

COURT OF APPEALS  
DIVISION II

11 JUN 27 PM 3:16

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON

BY \_\_\_\_\_  
DEPUTY

DIVISION II

NO. 42278-6

PERSONAL RESTRAINT PETITION

LARRY D. STOVALL

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 LARRY D. STOVALL, 1313 N. 13th Ave  
(Full name and current address) Walla Walla, Wa 99362

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: J+S Warrant Commitment  
(Identify type of court order)

- The court in which I was sentenced is: Pierce County Superior
- I was convicted of the crime of: Delivery, possession, Cocaine, bus zone.
- I was sentenced after (check one) Trial \_\_\_\_\_ Plea of Guilty  on May 12, 2009  
Date of Sentence
- The Judge who imposed sentence was Frederick W. Fleming
- My lawyer at trial court was Shane M. Silverthorn  
Name and Address if known

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

7. My lawyer for my appeal was: Pro Se  
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 \_\_\_\_\_ 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 Pending - Direct Appeal Relief was denied on \_\_\_\_\_  
Name of court

N/A  
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 Pro Se  
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: Trial Attorney

Failed to file Suppression Motion. Court failed to hold hearing on Defendant's motion to remove attorney. Prosecutor Breached Plea agreement. Attorney failed to interview witnesses.

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 4 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): Ineffective Assistance of

Counsel, Abuse of discretion, Prosecutorial  
Misconduct, Entrapment

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) See Brief of

Petitioner when filed

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".)

State v. Carica 59 Wn App 368, 788 P.2d 296 (1d/1980); Hill  
vs. Lockhart, 474 U.S. 52, 88 L.Ed.2d 203, 106 S. Ct 356 (11/  
18/1985); Visitation, 55 Wn. App. 166, 776 P.2d 986 (8/1989)

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") Art. 1. Sec. 3 Wash. Art 1.

Sec. 22, Art. 1 Sec 10, 6 Amend, 14 Amend. U.S.

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: This Court has authority to review

#### 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  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 \$ 5 in my prison or institution account.

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

Name & Address

Relationship

Age

N/A

10. All the bills I owe are listed here:

Name & Address of Creditor

Amount

N/A

Court matter LPO'S

D. REQUEST FOR RELIEF:

I want this court to:

Vacate my conviction and give me a new trial

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

Other: \_\_\_\_\_

(Please Specify)



# Certificate of Service

By Mail

11 JUN 27 PM 3:15  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
TERRY

I, LARRY D. STOVALL, certify under the penalty of perjury under the laws of the State of Washington, that I placed an original of this document, and one copy in the internal institutional mail system, at Washington State Penitentiary, Minimum Security Unit, postage paid, addressed to the individual listed below. State and Federal mail Box rules apply.

1.) David C. Ponzecha, Clerk  
Court of Appeals Div II  
950 Broadway, Suite #300  
Tacoma, WA 98402

2.) Kathleen Proctor, Deputy  
Pierce County Prosecuting  
Attorney's Office  
930 Tacoma Ave So Rm # 946  
Tacoma, WA 98402

Dated this: 16th day of June

cc: Larry D. Stovall  
file WSP/MSU 1313 N. 13th Ave  
Walla Walla, WA 99362