DID GET TO DISCUSS OR LOOK AT THOSE TRANSCRIPTS EITHER. AT MY FEBRUARY 10TH HEARING I PRESENTED TO THE COURT A MOTION FOR ACQUITTAL BY REASON OF DIMINISHED CAPACITY. AGAIN I HAD NOT SEEN MY

ATTORNEY SINCE THE JANUARY 13TH HEARING. BASICALLY THE COURTROOM WAS SET UP FOR SENTENCING AND I HAD TO ARGUE PROBUSELY TO LET THE JUDGE, MR CHUSHCOFF, ALLOW ME TO PRESENT THE EVIDENCE. MY ATTORNEY, MR QUILLIAN DID NOT OR WOULD NOT REPRESENT ME. I ASKED MR CHUSHCOFF TO ACCEPT THE ORDER I HAD SUBMITTED MONTHS EARLIER APPOINTING MYSELF AS COUNCIL BUT WAS DENIED THAT RIGHT. HE DID HOWEVER ALLOW ME TO PRESENT EVIDENCE OF INNEFFECTIVE COUNCIL BUT KEPT TELLING ME HE WAS ONLY GOING TO GIVE ME A FEW MORE MINUTES. I NEVER DID FINISH SUBMITTING ALL OF THE EVIDENCE NOR WAS I ALLOWED TO CALL WITNESSES ON MY BEHALF. I SPOKE FOR ABOUT 2 HOURS AND MY PARENTS, WHO WERE PRESENT, WERE NOT ALLOWED TO SPEAK. MR QUILLIAN DID NOT HELP AT ALL. MR CHUSHCOFF WOULD ONLY ALLOW ME TO SUBMIT MY MOTION FOR ACQUITTAL AFTER SENTENCING WAS COMPLETED. I AM ASKING THE APPELLATE COURT TO REVIEW "ASSIGNMENT OF ERROR" AND REVIEW OF JUDICIAL MISCONDUCT UNDER RULE B.3 & RULE B.4(C) IF ERROR IS FOUND I WOULD LIKE COMPLETE DISMISSAL AND AT THE VERY LEAST A NEW TRIAL UNDER CER 7.5 (a) 3, 5, 8 AS OUTLINED IN ASSIGNMENT OF ERROR OR 7.8 (b) 2, 3. I DID ASK JUDGE CHUSHCOFF ON 2-10-06 FOR A DISCRETIONARY REVIEW AND WAS DENIED THE RIGHT TO DO SO. THIS WAS AFTER THE JUDGES RULING ON THE MOTION. I ALSO BELIEVE MY ATTORNEY AND THE JUDGES CONVERSATION OFF THE RECORD ON DECEMBER 16TH OF 2005 CONSTITUTES "COLLUSION TO INJURE ME" AND PREJUDICES MY DEFENSE AS WELL AS HIS LACK OF PARTICIPATION TO PRESENT MY MOTION FOR NEW TRIAL ON FEBRUARY 10, 2006.

TABLE OF AUTHORITIES

(TABLE OF CASES)

- (5A) THE DEFENSE OF DIMINISHED CAPACITY REQUIRES THE FOLLOWING:
TO MAINTAIN A DIMINISHED CAPACITY DEFENSE, A DEFENDANT MUST
PRODUCE EXPERT TESTIMONY...
- ATSBENA VS STATE (142 WN.2d 904; 16 P.3d 626; 2001)
- (5B) THE SUPREME COURT HELD THAT THE SIXTH AMENDMENT RIGHT TO
COUNSEL AND THE DUE PROCESS CLAUSE GUARANTEE AN INDIGENT
CRIMINAL DEFENDANT PSYCHIATRIC ASSISTANCE IN HIS DEFENSE AT
PUBLIC EXPENSE IF HIS SANITY IS A FACTOR IN HIS CASE.
- AKE VS OKLAHOMA (470 U.S. 68 (1985))
- (5C) INDIGENT DEFENDANT MAY MOVE FOR STATE FUNDS FOR EXPERT
SERVICES IF THOSE SERVICES ARE NECESSARY TO AN ADEQUATE
DEFENSE.
- ADAMS VS STATE (1995) 77 Wash. App
- (5D) LENIENT SENTENCE WAS JUSTIFIED BY THE DEFENDANTS INABILITY
TO APPRECIATE THE WRONGFULNESS OF HIS CONDUCT RESULTING FROM
THE COMBINED EFFECTS OF DEPRESSION, SEVERE COMPULSIVE PERSONALITY,
AND ALCOHOLISM. EXCEPTIONAL SENTENCE WAS IMPOSED BELOW STANDARD
RANGE.
- ALLERT VS WA. ST. (58 Wn. App 200; 791 P.2d 932 (1990))
- (5E) PRESUMPTION OF TRIAL COUNSELS COMPETENCE CAN BE OVERCOME BY
SHOWING, AMONG OTHER THINGS, THAT COUNCIL FAILED TO CONDUCT APPROPRIATE
INVESTIGATIONS, EITHER FACTUAL OR LEGAL, TO DETERMINE WHAT MATTERS
OF DEFENSE WERE AVAILABLE OR FAILED TO ALLOW HIMSELF ENOUGH
TIME FOR REFLECTION AND PREPARATION FOR TRIAL.
- BYRD VS STATE (1981) 30 Wash. App 794, 638 P.2d 601

(TABLE OF CASES) cont.

- (6A) NO CRIMINAL CONVICTION CAN STAND, NO MATTER HOW OVERWHELMING THE EVIDENCE OF GUILT, IF ACCUSED IS DENIED EFFECTIVE ASSISTANCE OF COUNSEL.
- CORY VS STATE (1963) 62 Wash 2d 371, 382 P.2d 1019
- (6B) COUNSEL CAN DEPRIVE A DEFENDANT OF THE RIGHT TO EFFECTIVE ASSISTANCE, SIMPLY BY FAILING TO RENDER "ADEQUATE LEGAL ASSISTANCE."
- CUYLER VS SULLIVAN, 446 U.S., at 344 (1980)
- (6C) INADEQUATE PREPARATION BY TRIAL COUNSEL MAY CONSTITUTE INEFFECTIVE ASSISTANCE.
- OSBORNE VS STATE (1983) 35 Wash. App. 751 669 P.2d 905 affirmed 102 Wash 2d 87, 684 P.2d 683
- (6D) INDIGENT MADE CLEAR SHOWING HIS MENTAL CONDITION WOULD BE SIGNIFICANT FACTOR AND THUS WAS ENTITLED TO PSYCHIATRIC EXPERT
- PAULSON VS STATE (1986) 45 Wash. App. 706, 726 P.2d 1036
- (6E) THAT A PERSON WHO HAPPENS TO BE A LAWYER IS PRESENT ALONGSIDE THE ACCUSED IS NOT ENOUGH TO SATISFY THE SIXTH AMMENDMENT, AND ACCUSED IS ENTITLED TO BE ASSISTED BY AN ATTORNEY
- (6F) - STRICKLAND VS WA (1984) 466 U.S. 668; 104 S. Ct 2052
GOVERNMENT VIOLATES THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WHEN IT INTERFERES IN CERTAIN WAYS WITH THE ABILITY OF COUNSEL TO MAKE INDEPENDANT DECISIONS ABOUT HOW TO CONDUCT THE DEFENSE.
- (6G) STRICKLAND VS WA (1984) SUPRA
- FAILURE OF DEFENSE COUNSEL TO PRESENT A DIMINISHED CAPACITY DEFENSE WHERE ONE EXISTS HAS BEEN HELD TO SATISFY THE STRICKLAND TEST.

(STATUTES)

(7A) - RCW 9A.72.010(1) MATERIALLY FALSE STATEMENT

"ANY FALSE STATEMENT ORAL OR WRITTEN, REGARDLESS OF ITS ADMISSIBILITY UNDER THE RULE OF EVIDENCE, WHICH COULD BE AFFECTED THE COURSE OR OUTCOME OF THE TRIAL."

(OTHER AUTHORITIES)

"RULES OF PROFESSIONAL CONDUCT"

(7B) - RPC 1.1... COMPETENT REPRESENTATION REQUIRES THE LEGAL KNOWLEDGE, SKILL, THOROUGHNESS, AND PREPARATION REASONABLY NECESSARY FOR THE REPRESENTATION.

(7C) - RPC 1.2(a) A LAWYER SHALL ABIDE BY A CLIENT'S DECISION CONCERNING THE OBJECTIVES OF REPRESENTATION...

(7D) - RPC 3.4(e) AN ATTORNEY SHALL NOT: IN TRIAL, ALLUDE TO ANY MATTER THAT THE LAWYER DOES NOT BELIEVE IS RELEVANT OR THAT WILL NOT BE SUPPORTED BY ADMISSIBLE EVIDENCE, OR ASSERT PERSONAL KNOWLEDGE OF FACTS IN ISSUE EXCEPT WHEN TESTIFYING AS A WITNESS;

(7E) - RPC 3.4(f) AN ATTORNEY SHALL NOT: IN TRIAL STATE A PERSONAL OPINION AS TO THE JUSTNESS OF CAUSE, THE CREDIBILITY OF A WITNESS, THE CULPABILITY OF A CIVIL LITIGANT, OR THE GUILT OR INNOCENCE OF AN ACCUSED, BUT THE LAWYER MAY ARGUE...

(7F) - RPC 3.8(d) TIMELY DISCLOSURE OF EVIDENCE AND INFORMATION.

(7G) - RPC 8.4(c) IT IS PROFESSIONAL MISCONDUCT FOR A LAWYER TO: ENGAGE IN CONDUCT INVOLVING DISHONESTY, FRAUD, DECEIT, OR MISREPRESENTATION.

(CONSTITUTIONAL PROVISIONS)

(8A) Sixth Amendment: The SIXTH AMMENDMENT TO THE CONSTITUTION PROVIDES IN RELEVANT PART THAT THE ACCUSED SHALL ENJOY THE RIGHT TO CONFRONT WITNESSES AND TO HAVE "COMPULSERY PROCEEDS" FOR OBTAINING WITNESSES IN MY FAVOR.

COMPULSERY PROCEEDS: THE RIGHT TO COMPEL THE APPEARANCE OF WITNESSES ON MY BEHALF. IF THE WORD WITNESSES IS READ BROADLY IT INCLUDES: PHYSICAL EVIDENCE, EXPERIMENTS, TESTS & OUT OF COURT STATEMENTS. TESTS COULD INCLUDE PSYCHOLOGICAL TESTS AND WITNESSES CAN INCLUDE LAY WITNESSES TO EXPERT TESTIMONY.

RHS VS WA (1999) 94 WN. App 844

(8B) [8] CONSTITUTIONAL PROVISION

A TRIAL COURTS ERRONEOUS EXCLUSION OF EVIDENCE PROFFERED BY A CRIMINAL DEFENDANT IS NOT HARMLESS IF THE EVIDENCE, IF BELIEVED, WOULD ESTABLISH A DEFENSE TO THE CHARGED CRIME.

(STATUTES) cont.

(8C) RCW 9.94A.535 MITIGATING CIRCUMSTANCES FOR EXCEPTIONAL SENTENCES

THE DEFENDANT COMMITTED THE CRIME UNDER DURESS, COERCION, THREAT OR COMPELSON INSUFFICIENT TO CONSTITUTE A COMPLETE DEFENSE, BUT WHICH SIGNIFICANTLY AFFECTED HIS OR HER CONDUCT.

THE DEFENDANTS CAPACITY TO APPRECIATE THE WRONGFULNESS OF HIS CONDUCT OR TO CONFORM HIS CONDUCT TO THE REQUIREMENTS OF THE LAW WAS SIGNIFICANTLY IMPAIRED.

TO A SIGNIFICANT DEGREE, THE VICTIM WAS THE INITIATOR, WILLING PARTICIPANT, AGRESSOR, OR PROVOKER IN THE INCIDENT.

ASSIGNMENTS OF ERROR

1. MY ATTORNEY ERRED AT TRIAL BY REFUSING TO SUBMIT EVIDENCE OF MY RIPPED SHIRT WHERE I WAS ASSAULTED BY MY MOTHER IN LAW.
2. MY ATTORNEY ERRED IN NOT REVIEWING EVIDENCE SUBMITTED PRIOR TO TRIAL IE. AIRPLANE FUEL CAN, MATCHES, GAS CANS, GUNS.
3. MY ATTORNEY ERRED IN NOT INTERVIEWING WITNESSES PRIOR TO TRIAL FOR THE DEFENSE AND THE PROSECUTION.
4. MY ATTORNEY ERRED IN ONLY GIVING HIMSELF 3 WEEKS TO PREPARE FOR TRIAL (SEE BYRD VS STATE (1981))
5. MY ATTORNEY ERRED BY PRACTICING LAW IN AN ANNEBERATED STATE OF MIND, CONFUSING WITNESSES NAMES, MISREPRESENTING EVIDENCE & WAS UNABLE TO CONFRONT WITNESSES EFFECTIVELY.
6. MY ATTORNEY ERRED BY DISCLOSING THE NAME OF ORLAND WOODWARD, A SUSPECT, BUT HAD NO SUPPORTING EVIDENCE. HE HAD AGREED AT THE 3.5 HEARING NOT TO DISCLOSE HIS NAME.
7. MY ATTORNEY ERRED BY TELLING THE JURY I WAS GUILTY OF CAUSE NO. 04-1-3902-1 BUT NOT GUILTY OF 04-1-05086-5. THIS WAS IN HIS OPENING STATEMENT. IN HIS CLOSING STATEMENT HE ERRED BY TELLING THE JURY TO FIND ME GUILTY WHILE INTOXICATED.
8. MY ATTORNEY ERRED BY MISREPRESENTING ME IN A DRUNKEN STATE, TELLING THE JURY TO FIND ME GUILTY, NOT PRESENTING A DIMINISHED CAPACITY DEFENSE WHEN ONE EXISTED (AS SUBMITTED TO THE COURT BY MYSELF ON 2-10-06.)
9. MY CURRENT ATTORNEY ERRED BY NOT REPRESENTING ME AT THE 2-10-06 HEARING, WHICH CONSTITUTES INEFFECTIVE COUNSEL OF THE SAME (SEE STRICKLAND VS WA 1984) (SEE EXHIBIT "H" WHERE ATTORNEY ACTUALLY CANCELED NEW TRIAL HEARING.)

ASSIGNMENTS OF ERROR cont.

10. THE JUDGE ERRED BY ALLOWING MY ATTORNEY TO CONTINUE TO PRACTICE LAW WHILE INTOXICATED AND AFTER HE VIOLATED RPC 3.4(f). IT IS THE JUDGE'S RESPONSIBILITY TO TAKE APPROPRIATE ACTION UNDER CANON 3(c) 2 IF AN ATTORNEY IS NOT FOLLOWING RPC GUIDELINES.
11. THE JUDGE ERRED BY CUTTING ME OFF AND NOT ALLOWING ME TO SPEAK AT THE 1-13-06 HEARING TO RECEIVE MY TRANSCRIPT. SINCE I WAS THE ONE AT TRIAL I KNEW WHAT PARTS OF THE TRANSCRIPT I NEEDED. I WAS ONLY GIVEN THE OPENING AND CLOSING STATEMENTS AND NEVER GOT TO REVIEW THEM PRIOR TO THE HEARING ON 2-10-06 FOR NEW TRIAL. AS AN INDIGENT DEFENDANT IT IS MY RIGHT TO RECEIVE TRANSCRIPTS.
12. THE JUDGE ERRED AT THE 2-10-06 HEARING FOR NEW TRIAL BY NOT ALLOWING ME TO PRESENT MY MOTION FOR ACQUITTAL UNTIL AFTER SENTENCING KNOWING FULL WELL I HAD IT AND NOT ALLOWING ME MY SIXTH AMMENDMENT RIGHT TO CALL WITNESSES TO SUPPORT IT OR TO GIVE ME TIME TO PRESENT IT IN ITS FULLNESS.
13. THE JUDGE ERRED BY NOT PROVIDING ADEQUATE COUNCIL FOR ME AT THE 2-10-06 HEARING AFTER I ASKED HIM TO FILE MY APOLOGY AND GIVE ME A DISCRETIONARY REVIEW (SEE *WYLER VS SULLIVAN* (1980)) & (*CORY VS STATE* (1963))
14. THE JUDGE ERRED BY NOT ALLOWING ME TO PRESENT MY MOTION FOR EXPERT SERVICES THAT I SUBMITTED TO THE COURT A MONTH BEFORE SENTENCING. (*ATSBHA VS STATE* (2001))

ARGUMENT

JAMES PHILIP DOUGLAS WAS TRIED ON VARIOUS COUNTS. THE TRIAL LASTED APPROXIMATELY 11 DAYS, FROM JUNE 8, 2005 TO JUNE 22, 2005. THE DEFENDANT'S ATTORNEY JOHN PHILIP JENSEN OF TACOMA, WA PREJUDICED HIS DEFENSE BY FAILING TO HAVE MR DOUGLAS EXAMINED BY A QUALIFIED PSYCHOLOGIST, WHERE A DIMINISHED CAPACITY DEFENSE DID EXIST (AKE VS OKLAHOMA (1985) page 5B). MR JENSEN CHOSE RATHER TO TELL THE JURY HE WAS GUILTY OF THAT OFFENSE IN HIS OPENING STATEMENT TO THE COURT AND VIOLATED (RPC 3.4(f) page 7B THE JUDGE IN HEARING THE CASE, MR CRUSHCOFF, VIOLATED (CANNON 3(C)2) BY NOT ACTING ON THE DEFENDANT'S BEHALF AND RETRYING THE CASE. THE DEFENDANT HAD NO CHOICE BUT TO ACT ON HIS OWN BEHALF AND FILE A MOTION FOR NEW TRIAL AND MOTION TO GO PRO-SE. MR JENSEN DID ALSO VIOLATE (RPC 1.2(a) page 7C) BY NOT USING THE DEFENSE HIS CLIENT HAD PROVIDED FOR HIM. MR JENSEN'S DECLARATION TO THE COURT (EXHIBIT A, (PAGE 15) CLEARLY ADMITS HIS DRINKING DURING THE TRIAL. AS TO THE AMOUNT HE STATES, I BELIEVE IT TO BE QUITE A BIT MORE. IN QUESTIONING MR DOUGLAS'S WIFE DEBORAH DOUGLAS, MR JENSEN VIOLATED (RPC 3.4(e) page 7D BY MENTIONING A SUSPECT WHO MIGHT HAVE COMMITTED THE OFFENSE NOTED IN 04-1-05086-5. MR JENSEN HAD AGREED PRIOR TO TRIAL NOT TO BRING UP THE SUSPECT'S NAME. THE JURY WAS EXCUSED AND MR JENSEN REPRIMANDED BY JUDGE CRUSHCOFF. MR JENSEN WAS ALSO NEGLIGENCE IN NOT ARGUING AGAINST ADMITTING TWO WEAPONS ADMITTED INTO EVIDENCE AT TRIAL. THESE WEAPONS WERE NOT USED IN THE COMMISSION OF ANY CRIME BUT WERE ALLOWED AS WELL AS AMMUNITION TO BE SHOWN TO THE JURY. THIS ALSO PREJUDICED THE DEFENSE AND SHOWS MR JENSEN DID NOT REVIEW EVIDENCE PRIOR TO TRIAL (BYRD VS STATE (1981) PAGE 5E) & (OSBORNE VS STATE (1983) PAGE 6C). UNDER RULE 402 EVIDENCE NOT RELEVANT SHOULD NOT BE ADMITTED IN TRIAL. ON THE OTHER HAND MR JENSEN DID NOT SUBMIT THE SHIRT

I WAS WEARING THAT WAS RIPPED BY MY MOTHER IN-LAW WHILE I WAS HOLDING MY CHILD, WHICH SHOWS I WAS ASSAULTED BY HER (SEE PAGE 9, ASSIGNMENT OF ERROR 1 & 2). SHE ADMITS TO ASSAULTING ME IN HER STATEMENT TO THE POLICE. IN MR JENSEN'S CLOSING ARGUMENTS HE TELLS THE JURY TO FIND ME GUILTY AGAIN VIOLATING (RPC 3.4(f) PAGE 7E) AND TELLS THE JURY THAT I FREQUENTED A HOBBY STORE WITH MY DAUGHTER WHERE THE AIRPLANE FUEL USED IN THE HOUSE FIRE WAS PURCHASED. MR PEDERSON, THE HOMEOWNER, WAS THE ONE WHO ADMITTEDLY FREQUENTED THE STORE. MR JENSEN WAS INTOXICATED DURING THIS PRESENTATION AND MISTOOK THE EVIDENCE PREJUDICING MY CASE (SEE RPC 8.4(c) PAGE 7G). THIS IS ALSO A VIOLATION OF (RCW 9A.72.010(1) PAGE 7A) "MATERIALLY FALSE STATEMENT." I HAD SENT MR JENSEN NUMEROUS LETTERS PRIOR TO TRIAL ASKING MR JENSEN TO INTERVIEW WITNESSES WHO WOULD HAVE CORROBORATED MY STATE OF MIND DURING THE TIME OF THE INCIDENTS. THESE WITNESSES WERE NEVER QUESTIONED BY MR JENSEN AND COULD HAVE BEEN USED AS LAY WITNESS TESTIMONY TO EXPERT TESTIMONY OF A PSYCHOLOGIST. I HAD SEVERAL OF THE WITNESSES SUBMIT STATEMENTS TO THE COURT IN AUGUST OF 2005 AND ARE CURRENTLY STILL ON RECORD. MR JENSEN'S FAILURE TO INTERVIEW WITNESSES PRIOR TO TRIAL VIOLATES MY SIXTH AMMENDMENT RIGHTS (SEE PAGE 8A) AND PREJUDICES MY DEFENSE (OSBORNE VS STATE (1983) PAGE 6C). DURING MY SENTENCING I SUBMITTED A MOTION FOR ACQUITTAL BASED ON DIMINISHED CAPACITY WHICH STATED MEDICAL RECORDS AND EVIDENCE WHICH COULD HAVE BEEN USED ALONG WITH EXPERT TESTIMONY TO ACQUIT MYSELF. THIS IS STILL ON RECORD. MOST OF THESE RECORDS WERE ACQUIRED BY MYSELF WHILE INCARCERATED USING FRIENDS AND RELATIVES TO HELP. MY CURRENT ATTORNEY, MR ROBERT GULLIAN REFUSED TO ACKNOWLEDGE MY ASKING FOR HELP IN THIS MATTER AFTER MANY MESSAGES LEFT BY

MYSELF AND MY MOTHER, VIOLATING (RPC 1.2(a)) (SEE CUYLER VS SULLIVAN (1980) (Page 6B)). AFTER MY FILING A GRIEVANCE WITH THE BAR ASSOCIATION, MR QUILLIAN REFUSED TO HELP MY CASE OR SPEAK TO ME REGARDING MY CASE. HE OPENLY ADMITS THIS AT MY SENTENCING HEARING ON 2-10-06. HE ADMITS TO NOT REVIEWING EVIDENCE (SEE STRICKLAND VS WA (1984) PAGE 6E). MR QUILLIAN BASICALLY SA7 BY WHILE I FUMBLLED TRYING TO PRESENT THE EVIDENCE MYSELF FOR 2 HOURS. I WAS NOT ABLE TO PRESENT WITNESSES VIOLATING SIXTH AMMENDMENT RIGHTS (SEE SIXTH AMMENDMENT, PAGE 8A). I ASKED THE JUDGE, MR CHUSHCOFF, TO PRESENT THE DIMINISHED CAPACITY EVIDENCE BUT HE CUT ME OFF AND I NEVER GOT TO FINISH. HE DID STATE THAT HE DIDNT FEEL LIKE LISTENING TO IT OR IT DIDNT MATTER. (SEE STRICKLAND VS WA (1984) SUPRA, PAGE 6G) THIS PREJUDICED MY DEFENSE IN NOT ALLOWING ME TO PRESENT MY MOTION FOR ACQUITTAL AND FOR NOT ALLOWING ME TO GET EXPERT SERVICES TO ASSIST IN MY DEFENSE (SEE RIMS VS WA (1999) PAGE 8B). THIS EVIDENCE COULD ALSO HAVE BEEN USED AS MITIGATING CIRCUMSTANCES WHICH ALSO COULD HAVE DRAMATICALLY REDUCED THE CHARGES (SEE STATUTES, PAGE 8C). ALL THROUGH THE TRIAL MR JENSEN ALLUDED TO THE PROSECUTION'S UNTIMELY SUBMITTAL OF EVIDENCE PRIOR TO TRIAL (SEE RPC 3.8(D) PAGE 7E) I BELIEVE THIS WAS HIS WAY OF ALLOCUTING BLAME FOR HIS LACK OF PREPARATION IN GIVING HIMSELF ONLY 3 WEEKS TO DO EVERYTHING AND HIS LACK OF HIRING AN INVESTIGATOR (SEE ADAMS VS STATE (1995) PAGE 5C) & (BYRD VS STATE (1981) PAGE 5E). I ALSO SUBMITTED IN MY MOTION ON 2-10-06 EVIDENCE SIMILAR TO (ALBERT VS WA (1990) PAGE 5D) WHERE MITIGATING FACTORS WOULD HAVE BEEN APPLICABLE.

END

CONCLUSION

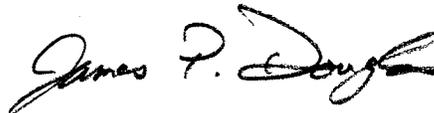
I JAMES PHILIP DOUGLAS DO SWEAR THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF THE LAWS OF THE STATE OF WASHINGTON.

I AM ASKING THE APPELATE COURT TO ACCEPT THIS BRIEF AND ORDER A COMPLETE DISMISSAL WITH PREJUDICE TO MYSELF AND MY CASE.

I AM ALSO ASKING THE COURT TO REVIEW FOR JUDICIAL MISCONDUCT UNDER RULE 8.3 & 8.4(c). AT THE VERY LEAST I AM ASKING FOR A NEW TRIAL UNDER Ccr 7.5(a) 3,5,8 or Ccr 7.8(b) 2,3. I ASKED FOR A DISCRETIONARY REVIEW BUT WAS DENIED ON 2-10-06.

STATED THIS DAY, THE 4th DAY OF December, 2006

JAMES PHILIP DOUGLAS
PETITIONER



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

| | | |
|-----------------------|---|------------------|
| STATE OF WASHINGTON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 04-1-05086-5 |
| |) | |
| JAMES PHILIP DOUGLAS, |) | |
| |) | |
| Defendant. |) | |

INTERVIEW OF JOHN JENSEN
Friday, November 4, 2005

APPEARANCES

| | |
|--------------------|-----------------------------|
| For the Plaintiff: | SUE SHOLIN |
| | Deputy Prosecuting Attorney |
| | 955 Tacoma Avenue South |
| | Room 210 |
| | Tacoma, Washington 98402 |

NOTE: NO ONE SHOWED UP FOR DEFENSE.

Reported by: Laura L. Venegas, CCR, RPR
License No. 2110

1 BE IT REMEMBERED that the INTERVIEW OF JOHN JENSEN
2 was taken on Friday, November 4, 2005, at 955 Tacoma
3 Avenue South, Room 210, Tacoma, Washington, before Laura
4 L. Venegas, Notary Public in and for the State of
5 Washington.

6 (Interview commenced at 11:11 A.M.)

7 * * * * *

8 MS. SHOLIN: We are here at approximately 11:00
9 A.M. on Friday, November the 4th, 2005. I am Deputy
10 Prosecutor Sue Sholin, and I'm here with court
11 reporter Laura Venegas and also Attorney John Jensen,
12 former attorney for Defendant James Philip Douglas in
13 the State of Washington versus James Philip Douglas,
14 Cause No. 04-1-05086-5.

15 Q. Mr. Jensen, you represented Mr. Douglas through trial
16 in this case with me?

17 A. That's correct.

18 Q. Can you tell me when you first started representing Mr.
19 Douglas?

20 A. If I recall correctly, I appeared for him -- I think it
21 was in the last week of December of 2004. Either the
22 last week of December -- I'd have to look at my
23 file -- either the last week of December 2004 or the
24 first week of January 2005. And I can probably check
25 on that. I think that's pretty close.

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1 something like that, but never -- most of the time I
2 wouldn't even have that if I'm in trial.

3 But if there's nothing pressing -- and I certainly
4 never, ever, ever came to court in any kind of
5 diminished capacity myself in terms of any -- one
6 cocktail at lunch with a steak.

7 Most of the time during the whole trial I would go
8 back to my office at lunch time and answer phone calls
9 and get messages back or research some point of law
10 over the noon hour.

11 The few occasions where I went down to the Harbor
12 Lights for lunch during that whole trial, most of the
13 time I would have ice tea or a Coke or something with
14 lunch and wouldn't have any alcohol at all.

15 I think I did run into a couple of my old cronies
16 I had -- as I said, I have had lunch with them for 20
17 years down there, and we did flip for a drink on two
18 occasions during those two weeks, but it was never more
19 than one cocktail with lunch with food.

20 Q. I know during trial if you are like me, you are lucky
21 if you have time to eat or drink at all.

22 A. That's correct. Most of the time I didn't have any
23 lunch. Even after -- at the end of the day I would be
24 up into the wee hours of the morning trying to research
25 case law or something. Especially when we were getting

ADmits to DRINKING
.08 LEGAL LIMIT = 1 DRINK

H

This was cancelled by my attorney after speaking to the Judge on 12-18-05 and a sentencing hearing was scheduled on 12-29-05 however I was not sentenced, because I objected to my current attorneys actions. I recently sent a letter to Judge Chushcoff firing my attorney but he sent a letter back to me stating that he could not act on my unfiled letters.

IN THE SUPERIOR COURT FOR PIERCE COUNTY WASHINGTON

State of Washington

Plaintiff

NO. 04-1-05086-5
~~04-1-03402-1~~

vs.

James Douglas
Defendant

SCHEDULING ORDER

IT IS HEREBY ORDERED that:

1. The following court dates are set for the defendant:

| Approval No | Hearing Type | Date | Time | Courtroom |
|-------------|---|---------------------|------------|-------------------|
| | <input type="checkbox"/> Pretrial Conference | ,20__ | AM/PM | |
| | <input type="checkbox"/> Omnibus Hearing | ,20__ | 8:30 AM | |
| | <input type="checkbox"/> Status Conference | ,20__ | 8:30 AM | CDPJ |
| | <input checked="" type="checkbox"/> Motion (Describe): For New Trial | 12/19, 20_05 +20 | 9:30 AM/PM | CDPJ Chushcoff |
| | <input type="checkbox"/> TRIAL | ,20__ | 8:30 AM | CDPJ |
| | <input checked="" type="checkbox"/> Sentencing | 12/19, 20_05 | 9:30 AM/PM | 2B |
| | <input type="checkbox"/> | ,20__ | AM/PM | |

2. Moving papers due: _____ Responsive brief due: _____

3. The defendant shall be present at these hearings and report to the courtroom indicated at 930 Tacoma Avenue South, County-City Building, Tacoma, Washington, 98402

FAILURE TO APPEAR WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

4. DAC; Defendant will be represented by Department of Assigned Counsel.
 Retained Attorney; Defendant will hire their own attorney or, if indigent, be Screened (interviewed) for Department of Assigned Counsel Appointment.

Dated 9/23, 2005

Copy Received:

Defendant [Signature]

JUDGE [Signature]

Attorney for Defendant/Bar # 6536

Prosecuting Attorney/Bar # 21337

REVIEW-18

Defendant waives speedy sentencing