

Thomas WS Richey #929444
Washington State Penitentiary
1313 North 13th Avenue
Walla Walla, WA 99362

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

THOMAS WILLIAM SINCLAIR RICHEY,
Appellant,

S.Ct. Case No: 88698-9

v.

APPELLANT'S REPLY BRIEF

SANDRA DIMMEL,

Appellee.

Appellant, Thomas WS Richey, pro-se, hereby files this Reply to the Brief of the Appellee.

APPELLEE ESSENTIALLY ARGUES THAT A STATUTORY RULE TRUMPS A RIGHT GUARANTEED BY OUR CONSTITUTION

Our constitution provides that the habeas corpus shall never be suspended. The Appellee argues that RCW 7.36.130 effectively suspends the habeas corpus after one year. But a statutory rule cannot suspend a right guaranteed by our constitution no more than a rule under the Washington Administrative Code can supersede a statute under the Revised Code of Washington. Moreover, in addition to the right guaranteed by our constitution, RCW 7.36.140 specifically mandates that it shall be the duty of this court to consider any federal question raised in any petition for writ of habeas corpus to determine whether the petitioner has been denied a right guaranteed by the constitution. It would be an abrogation of the constitutional and

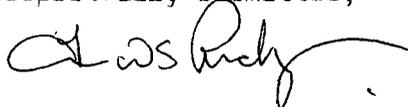
statutory responsibility of this court to refuse to consider questions raised by petitions for habeas corpus which have not been previously raised and determined. Scraggs v. Rhay, 70 Wn.2d 755 (1967).

The constitutional issue raised in Mr Richey's petition for writ of habeas corpus has never previously been determined by any court. The Appellee has made no effort whatsoever to present any supporting law beyond a bald statement to show that constitutional due process was satisfied by the superior court before it altered Mr Richey's Judgment & Sentence by adding or inserting Attempted Premeditated Murder into the document. The 5th and 14th Amendments of the US Constitution require that due process be satisfied prior to acceptance of a plea of guilty and prior to entering a judgment. As the record shows, due process was never satisfied in this case.

CONCLUSION

The Appellee has failed to adequately address the issues raised in this appeal. For that reason, this court should grant Mr Richey relief.

Respectfully submitted,



Tom WS Richey

CERTIFICATE OF SERVICE BY MAILING

I, Thomas Richey, over the age of twenty-one and competent to testify herein, do state that I sent a copy of:

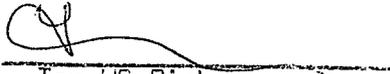
APPELLANT'S REPLY BRIEF

By placing such documents in the Washington State Penitentiary mailbox in a postage prepaid envelope addressed to:

Alex Kostin, Assistant Attorney General
Corrections Division
PO Box 40116
Olympia, WA 99362

That I mailed the document on the 25th day of November, 2013.
I swear, under the penalty of perjury, that the foregoing is true and correct.

Signed.


Tom WS Richey