

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

IN RE: THE PERSONAL RESTRAINT)
OF CHARLES DAVIS)

CHARLES DAVIS)
Petitioner,)

v.)

STATE OF WASHINGTON)
Respondent.)

NO. 444780

PERSONAL RESTRAINT PETITION

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, Charles J. Davis, DOC #318058, 1301 N Ephrata Ave PO Box 769 Connell, WA 99326,
(Full name and current address)

Apply for relief from confinement. I am x 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: Judgment and Sentence.
(Identify type of court order)

1. The court in which I was sentenced is: Thurston County Superior Court.
2. I was convicted of the crime of: Rape in the First Degree.
3. I was sentenced after (check one) Trial x Plea of Guilty _____ on May 6, 2010.
Date of Sentence
4. The Judge who imposed sentence was The Honorable Paula Casey.

5. My lawyer at trial court was David Kauffman, 4509 Interlake Ave N # 133 Seattle, WA 98103 (Currently Inactive).

Name and Address if known

6. I did x did not _____ appeal from the decision of the trial court. (If the answer is that I did), I appealed to: Court of Appeals Division I.

Name of court or courts to which appeal took place

7. My lawyer for my appeal was: Patricia Pethick, PO Box 7269 Tacoma, WA 98417-0269.

Name and address if known or write "none"

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 _____

8. Since my conviction I have x 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 Washington State Supreme Court. Relief was denied on January 4, 2012.

Name of court

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 Patricia Pethick, PO Box 7269 Tacoma, WA 98417.

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: _____

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 _____ reason(s) for this court to grant me relief from the conviction and sentence described in Part A.

_____ 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): **See attached Brief.**

2. The following facts are important when considering my case. (After each fact statement put the name of the person or persona 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 attached Brief.**

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". **See attached Brief.**

4. The following statutes and constitutional provisions should be considered by the court. (If none are now, state, "None Known") **See attached Brief.**

5. This petition is the best way I know to get the relief I want, and not other way will work as well because: **See attached Brief.**

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 \$ 20 Dollars 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 and cannot afford to pay a lawyer.

4. I am am not employed. My salary or wages amount to \$ _____ a month. My employer is _____
Name and address of employer

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 _____
Type of self-employment

And the total income I received was \$ _____.

6. During the past 12 months I:

Did Did Not Receive any rent payments. If so, the total I received was \$ _____

Did ___ Did Not Receive any interest. If so, the total I received was \$ _____

Did ___ Did Not Receive any dividends. If so, the total I received was \$ _____

Did ___ Did Not Receive any other money. If so the total I received was \$ _____

Do ___ Do Not Have any cash except as said in question 2 of Statement of Finances. If so the total amount of cash I have is \$ _____.

Do ___ Do Not ___ Have any savings or checking accounts. If so, the total amount in all accounts is \$ _____

Do ___ Do Not Own stocks, bonds or notes. If so, their total value is: \$ _____.

7. List all real estate and other property or things of value which belong to you or in which you have an interest. Tell what item or 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
None	

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

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

Name & Address	Relationship	Age
None		

10. All the bills I owe are listed here:

Name & Address of Creditor	Amount
----------------------------	--------

D. REQUEST FOR RELIEF:

I want this court to:

Vacate my conviction and give me a new trial

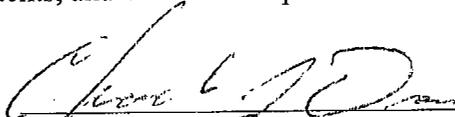
Vacate my conviction and dismiss the criminal charges against me without a new trial

Other: Alternatively, set a reference hearing

E. OATH OF PETITIONER

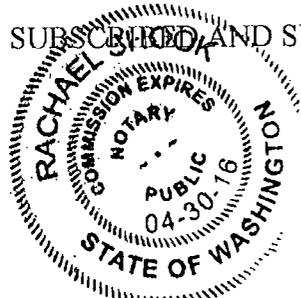
STATE OF WASHINGTON)
)
) ss.
COUNTY OF _____)

After being first duly sworn, on oath, I depose and say: That I am the petitioner, that I have read the petition, know its contents, and I believe the petition is true.



(Signature Here)

2013. SUBSCRIBED AND SWORN to before me this 31st day of January





Notary Public in and for the State of Washington
Residing at Spokane

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

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 _____, 200__.

(Signature Here)

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

IN RE: THE PERSONAL RESTRAINT)
OF CHARLES DAVIS)
CHARLES DAVIS)
Petitioner,)
v.)
STATE OF WASHINGTON)
Respondent.)
_____)

NO. _____
DECLARATION OF CHARLES DAVIS

I, Charles Davis, do declare under penalty of the laws of the State of Washington that the following is true to the best of my ability:

1. I am the Respondent in the above-entitled cause;
2. On June 3, 2009, I was charged with one count of Rape in the First Degree in Thurston County Superior Court;
3. On February 10, 2009, a First Amended Information was filed, charging Rape in the Second Degree in the alternative;
4. My case was tried to a jury;
5. Jury selection began on March 15, 2010. I was present in the courtroom during the entire proceeding;
6. I had previously written to the NAACP, Court Watch organizations, and local colleges to ask people to attend my trial and support me;
7. There was a young female in her 20s who was present in the courtroom that morning prior to the jury coming in;

8. I recall that when the judge came out, she told the woman that she would need to give her seat to the jury members coming in, or words to that effect;
9. The woman, as I recall, did not immediately move, prompting the bailiff to walk over to her;
10. I saw the bailiff whisper to her, and then I saw the woman get up and walk out of the courtroom;
11. I presume, based on what the judge had said, and based on the woman's actions, that the bailiff asked her to leave;
12. The woman left the courtroom and did not come back;
13. I was disappointed, as I had asked for people to come to support me, and I believe that she had come to watch my trial at my request;
14. At no time did the court advise the woman that she was free to remain in the courtroom.

Dated this 31st day of January, 2013.



Charles J. Davis