

False Statements (Lies) of the Prosecutor:

Prosecutor Jason Ruyf, WSBA #38725, has made actual false and misleading statements in the response he filed with court in direct violation the Rules of Professional conduct. As such, Mr. Ruyf should be reviewed for charges of perjury and unprofessional conduct before this court warranting disbarment and criminal prosecution for violation of the laws of the State of Washington.

To wit Mr. Ruyf claims to this court that the trial court proved the following facts: a) That the defendant was known as the Weed man; b) that he picked up HT and VN everyday after school, with the implication that this went on for weeks; c) that he forced them to perform loyalty tests involving the removal clothing; d) that the defendant had "goons" who could and would hurt people at his direction. Not a single one these items was put to the jury for analysis of true or false, rather the purported victims testified, inconsistently and with stories that were impossible on the time line of the supposedly reliable and honest testimony. Further it should be remember by this court that the jury did not believe the sexual intercourse claims of the two victims who admitted to lying in their own testimony and depositions.

Mr. Ruyf is attempting to mislead this court with unproven facts from the outset of his response motion in and effort that can best be explained away by his unprofessional conduct, his knowledge that the court and the prosecution screwed this case up from the very beginning, and the ongoing tolerance of this court and others to hold the county persecutors to a very low standard of conduct while simultaneously providing lip service to the rights of the accused, in this case, the defendant Mr. Randall.

The defendant asks that this court treat any all statements of Mr. Ruyf with extreme deference and suspicion as he is clearly not engaged in an actual quest to seek the truth or to serve out justice, but to

preserve his own misguided career, and protect the wrongful and probably illegal conduct of his superiors and co-workers.

Argument:

Petitioner concedes that the right of personal restraint petition (PRP), is founded in the state's constitution as a remedy for Habeus Corpus. However, petitioner disagrees with the prosecutors collected misdirection and use of *In Re Mercer* 108 Wn.2d 714, 718-721 (1987); *In re Hagler*, 97 Wn.2d 818, 823-824 (1982); *In re Woods* 154 Wn.2d 400, 409 (2005). It appears to be the states contention that the claims of the defendant here are solely of an unconstitutional nature that the defendant must be held to the standard of showing "a complete miscarriage of justice," *In re Cook* 114 Wn.2d 802, 812 (1990). It also appears that the state is arguing that the defendant has admitted guilt in the present case in its citation of *Woods*, but there is not a single article of evidence that the defendant has admitted to any misconduct other than the misdemeanor possession charge prosecuted by the Municipal Court of Tacoma in a separate, but related proceeding.

Prior Rulings of the Court:

The state appears to predicate its case upon the idea that this court has already substantially ruled on the matters presented in this Petition, and that this is a subsequent petition without merit.

Statements of the Court, *State v. Randall*, *Unpublished Opinion*, Filed July 30, 2013:

Double Jeopardy: "Randall does not argue that he has been twice put in jeopardy for the offense. Instead, he argues that at some point in time in the future he may twice by put in jeopardy. We reject his argument as hypothetical and not ripe review." 14-15.

Arresting Officer CrR 3.5 and 3.6 violations / Lack of Counsel at Interview with Reopelle: “Randall did not preserve for appeal any error regarding the arresting officer; in addition, Randall’s assertion is too vague for us to address,” 17. As noted by the court, this issue was not proper for review on appeal, but this is not an appeal and as the court noted it did not address the issue. “Because Randall bases his assertion on matters outside the record, we cannot consider it on direct appeal,” 18.

Remaining Issues: “Randall makes several claims that we are also unable to review on direct appeal because they rely on matters outside the court’s record,” 19. As such, most of the issues raised by appellant Randall in his supplementary additional grounds were not reviewed by the court, but rather dismissed as not valid for direct appeal as they require evidence outside the record of the court, record that the court (Superior Court of Pierce County) has clearly failed to make or make available.

Double Jeopardy:

The state argues that the double jeopardy argument is invalid in its response based on the prior ruling of the court. However, the state clearly does not rely on the actual wording or the response of the court. Here the state makes the exact problem of the issue raised by the defendant crystal clear for this court. The response filed here states, “Offenses involving the possession of contraband are not the same if they involve different contraband possessed on different days under different circumstances.”

Referenced here are *In re Shale* 160 Wn.2d 489, 498-99 (2007), *State v. Adel* 136 Wn.2d 629, 640-641 (1998), and *State v. McPhee* 156 Wn.App 44, 57 (2010).

To justify its position, the state notes that Mr. Randall was prosecuted for being possession of Marijuana on June 16, 2008 in the misdemeanor prosecution before the Municipal court of Tacoma, but that the felony prosecution presented here was based on possession prior to June 5, 2008. The state claims, “There is no established connection between the marijuana petitioner’s child victims sold to other

people before June 5, 2008, and the marijuana he was arrested for possessing June 16, 2008.” The record shows this to be factually incorrect. Rather Mr. Randall was prosecuted for having marijuana in the vehicle he was driving on June 16, 2008 by the city of Tacoma, and then Detective Reopelle, having obtained a warrant, found trace amounts of marijuana in the same vehicle, a vehicle Mr. Randall had no access too during the time of arrest and detention. Explicitly stated, Off. Kovoski of the Tacoma Police searched this vehicle and while Mr. Randall was detained on the misdemeanor charges, Det. Reopelle searched the vehicle again and found more or related material to that taken in the first search. Under the logic of the state, marijuana in possession of the defendant on June 16, 2008, can be used to prosecute delivery on June 5, 2008 or prior there too when it does not come from a separate source. The problem remains the marijuana supposedly linked to the June 5 felony offenses was in Mr. Randall’s possession on June 16 and he was prosecuted for that possession. The state does not claim that the marijuana came from the victims, from a buyer who purchased marijuana from Mr. Randall or the purported teenage victims. Rather they acknowledge it was in Mr. Randall’s vehicle and they acknowledge there was misdemeanor prosecution for that possession. Given that the amount of marijuana found was less than 0.1g in the seams of a backpack, it would appear that the state can infinitely parse contraband into multiple instances and dates of possession by speculation to create or tie in new and different charges. Mr. Randall does not argue that the possession charge is related to June 16, and the felony charges are related to conduct prior to June 5, but he does argue that the state needs to show conclusively that the marijuana in question was definitively unrelated to the possession charges of June 16, i.e. a separate source. The alternative interpretation is that the State may use a subsequent date prosecution for possession as evidence of a prior delivery, such would be a violation of ER 401-403 as prejudicial. Given the marijuana used in the felony possession and the misdemeanor possession came from the same source, Mr. Randall’s vehicle which was in his possession on June 16,

2008, the state needs to show the conduct is unrelated and not subject to the joinder rules prescribed in CrR 4.3.1.

As noted in the original filing, Mr. Randall via his counsel did object to the introduction of the evidence to the trial court on the ground that Mr. Randall had already been prosecuted by the Municipal court for this possession and that he was now be prosecuted for it again using the guise of delivery charges. It would appear that this issue goes straight to the definition of double jeopardy, the state had the option to stop the prosecution for possession and proceed with the delivery charges, or forfeit the delivery charges unless it could prove them without the need for the evidence related to the possession charges. Delivery inherently involves possession at some point in time unless the laws of physics have radically changed and do not apply in a court of law. Simply put the court should not have allowed the state to use marijuana in possession by Mr. Randall on June 16, 2008 in its case regarding delivery occurring prior to June 5, 2008. The use of the marijuana in Mr. Randall's possession in two separate courts and two separate proceedings on drug charges related to marijuana show and intent to bypass the double jeopardy protections of this state and to by the mandatory joinder rules of CrR 4.3.1.

Brady Violations: The state documents the three-part test under which a Brady violation may occur. See *Brady v. Maryland* 373 U.S. 83, 87 (1963). The problem here is that the standards are met even if they have been presented to the judge and the judge has sided with the prosecution and withheld information or access to the evidence from the defendant. The assumption here is that the testimony or deposition of the purported victims would not be favorable to the defendant, but as the court noted it may also be of an impeaching nature. Here we have two supposed victims who have conflicting time lines for the occurrence of the events, who were not believed regarding falsified rape allegations, and who admitted to lying to the court and to the defendant's prior attorney. What more evidence does one need to impeach the victims as not credible? Here the court joined sides with the state's attorney to

hide the victims from the defense under the guise of rape shield or sexual assault victim protection laws, and thus prevent inquiry into the drug related charges. Mr. Randall concedes that prior counsel was allowed to interview the girls regarding the rape charges, and only the rape charges as the state had not made any effort to bring drug related charges at the time. Defense counsel was not aware that she would be defending Mr. Randall against distribution or involving a minor in the distribution of controlled substances charges. It's quite a step to say rape and drug dealing are related charges especially when the filing of the charges occurs more a then year apart and more than year after the original indictment was filed.

The testimony of the victims is the only compelling evidence the state has against Mr. Randall in the instant case. The other testimony is speculative at best and does not actually testify to any actual linkage between Mr. Randall, the girls, and drugs. As previously noted the drug evidence presented at trial was in Mr. Randall's possession on June 16, 2008 and he was prosecuted separately for that offense. As such, the testimony and lies, and false statements of the supposed victims is very much material to the guilt of Mr. Randall. Whether the state considers this a Brady violation by the state or by the Court, the point is that Mr. Randall's counsel could not effectively defend Mr. Randall against the changing stories and allegations of HT and VN without an interview regarding drug dealing for the benefit of Mr. Randall. The court may or may not have within it discretion to limit the inquiry to the drug charges given the prior depositions of counsel, but certainly a blanket denial access given new counsel, new charges, and the substantial time delay dramatically hinders and impairs Mr. Randall and his counsel to prepare a proper defense. Further, the court and the prosecution engaged in denying access, even in camera, to evidence that would have gone to the credibility of the witnesses which included medical and truancy records requested by the defense. Again the nature of the evidence is impeachment worthy and goes the credibility of the witnesses upon whom the state is relying lacking more concrete evidence or direct testimony.

Instructional Error:

Petitioner maintains that the court engaged in instructional error consistent with *Petrich*. Important to note is the court's prior and complete denial of the controverted testimony of the two girls claiming to have been involved in Mr. Randall's marijuana enterprise. Mr. Randall in the SAG with the appeal presented this court with a time line based analysis of the testimony of the two girls that shows the ongoing daily enterprise of dealing could not have occurred. The state wants to characterize the testimony of the girls as uncontroverted apparently because Mr. Randall did not testify in his own defense to deny the allegation. Yet, they do not want to acknowledge the impossibility of the facts drawn from the testimony based on the time line presented independently by HT and VN. This is a decided biased reading of testimony and the presentation of that testimonial evidence as fact. While it would be unlikely that the testimony of HT and VN would be in perfect agreement to the last detail, the testimony should not be so contradictory that the truth of one story implicates the falsity of the other. That is the very case here, if HT told the truth, VN lied and vice versa. As such, we don't know what story the jury unanimously believed, if any all. The purpose of the *Petrich* direction, is to define and event or time during which the bad conduct occurred. It is not illogical to suggest that the jury believed in part HT and VN and in part disbelieved HT and VN. Said belief may have led to part of the jury believing guilt based on conduct with HT and part with VN, collectively a unanimous verdict, but individually a verdict based on different events in the mind of each unique juror and what should or likely could have been a hung jury. The problem is without an event or time for the illegal conduct, Mr. Randall has little ability to defend himself against a huge window of time and wild allegations of what might have happened at some point some time with one or the other or still others. The state can call this highly speculative logic, but at the same time the defense would argue the state's case is highly speculative on ifs, maybe, possibly, and sometimes without concrete specifics that can be defended against.

It is hard to say the contradictions and inconsistency of the testimony of HT and VN are truly harmless were by the implication is that one or the other must be lying. If the state could say that on a certain ^{Place to} date or date window Mr. Randall engaged in the distribution of marijuana involving HT and ~~HT~~ simultaneously VN or separate occasions involving each individually, that is was done at this location in this very specific area; the city of Tacoma being too large and vague, and that the testimony of HT and VN was not contradictory on that event, there would be a much different discussion herein.

Absence at a Critical Stage of the Proceedings:

The problem with the state's argument regarding the defendant's absence at critical stages of the prosecution and subsequently regarding the in camera review requests is that it based on the fact court failed to make record of the events. This is precisely the problem the defendant is raising. The state argues that it is the defendant's burden to prove that the denials were material and that the denial or proceedings were prejudicial and would not facilitate the defendant's fair trial. At the same time, the court has failed to make record of the events in their entirety, and failed to make record of actions occurring off the record whether that be in chambers, in a bench conference or ex parte. The record in the matter is complete enough with the testimony to indicate that something did happen, that the court did take action or deny, but incomplete as to what that action/inaction might be and on what grounds the action was taken. One must ask how the defendant or defense counsel can prove or show that the court did anything when it happens behind closed doors or off the record. Under the state's logic the defendant Mr. Randall must prove that the court, the recorder of record, the record maker, did or did not do something. Clearly, the court failed to make record of events regarding instructions to the jury or lack thereof and did it via an off the record proceeding with or without counsel. The court also may or may not have conducted the in camera review requested by the defendant. The truth is we don't know what the presiding judge did or did not do, but the outcome is that the state is favored by a blind ruling

without substance that the defendant cannot appeal, it's outside the record, and is not in a position to compel deposition or testimony from the court itself regarding bad conduct. Is this court prepared to allow inmates to subpoena and depose sitting justices of the Superior court without bounds or limitation for things they did off the record in bench conferences, chamber proceedings, or other items that somehow failed to make it to the record by deliberate act or general negligence? The standards here are that the record could exist and in the absence of those records, it must be assumed that constitutional error has occurred and that the defendant has been prejudiced in some way. *See State v. Jasper* 158 Wn.App 518 (2010), *State v. Costello* 29 Wash 366, 372 (1902), *State v. Waite* 135 Wash 667, 668 (1925), *State v. Hammond* 121 Wn.2d 787 (1993), *State v. Tilton* 149 Wn.2d 775 (2003),

Ineffective Assistance of Counsel

The state takes a very dismissive tone and line with Mr. Randall's claims of ineffective assistance of counsel claims. The United States Supreme court has visited the issue of competency with great detail in several cases, specifically *Strickland and Chronic*. While there may be a presumption that counsel is effective, there are also issues regarding whether counsel was allowed to be effective, was unduly blocked by the prosecution or the court, or in this case by issues peripheral to the proceeding. In the instant case we have a defendant who went to trial on his fourth or fifth counsel. However, it was not the defendant alone who prompted this many counsels, but the actions of the state.

While Mr. Randall did have his initial counsel removed from the case on the grounds that they would not represent him adequately, he did not have counsel Karen Campbell removed. After nearly a year of investigation Mr. Randall and counsel were nearly ready to go to trial until the state, i.e. the people, took away Mr. Randall's counsel and forced Ms. Campbell into a position where she had to recuse herself from the case. This left Mr. Randall in the position of having to choose between potentially

effective counsel by more delay in the trial, or proceed to trial with effectively no counsel; counsel that was not in a position to be effective.

Speedy Trial CrR 3.3 violation

Mr. Randall has his speedy trial rights as guaranteed under CrR 3.3 repeatedly violated in this case. Under CrR 3.3(a)(1), "It shall be the responsibility of the **court** (emphasis added) to ensure a trial in accordance with this rule..." The important word here is court, it is not the defendant's responsibility, it is not even the persecutors responsibility, but the responsibility of the court to hold both the defense and persecuting counsel to the standards and timelines mandated by law to ensure a quick and speedy trial. CrR 3.3(b)(1)(i) specifically requires that a defendant held in jail or detained as was the case with Mr. Randall be brought to trial within 60 days. This case was initiated in June of 2008, but failed to make it to trial until over 2 years later in 2010. Sixty days as mandated by law is substantially different from the two plus years this case took to make it to trial.

It is the state's contention that it was the defense that caused such a long delay, and not that of the state or the court. Further, the state contends that the delay was necessary to prevent the defendant from having incompetent counsel, and that the defendant is indefinitely bound by the actions of defense counsel even over objection to the proceedings. The state's contentions however do not show the true action of the prosecution and the court in delaying this trial for over two years.

The state specifically enumerates 20 continuances and summarizes them as predominately attributable to the defense, a factual misrepresentation the aims to deliberately mislead this court. The following is a more accurate detailing of the proceedings.

Continuance 1: 6/30/2008 – Delayed for Deputy Prosecuting Attorney Leave – Fault to the state.

Continuance 2: 9/4/2008 – Delayed for plea negotiations – Difficult to determine fault in the record as a

lazy defense attorney seeking to extort agreement from his client in conjunction with the prosecution, or the prosecution seeking to bully, badger, extort, or otherwise compel the defendant to take a deal on charges for which he was not guilty and ultimately found not guilty of committing. The court should note no drug charges were filed or pending at this point, only the subsequently acquitted rape charges.

Continuance 3: 10/2/2008 – Delayed for defense to prepare for trial. Agreeably attributable to the defense based on the record whether agreed on not agreed to by the defendant. However, the court made no effort to compel defense counsel to prepare for trial in a timely manner.

Continuance 4: 10/30/2008 – Delayed by new counsel requested by defendant.

Continuance 5: 1/15/2009 – More than 60 days have elapsed since review in excess of CrR 3.3 allowable 60 days. Generally attributable to defense.

Continuance 6: 4/14/2009 – Again more than 60 days since review. Request based on DEPUTY PROSECUTING ATTORNEY availability. State's fault and no accountability exercised by the court to compel forward trial proceedings.

Continuance 7: 6/11/2009 – Again, accommodation of the DPA (see State) and state's witnesses, i.e. the alleged and admitted lying victim.

Continuance 8: 8/11/2009 – Based on need for 20+ plus witnesses. Case was not presented with anywhere near this many witnesses. It appears counsel(s) engaged in factual misrepresentations to the court.

Continuance 9: 10/29/2009 -- Bases on need to draft motions in limine, and over defendant's objections. Again the court failed to exercise power and compel preparedness of counsel.

Continuance 11 (it should be noted that the state failed to list 10 in the continuances): 12/2/2009 – Based on new counsel. This motion and continuance point is very important as it was the removal of Karen Campbell of the department of conflict counsel that was removed not by the defendant or on motion of the defendant, but up on action of the state in cutting budgets and taking away defendant's

counsel. Defendant had no part in the loss of counsel who had been on his case for a year, but fell victim to actions of the state and was forced to take counsel from the department from which he had been excluded due to conflict. Two issues of prejudice appear here, the state taking away competent and aggressive defense counsel, and the state forcing the defendant to take counsel from a department from which he was previously excluded without any attempt to determine if the conflict had been resolved or cleared.

Continuance 12: 2/11/2010 -- Again more than 60 days from the prior continuance. Further the delay is due to unavailability of the alleged victims, admitted liars, one of whom is out of the country. This clearly benefits the state and not the defendant.

Continuance 13: 2/24/2010 -- Here the motion is based on new defense counsel's need to obtain the case files from the prior defense counsel who was removed by action of the state and court without regard to how it would affect the defendant. While this continuance is granted for the defense, it clearly shows that Mr. Randall had to choose between competent counsel or a speedier trial. Mr. Randall retains the right to both a speedy trial and competent counsel.

Continuance 14: 4/13/2010 -- Again, defense counsel, who was put in place 18 months after the original filing, and whose appointment was not driven in any way by the defendant, requires more time to prepare for trial. Yet again we see evidence of Mr. Randall having to choose between a speedier trial or having counsel ready for trial after the prior counsel was taken away by state action. The court in this instance continued to indulge counsels without regard to the defendant's objections or the consequences of what appears to be unmitigated indulgence so long as the counsels agree. The court has and appears to be taking no action to ensure that this case gets to trial quickly.

Continuance 15: 7/12/2010 -- Again, more than 60 days have elapsed since review by the court. Defense counsel is still reviewing the prior counsels work and the court takes no action to compel performance to the standards mandated by law or to advance the case further. This continuance occurs 8 months

after appointment of new counsel following the state's replacement or the defendant's prior counsel, this is not a minor delay and shows clear prejudice.

Continuance 16: 8/27/2010 – Defense counsel is still seeking time to prepare after the replaced counsel was ready to proceed to trial more than 9 months prior. This motion is again over the objection of the defendant, again the court takes no action to compel performance, and again the root cause rests with the state forcing Mr. Randall to take new counsel 9 months ago.

Continuance 17: 9/7/2010 – This continuance is blatantly bad courtroom and trial management by the court and the state. Unavailable courtrooms are clearly the domain of court and an inexcusable reason to delay the trial. *See State v. Kokot 42 Wn.App 733, 737 (1986), State v. Smith 104 Wn.App 252 (2001), State v. Warren 96 Wn.App 306, 309 (1999).*

Continuance 18: 9/8/2010 – Required for defense Counsel's vacation. Again, based on the unavailability of courtrooms.

Continuance 19: 9/9/2010 – Based on the court making only one court available to accommodate the trial, one to which the defendant would be prejudiced in proceeding. It seems unlikely that only one court was available and that nothing could be shuffled to between the multiple departments of the Pierce County Superior Courts to accommodate the issue prejudice and bring this matter to trial.

Continuance 20: 11/17/2010 – Again more than 60 days have elapsed, far more than vacation time, prior to the court revisiting this issue. It is noted that the cause was "absence of jurors." Mr. Randall cannot be held responsible for the availability of jurors; that is clearly the court's responsibility.

Trial: Initiated January 3, 2011!

Contrary to the state's contention that the defense drove the delays over and over and over again, it was the state that drove the delay. DPA's not being ready for trial thinking they could extort a plea from an unwilling defendant. State agency's cutting budgets and staff and thus depriving the defendant of established competent counsel and requiring new counsel to start over on what was described as a

complex child rape case – a case that was not founded in fact but bald faced lies and inconsistent allegations. This is added to the court’s own negligence in compelling both defense counsel and the state to present the case in a timely manner and be ready for trial, but rather riding rough shod over the rights of defendant in favor of the actions of counsels who suffer nothing adverse compared to the defendant’s lost freedoms.

The state’s reliance on Olliver, 178, Wn.2d at 824 is misguided in that it appears to allow defense counsel unfettered right to delay, procrastinate, or otherwise further deny a defendant a speedy trial right. Counsel must be limited and compelled to perform in instances that continue without mitigation. While the Olliver court worried about the automatic escape hatch by an objecting defendant, it did not adequately address the issue of delinquent counsel pushing a case out for convenience, laziness, or sheer incompetence at the expense of the defendant’s right to a speedy trial. Here the latitude of continuance is restricted only by defense counsel’s request, and appears to be grantable by the court so long as counsel as an excuse for more time, and the continuance can be as long counsel wants even if that doesn’t not fit with the excuse. The continuances here dragged on for months over and over, yet the excuse was vacation; two max, continuing education training, again a week maximum time needed, a witness unavailable, again a week or two remedies the issue. The delays here should not have been done multiple month increments, but in a week or two to facilitate the excuse posed counsel.

The state cites Barker 407 U.S. at 531, to establish the range of conduct causes the delay in the right to a speedy trial. Clearly the first continuances where the defendant changed counsel are attributable to the defendant, however, that is where the delays cease to be the defendant’s cause and the subsequent two plus years are the result of state actions. It is unclear if the persecutor’s office engaged in deliberate attempts to frustrate the defense, but adding drug charges more than 18 months after the indictment, aggravating factors 18 months after the indictment suggest vengeful acts in retaliation for the defendant

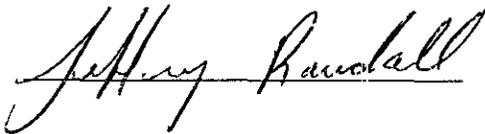
continuing to demand his day in court. Present here is much more of the middle ground of negligent actions – over crowded courts, and primarily the state forcing the defendant to terminate representation with Ms. Karen Campbell of the office of conflict counsel and start over with an attorney from the office of public defense; an office that was previously precluded from representing Mr. Randall. This is an action by the state that must weigh against the state as noted by *Baker*. Further, the delays of vacation, training, etc... were week-long problems, not multi-month issues. Reasonable time to accommodate the unavailability may have been required, but full resetting of the trial time line is excessive amount of time and abuse of discretion by the court.

The right to a speedy trial is constitutionally guaranteed and as such any waiver of that right must be done voluntarily, intelligently, and knowingly with the burden falling to the state to show validity of the waiver, *State v. Perkins 108 Wn.2d 212, 217 (1987)*. The record here is clear, Mr. Randall objected to the proceeding and ongoing delay. The court failed Mr. Randall in that it took his counsel, Karen Campbell, before he could get to trial, it failed Mr. Randall in September 2010 when it had no courtrooms available and still let this case drag on for another 4 months into the following year. “The failure to comply with the speedy trial rules requires dismissal, whether or not the defendant can show prejudice.” *State v. Kindsvogel 110 Wn.App 750, 754 (2002)*. Contrary to the state’s contention that the defendant must show prejudice in this matter, it is the state that must show the right to a speedy trial were affirmed and that the rules were followed without undue delay. The federal court’s may offer a differing opinion in federal cases, but the law of the State of Washington is clear and more strict in this matter, the state bears the burden of showing just cause for the delay of right to a speedy trial. The state and the court cannot accomplish this, rather the record shows just the opposite and as such, this case was required to be dismissed years ago. However, given the additional charges that were filed as part of the delay in prosecution, the amount of time Mr. Randall was required to spend in custody, in a facility where he

was repeatedly assaulted, show's that Mr. Randall suffered a great deal of harm as a direct result of this lengthy and unnecessary proceeding.

The right of a speedy trial is guaranteed under the Washington State Constitution, Art I, Sec 22 and the United States constitution via Amendment IV.

This filing is brought forth by the petitioner acting Pro Se and without the guidance of counsel. Filed with the court this the 17 day of Sept, 2014.



Jeffery Randall

*Phyllis Kay Tallman
Residing in Monroe, WA
Snohomish County
Expires 5-10-2017*



FILED
COURT OF APPEALS
DIVISION II

2014 SEP 19 PM 1:08

No. 45994-9-II

STATE OF WASHINGTON

BY

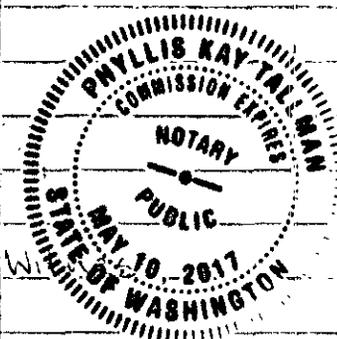
DEPUTY

In The Court of Appeals
of The State of Washington Division II

Declaration of Service of
Affidavit by Mail of Petitioner's
Reply to Personal Restraint Petition

I Jeffrey L. Randall am sending Reply
Personal Restraint Petition brief to Court of
Appeals case no 45994-9-II I Jeffrey L. Randall
Pro Se request that this court to delivery
copies to all parties that's involved and
to consider this reply brief with my
opening Personal Restraint Petition brief
and its Exhibits Reply P.R.P brief has little
case Authority or none on reason of Motion not
anserw to have Opening P.R.P. brief copies sent to Pro Se
Jeffrey L. Randall and No access to a library or law library
and left them 30 days to responal to State brief
Dated this 17 day of Sept, 2014

I certify under the penalty of
perjury under the laws of Washington that the
aforementioned is true and correct



Signature *Jeffrey Randall*

Signature *Phyllis Kay Telman*
Spokane County
Residing N. Monroe, WA
Expires 5-10-2017