Court of Appeals
Division II

Cause No. 39518-5-II

Statement of Additional Grounds

FILED
COURT OF APPEALS
10 MAY -5 PM 12:5
STATE OF WASHINGTON
BY

Ground #1

Unconstitutional prosecution, conviction, and sentence, "based upon the 'Complete Denial' of councel" under the United States Absolute Constitutional Accorded Enumerated Right's within Sixth (6th) Amendment's provision to "Independant Conflict Free councel", due to the state of Washington's Oppressive Over-reaching Arbitrary and Capricious Willful Bad Faith enactment of RCW's chapter's 36.26 (in it's Entirety), 43.101 (in pertinent part); and, WAC ch. 139-15-110 (in pertinent part), which in Constitutional "Law", "Fact", and in "Actual Practice", are Unconstitutional.

Facts & Authority

A person has "Standing" to raise Constitutional questions when his or her "Interest(s)" is a "Personal Stake" in the "Outcome of the Controversey" Lewis v. Casey (1996), 518 U.S. 343, 116 S.Ct. 2174, 2179, 135 L.Ed. 2d 606.

On June 15, 2009, Ryan Milton, was sentenced, by Alfred Plea, with the following "offenses/crimes": (w/dates of crimes)

1). Burglary First Degree 9A.52.020(1)(a) w/FASE 9.94A.510/9.94A.310 Dated: 02/07/08

2). Burglary First Degree 9A.52.020(1)(a) w/FASE 9.94A.510/9.94A.310 Dated: 02/25/08

3). Residential Burglary First Degree 9A.52.025 Dated: 04/16/07

4). Residential Burglary First Degree 9A.52.025 Dated: 02/11/08

5). Residential Burglary First Degree 9A.52.025 Dated: 02/21/08

6). Unlawful Possession of a Firearm in the First Degree 9.41.010(12)/9.41.040(1)(a) Dated: 02/07/08

7). Unlawful Possession of a Firearm in the First Degree 9.41.010(12)/9.41.040(1)(a) Dated: 02/25/08

8). Theft of Motor Vehicle 9A.56.020(1)(a) (under laws of WA 2007) Dated: 02/21/08

9). Trafficking in Stolen Property in the First Degree 9A.82.050(1) Dated: 02/07/08

10). Theft in the First Degree 9A.56.020(1)(a)/9A.56.030(1)(a) Dated: 04/16/07

11). Theft in the First Degree 9A.56.020(1)(a)/9A.56.030(1)(a) Dated: 02/07/08

12). Theft in the First Degree 9A.56.020(1)(a)/

9A.56.030(1)(a) Dated: 02/11/08
13). Theft in the First Degree 9A.56.020(1)(a)/
9A.56.030(1)(a) Dated: 02/21/08
14). Theft in the First Degree 9A.56.020(1)(a)/
9A.56.030(1)(a) Dated: 02/25/08
For a total of 207 months, see Appx. A (Judgement & Sentence Order).

After Ryan Milton was arrested, the Pierce County "public defender's office" appointed Stephen Grant wsba# 18911, and on or around October 9th, 2008 I had another "public defender" appointed to my "case". That "public defender" was Kirk Mosely wsba# 29683. Both Grant (wsba# 18911) and Mosely (wsba#29683) were assigned from and in Pierce County. See Appx. B. Under the above captioned cause no. 08-1-04625-9, Ryan Milton, has "standing" to challenge the Constitutionality of Revised Code of Washington (RCW) ch. 36.26 (in it's entirety), ch. 43.101 (in pertinent part), and, Washington Administrative Code (WAC) ch. 139-15-110 (in pertinent part). See Appx. C (pp.2). Marchioro v. Chaney (1978), 98 Wa.2d 298, 302 n.2, 582 P.2d 487, Affirmed, 442 U.S. 191, 99 S.CT. 2243, 2245, 60 L.Ed.2d 816 (and the cases cited therein and therefrom)(1979). See also Yick Wo v. Hopkins (1886), 118 U.S. 356,

370, 6 S.CT. 1064, 30 L.Ed. 220. The united States's Supreme Court's long-standing mandate has clearly established that the federal and state legislatures "Shall NOT make any law that would abridge the "Freedom of Speech (in defending her-self/himself in a criminal case)" or of the "Press" or of the "Right of the People To Peaceably Assemble", and "To Petition the government for a Redress of His/Her Grievances". Williams V. Rhodes (1969), 393 U.S. U.S. 23, 30-31, 89 S.CT. 5, 10-11, 21 L.Ed. 2d 24.

Here in the present case, Ryan Milton, has the absolute united State's Constitutional Enumerated Rights Within Amendment One (1) under the "Freedom of Speech" in conjuction with the Enumerated Rights under "Petitioning the government for a Redress of Grievances" clauses, to defend himself with the aid of "Independant Conflict Free "Councel" who is "Loyal" to Ryan Milton's, "Constitutional" and Legal "Interests", as defined within the Absolute united State's Accorded Constitutional Enumerated Explicit & Implied Rights With in Amendment Six (6)", free of the controlling interest's

of the Washington States prosecuting authorities under RCW ch. 36.26 (in its Entirety) = Appx. C; RCW ch. 43.101 (in pertinent part, as it applies to the "public defender's office, it's contract atty's. and atty. assoc., and attorney's who expend 80% of their time representing "Impoverished" defendants) = Appx. D; and, WAC 139-15-110 (in pertinent part, in so far as it applies to the public defender's office, it's contract attorneys and attorney associates/associations, and attorney's who expend 50% of their time representing "Impoverished" defendants) = Appx. E. Cruz v. Beto (1972), 405 U.S. 319, 321, 92 S.CT. 267, 269-70, 30 L. Ed. 2d 1079 ("Persons in Prison like other individuals have the right to petition the government for a Redress of their Grievances which of course, includes 'Access of Prisoners to the courts for the purposes of presenting their complaints. Citing Johnson v. Avery (1969), 393 U.S. 483, 89 S.CT. 747, 21 L. Ed. 2d 718; Ex Parte Hull (1941), 312 U.S. 549, 61 S.CT. 640, 85 L.Ed. 1034"). See Also Younger v. Gilmore (1972) 404 U.S. 15, 92 S.CT. 250, 30 L.Ed. 2d U.S. Const. Amend's. 1 (Freedom of Speech and

Petition Clauses); Amend's, 5 and 14 (Equal Protection Clause). In McDonald v. Smith (1985), 472 U.S. 479, 482-85, 105 S.Ct. 2787, 86 L.Ed. 2d 384, The reiterated that "... The First Amendment guarentees the right of the people to Petition the government for a Redress of their Grievances. The right to Petition is cut from the same cloth, as the other guarentees of the amendment, and is an "insurance of a "Particular Freedom of Expression". In U.S. v. Cruikshank (1876), 92 U.S. 542, 23 L. Ed. 588, the court declared that the Right is "Implicit" in [T]he very idea of government republican in form."

In regards to the pervading "Actual Conflict of Interest's" created by RCW's ch. 36.26 (in it's entirety), ch. 43.101 (in pertinant part, in so far as it applies to the public defender and it's office, it's contract attorneys and attorney associates/association[s], and attorneys who expend 50% of their time representing "Impoverished" defendants), and WAC ch. 139-15-110 (in pertinant part, in so far as it applies to the public defender and it's office, it's contract attorneys and atty. associates, and attorney's

who expend 50% of their time representing "Impoverished" defendants.). Appx.'s "C", "D" and "E", the "Public Defender's and their officers, contract attorney's, and contract attorney associations, and attorney's who expend 50% of their time representing ""Impoverished" Defendant's/Individual's accused of committing criminal offenses/crimes" are:

(1) county officers/employees, RCW ch. 36.26 Appx. C, p. 2; and,

(2) under "Oath" to represent the "Interest" of the county in prosecuting and sentencing "Individuals", RCW 36.16.040 Appx. C, p. 1, and, RCW ch. 36.27 Appx. C, pp. 3 and 4; and

(3) who are selected/recommended by the elected prosecuting attorney, RCW ch. 36.27 Appx. C, pp. 3 and 4; and,

(4) appointed/approved as "County officers (public defenders)" by the county commissioner's, RCW ch. 36.32 Appx. C, pp. 6-7; and,

(5) recieves their salary/wages from the county treasurer's office RCW ch. 36.29 Appx. C, pp. 4 and 5; and,

(6) who are also classified as officers/employees of executive branches prosecuting authorities, known as "criminal justice personnel" RCW ch. 43.10 and 43.101, and WAC ch. 139-15-110 Appx.: D, pp. 1 through 5; and E, respectively;

and,
(7) who recieves further wages under the "state treasurer's" office, while participating in the "Mandatory" education and training programs on how to "represent the "Interests" of the state of Washington's prosecuting authorities" RCW ch. 43.03 and ch. 43.08; and,
(8) who must also take an "OATH" under the executive branch for the state of Washington to represent the prosecuting authorities "Interest's". RCW 43.01.020.

The Washington state legislative and executive branches acts and actions here, set forth above under the Unconstitutional statutory and administrative schemes constitutes Oppressive governmental Overreaching that is Arbitracy and Capricious that is an Egregious Willful Bad Faith acts and actions. Holmes v. South Carolina (2006), 547 U.S. 319, 324, 126 S.CT. 1727, 1731, 164 L.Ed.2d 503 (citing U.S v. Scheffer (1998), 523, U.S. 303, 308, 118 S.CT. 1261, 140 L.Ed.2d 493). Every law enacted by the state and federal legislatures must be based on one or more of it's powers enumerated in the united States Constitution, so long as it does

not violate any of the other Enumerated Constitutional Provisions of the Articles and Amendments thereunder. The powers of the legislatures and executive branches are defined and limited; and those limits may not be mistaken. Marbury v. Madison (1803), 1 Cranch 137, 2 L.Ed. 60 (Marshall, J). The statutory and administrative schemes above "In Law", "In Fact", and "In Actual Practice", constitutes a Pernicious Pervading "Actual Conflicts of Interests" through the "Bad Faith Acts" of governmental officials, detrimental to, and in violation of, the Absolute united State's Accorded Constitutional Enumerated Right's of Ryan Milton, with in Amendment's 1, 4, 5, 6, 8, 13, and 14, as set forth in detail below under "Ground's "1", "2", and "3" (all parts of Grounds included), and are incorporated by reference herein in their entirety.

The Washington state legislative and executive branches took an "Oath" under Article VI, clause 3 of the United State's Constitution, Ableman v. Booth (1858), 62 U.S. 506, 21 HOWARD 506, 16 L. Ed, 169, to "Protect and Uphold" the Accorded united States Constitutional Enumerated Rights of Ryan Milton within Amendment's 1, 4, 5, 6,

8, 13, and 14. This, they did not do, instead, they willfully in "Egregious" Bad Faith, through a illegal Collusion, committed Intentional Willful act's of Malfeasance to obtain the Un-constitutional and illegal arrest, prosecution, the conviction especially, and sentence again Ryan Milton. Appx. A. Broadrick v. Oklahoma (1973), 413 U.S. 601, 610, 93 S. CT. 2908, 37 L. Ed. 2d 830; U.S. v. Morrison (2000), 529 U.S. 598, 120 S. CT. 1740, 1748 nn. 1 and 2, 146 L. Ed. 2d 658.

(a) the deputy prosecuting attorney Gerald A. Horne, WSBA # _____, under the above captioned cause no. 08-1-04625-9, committed acts of Malfeasance, in Violation of the Rules of Professional Conduct (RPC) 3.4(a)(b) and (e); 3.8; 8.4, as well as his "Oath" to office, under united States Constitution Article VI, clause 3. Connell v. Higginbotham (1971), 403 U.S. 207, 208 n.1, 91 S. CT. 1772, 1773 n.1., 29 L. Ed. 2d 418.

(b) the assigned cancel, Kirk Mosely, wsba # 29683, for Ryan A. Milton, under cause # 08-1-04625-9, committed Willful and Knowing act's of Malfeasance and non-feasance in Violation of RPC's 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.8, 1.10, 1.11; 3.1, 3.2, 3.3, 3.5, 3.8; 5.1, 5.2; 6.2; and 8.4, and his

Oath to office under united States's Constitution Article VI, clause 3, U.S. v. Cronic (1984), 466 U.S. 648, 655, 104 S.Ct. 2039, 2044, 80 L.Ed. 2d 657; Cole v. Richardson (1972), 405 U.S. 676, 682, 92 S.Ct, 1332, 1336, 31 L. Ed. 2d 593.

See also Holloway v. Arkansas (1976), 435 U.S. 475, 96 S.Ct. 1173, 98 L.Ed. 2d 426; Cuyler v. Sullivan (1980), 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed. 2d 333; Wood v. Georgia (1981), 450 U.S. 261, 101 S.Ct. 1079, 67 L.Ed. 2d 220. See also Grounds nos 2, 3, and 1, which are Incorated here in by Reference in their Entirety.

Grand 2

Unconstitutional Arrest, Prosecution, Conviction, and Arrest based upon the "Complete Denial of Independant Conflict Free" counce/ in Violation of Ryan A. Milton's abolute united states of America's Enumerated Constitutional Rights with in AMENDMENT 6, which further caused the complete willful denial of all other Absolute united states of America's Enumerated Constitutional Rights with in AMENDMENTS 1, 4, 5, 6, 8, 13 and 14 as set forth in Grounds 1, 3, and 2 which are Incorporated herein

by Reference in their Entirety.

This case "Is not about" "attorney - abandonment", nor about "ineffective assistance of council". It is about "Complete Denial of council". Appointed defense council, Kirk Mosely, wsba # 29683, "was" and "Is" an "agent/Employee of the State of Washington, RCW's ch. 36.26, ch. 43.101, and, WAC 139-15-110; RPC 1.11, "In Law", "In Fact", and "In Actual Practice", and the "Record Before" this court under cause no. 39518-8-II, clearly supports this fact at the time of Ryan A. Milton's arrest, during and after his prosecution and conviction and sentences". Powell v. Alabama (1933), 287 U.S. 45, 67-68, 53 S.Ct. 63, 77 L.Ed. 158.

As a state actor/agent/employee, Kirk Mosely's actions and inactions set forth above in all parts of the arguements spoken, constitutes government Oppressive Overreaching that is Arbitrary and Capricious, Holmes v. South Carolina (2006), 547 U.S. 319, 324, 126 S.Ct. 1727, 1731, 164 L.Ed. 2d 503 (citing United States v. Scheffer (1998), 523 U.S. 303, 308, 118 S.Ct. 1261, 140 L.Ed. 2d 493), committed in Bad Faith, Arizona v. Youngblood (1988), 488 U.S. 51, 58, 109 S.Ct.

333, 102 L.Ed. 2d 281.

Conclusion

As set forth above and those "Facts" and "Authorities set forth in Grounds 1, 2, and 3. The convictions and sentences MUST be REVERSED, and, all charges DISMISSED with, prejudice, as well as any and all charges that should have, and/or could have, been brought at the time of Ryan A. Mitton's arrests or pending or unsolved, alleged, cases.

Ground 3

Unconstitutionality of the Firearm/Deadly Weapon Allegations and Enhancements

Part One · Firearm/Deadly Weapon Allegation

Unconstitutional convictions obtained by the state, against Ryan A. Milton, based upon an Unconstitutional "Special Firearm/Deadly Weapon 'Allegation'" in Violation of the Absolute united states Constitution's 5th Amendment's Enumerated Prohibitions within the 'Double Jeopardy' clause, under RCW 9.94A.602 Enactment by the Washington State legislature.

Part Two · Firearm/Deadly Weapon Enhancement

Unconstitutional sentences obtained by the state, against Ryan A. Milton, based upon an Unconstitutional "Firearm/deadly weapon Enhancement" under RCW 9.94A.510/9.94A.310, and 9.94A.530 in violation of the Absolute united states of America's Constitution's 8th and 13th Amendments Enumerated Prohibitions within the "Cruel & Unusual Punishments"; and, Involuntary Slavery & Servitude clauses.

Statement of Fact

On October 7, 2008, Ryan A. Milton was convicted for the following charges, and sentenced on June 15, 2009: Pierce County Superior Court cause no. 08-1-04625-9;
Count I · Burglary °1 9A.52.020(1)(a) w/FASE 9.94A.510/9.94A.310 Dated: 02/07/08
Count II · Burglary °1 9A.52.020(1)(a) w/FASE 9.94A.510/9.94A.310 Dated: 02/25/08
Count III · Residential Burglary 9A.52.025 Dated: 04/16/07
Count IV · Residential Burglary 9A.52.025 Dated: 02/11/08
Count V · Residential Burglary 9A.52.025 Dated: 02/21/08
Count VI · Unlawful Possession of a firearm in the first degree 9.41.010(12)/9.41.040 (1)(a) Dated: 02/07/08
Count VII · Unlawful Possession of a firearm First Degree 9.41.010(12)/9.41.040(1)(a)
Count VIII · Theft of Motor vehicle 9A.56.020 "(under laws of WA 2007)" Dated: 02/21/08
Count XI · Trafficking in Stolen Property °1 9A.82.050(1) Dated: 02/07/08
Count X · Theft °1 9A.56.030(1)(a)

Count XI · Theft °1 9A.56.020(1)(a)/9A.56.030(1)(a) Dated: 02/07/08
Count XII · Theft °1 9A.56.020(1)(a)/9A.56.

030 (1)(a) Dated: 02/11/08
Count XIII · Theft °1 9A.56.020(1)(a)/ 9A.56.
030(1)(a) Dated: 02/21/08
Count XIV · Theft °1 9A.56.020(1)(a)/ 9A.56.
030(1)(a) Dated: 02/25/08

For a total sentence to serve, is 207 months. 120 flat from two (2) Fire-arm sentencing enhancements (F.A.S.E.) and is running consecutive to the 87-116 months from the charges given to Ryan A. Milton.

Ryan A. Milton has "Standing" to challenge the constitutionality of RCW's 9.94A.530, 9.94A.533, and 9.94A.602. Appx. D. Marchioro v. Chaney (1979), 442 U.S. 191, 99 S.CT. 2243, 60 L.Ed. 2d 816, affirming, 90 Wa. 2d 298, 582 P.2d 487 (1978) (and cases cited therein); United States v. Lopez (1995), 514 U.S. 549, 115 S. CT. 1624, 131 L.Ed. 2d 626 (and cases cited therein); United States v. Morrison (2000), 529 U.S. 598, 120 S. CT. 1740, 146 L.Ed. 2d 658. A person has "Standing" to raise constitutional questions when his "Interests" has a personal stake in the "Outcome" of the controversy.

Under Benton v. Maryland (1969), 395 U.S. 784, 89 S. CT. 2056, 23 L.Ed. 2d 707, it held that the "Prohibition" under the 5th Amendment "Double Jeopardy" clause to the united

States of America's Constitution, is a Fundamental Guarentee, for which the same Constitutional Construction and Standard's apply against both state and federal governments. Chavez v. Martinez (2003), 538 U.S. 760, 767, 123 S.Ct. 1994, 155 L.Ed. 2d 984; Seegmiller v. Laverkin (10 Cir. 2008), 528 F.3d 762, 767.

Part One • Firearm/Deadly Weapon Allegation

The repugnance of Revised Code of Washington (RCW) 9.94A.602 to the Absolute Prohibitions within Amendment 5 "Double Jeopardy" clause of the united states Constitution of America, that the state "Shall Not" subject Ryan A. Milton to criminal charges upon a "prosecution" and "conviction" for the same criminal act of "Possession, Being in possession of/and with the theft of a firearm".

(A) RCW 9A.52.020(1)(a) has 'Integral Elements' of "possession and/or use of a firearm/flight therefrom with a firearm/or an assault" that "Enhances" the seriousness level of the Burglary and "Enhances" the Punishment from that of Burg°2/Res Burg to Burglary°1.

(B) When Mr. Milton was charged, prosecuted, and convicted of the two (2) Burglary°1's with the additional "seperate" and "distinct" charges (two (2) Firearm enhancements), prosecuted

and convicted under RCW 9.94A.602, he "Was placed in Jeopardy" approximately 7 times for 'possession', possession and the theft of firearms'. Which when the only element of a theft of a firearm is the theft of the firearm, this element may not be used to again raise the residential burglary to a Burglary 1, with Firearm enhancements (as an even higher jeopardy) added to it. Kepner v. united states (1904), 195 U.S. 100, 24 S.Ct. 797, 49 L.Ed. 114. The Double Jeopardy clause of the united states of America's constitution Amendment Five (5th), Prohibits the 3-branches of government of the state of Washington from:

(i) The legislative branch "Shall Not" Enact any laws that would place the accused, 'In The Same Criminal Proceedings', or, A second criminal proceeding to be Twice (a) charged for the "same offense", (b) prosecuted (ie. guilty plea, jury trial, bench trial) for the "Same Offense" (c) convicted for the "Same Offense"; and

(ii) the executive branch "Shall Not" conduct any criminal proceedings against the accused, In The Same Criminal Proceedings, or, A second criminal Proceedings to be twice (a) charged for the "Same Offense", (b) prosecuted (ie guilty plea, jury trial, bench trial) for the

"Same Offense", and (c) convicted for the "Same Offense"; and
(iii) the Judicial branch "Shall Not" conduct any Judicial proceedings against the accused, In The Same Criminal Judicial Proceedings, or, A Second Judicial Criminal Proceedings to be Twice (a) prosecuted (i.e. guilty plea, jury trial, bench trial) for the "Same Offense", and (b) convicted for the "Same Offense".
Breed v. Jones (1975), 421 U.S. 519, 529-32, 95 S. Ct. 1779, 1786-87, 44 L. Ed. 2d 346 (citing/quoting Green v. U.S. (1957), 355 U.S. 184, 187, 78 S. Ct. 221, 223, 2 L. Ed. 2d 199; and Price v. Ga. (1970) 398 U.S. 323, 326-29, 331, 90 S. Ct. 1757, 1759-62, 26 L. Ed. 2d 300); United States v. Ball (1896), 163 U.S. 662, 671, 16 S. Ct. 1192, 1195, 41 L. Ed. 300.

Part Two • Firearm / Deadly Weapon Enhancements

On or around June 15th, 2009, Ryan A. Milton, under RCW's 9.94A.020, 9.94A.510, and 9.94A.530, was subjected to "4 Seperate and Distinct 'Punishments/Sentences' for the "Same Act/Offense" for the Same Act of Possessing and theft of a firearm"; with Two of these 'Seperate and Distinct Sentences/Punishments to run "Consecutive to the other Two Seperate and Distinct Sentences/

Punishments, and consecutive to each other.

As the court said in Breed v. Jones supra, 421 U.S. at 532, "... The Double Jeopardy clause is written in terms of potential risk of "trial and conviction", not punishment". Citing Price v. Georgia, supra, 398 U.S. at 329. Albright v. Oliver (1994), 510 U.S. 226, 273, 114 S.Ct. 807, 813, 127 L.Ed 2d 114, that court made clear - "... that, where a particular amendment provides an explict textural source of "Constitutional Protection" against a particular sort of governmental behavior, that is the amendment which applies, and must be the one that analyzes that claim. Graham v. Connor (1989), 490 U.S. 386, 395, 109 S. Ct. 1865, 1871, 104 L. Ed. 2d 443."

In the present case/issue here, is "Sentences/Punishments", and it is the "Eighth (8th) and Thirteenth (13th) Amendments Prohibitions" of "Cruel & Unusual Punishments" and "Involuntary Slavery & Servitude" clauses of the U.S. of America's constitution that applies to "Part Two - Deadly Weapon 'Enhancements'", not the 5th Amendment's Double Jeopardy clause. Robinson v. California (1962) 370 U.S. 660, 667-68, 82 S. Ct. 1417, 1420-21, 8 L. Ed. 2d 758; Ralph v. Warden (1st Cir. MD 1970), 438 F.2d 786, 789-93; United States v. McKinney (6th Cir. 1970), 427 F.2d 449, 455.

Arbitrary and Capricious State Actions

Legislators, as well as judges and prosecutors, are held accountable for knowing the laws, in conjuction with, pursuant to, the Enumerated Provisions within the Articles and Amendments thereunder, of the united states of America's constitution, as well as the Limits upon their Power and Authority. United States v. Harris (1881), 106 U.S. at 635, 1 S. Ct. 601, ___ L.Ed. ___; Ableman v. Booth (1858), 62 U.S. 506. 21 Howard 506, 16 L.Ed. 169; United States v. Aguilar, supra.

The Washington state legislatures unconstitutional acts here, without the authority to do so, and in a knowing and willful violations of the Absolute Prohibitions prescribed within the united states of America's Constitutions Eighth (8th) and thirteenth (13th) Amendments, and the fifth Amendment's Double Seopardy clause, under the enactments of RCW 9.94A.020, 9.94A.510, 9.940.602 and 9.94A.530, constitutes governmental Oppressive Overreaching that is Arbitrary and Capricious state action. Holmes v. South Carolina (2006), 547 U.S. 319, 324, 126 S.Ct. 1727, 1732, 164 L.Ed. 2d 503; Rock v. Arkansas (1987), 483 U.S.

44, 55, 107 S.Ct. 2704, 2711 n.3, 97 L.Ed 2d 37, "ever law enacted by the federal and state legislatures must be based on one or more of the powers enumerated in the united states's Constitution, so long as it is not in violation of, and/or, repugnant to any of the other Enumerated Provisions within the united states of Americas Constitutional Articles and Amendments thereunder. The powers of the federal and state legislatures are defined and limited". Marbury v. Madison (1803), 1 Cranch 137, 176, 2 L.Ed. 60 (Marshall, C.J.)". The Washington state legislatures, took an "Oath" under Article VI, ch.3 of the united states of America's Constitution, to uphold the Absolute Rights Enumerated within Amendments 1, 4, 5, 6, 8, 13, and 14, accorded to Ryan A. Milton, yet, that is, not what the legislative, executive and judicial branches did here. They Completely "Stripped/Deprived" All of Ryan A. Milton's Absolute united states of America's Enumerated Constitutional Rights within Amendments 1, 4, 5, 6, 8, 13, and 14, in a will ful Bad Faith violation of their Oath to office under Article VI, ch. 3 of the united states of America's Constitution. Ableman v. Booth, supra; Bond v. Floyd (1966) 385 U.S. 116, 87

S. Ct. 339, 17 L. Ed. 2d 235, by "Imposing 4 seperate and distinct sentences/punishments" for an "Act/Offense of Possessing/theft of firearm".

Conclusion

As set forth above and those Fact's and authosities set forth in Grounds 1, 2, and 3 (In their Entirety of Relevance), the convictions and sentences must be Reversed, and, All charges "Dismissed With Prejudice", as well as any and all charges that should have, and/or could have, been brought at the time of Ryan A. Milton's arrest or later arraignments/and/or re-arraignment.

Court of Appeals
Division II

FILED
COURT OF APPEALS
10 MAY -3 PM 12:55
STATE OF WASHINGTON
BY
DEPUTY

5/5/10
Motion granted. The motion to supp, which appears to contain the cites statutes appellant wishes to bring to this court's attention, will be attached to SAG.
[illegible]

State of Washington, Appellee,

V.

RYAN A. Milton, Appellant

Cause No. 39518-5-II

Appellant Motion to Supplement the Record on Appeal as of Right
RAP 9.10

Comes now, the Appellant, Ryan A. Milton, a prose prisoner, in good faith, and moves this court to GRANT Appellant's Motion to Supplement the "Record" on Appeal as of Right, specified below.

Discussion

Under Mr. Milton's statement of Additional Grounds, he brings under Ground #1, "unconstitutionality of the Public Defender's office" re RCW's ch. 36.26, 43.101 ch., and, WAC 139-15-110; and under Ground #3 Part One (Unconstitutionality of Special Deadly Weapon Allegation) - Part Two (Unconstitutionality of Special Deadly Weapon Enhancement), RCW's 9.94A.602 and 9.94A.530-.533 respectively. This Motion to Supplement the Record on Appeal as of Right, is made under Coppedge v. U.S. (1962), 369 U.S. 438, 448, 82 S.CT. 917 8L.Ed. 2d 2, and RAP 9.10. The

Supplemental Record, is: (1) Appx. A (RCW ch. 36.26); (2) Appx. B (RCW ch. 43.101); (3) Appx. C (WAC 139-15-110); and (4) Appx. D (RCW 9.94A.602 and 9.94A.533).

Conclusion

This Court should GRANT Appellant's Motion to Supplement the Record on Appeal.

Date: April 29, 2010

Ryan A. Milton, a prisoner, pro se
1313 N. 13th Ave.
Walla Walla, Wa 99362
WSP/West Complex/Delta W-230/
#331999

Court of Appeals
Division II

State of Washington, Appellee

v.

Ryan A. Milton, Appellant

Cause No. 39518-5-II

Affidavit of Service
By Mail

State of Washington) ss: 536-23-4830
County of Walla Walla)

FILED
COURT OF APPEALS
10 MAY -3 PM 12:55
STATE OF WASHINGTON
BY _____ DEPUTY

I, Ryan A. Milton depose and say:

That on April 29th, 2010, I sent the following documents: (1) Demand to strike attorney Valerie Marushige's opening brief from the Record; (2) Appellants Motion to discharge Valerie Marushige as councel on Appeal as of Right: (3) Appellants Motion to appoint independant conflict free counsel on Appeal as of Right; (4) Appellants Motion to supplement the record on Appeal as of Right; (5) Appellants statements of additional grounds on Appeal as of Right with attaching Appendix's A, B, C, D, and E,

with postage pre-paid, correctly addressed to the following: Clerk, Court of Appeals, division IIs

Aff'd. B Sec. by Mail

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on April 29th, 2010. Pursuant to 28 U.S.C. § 1746.

Ryan A. Mitton