

IN THE COURT OF APPEALS DIVISION II  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON

Respondent

VS

Kevin Stanfield

APPEAL no. 51724-8-II

pro se statement

Amended

FILED  
COURT OF APPEALS  
DIVISION II

2018 SEP 18 AM 10:12

STATE OF WASHINGTON  
BY JS  
DEPUTY

Come now the appellant does make the pro se statement in the hopes the court will find the appellant has rights, That the state of Washington has completely forgotten that the people of the state has rights. The Appellant has a brain injury and sometime what I write now makes little since. So appeal pro se statement is amended.

- 1) I have the charges in writing why is it the jury only got the first part of the law and not seen the defense to the law RCW 46.61.024

RCW 46.61.024

Attempting to elude police vehicle—Defense—License revocation.

(1) Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens.

(2) It is an affirmative defense to this section which must be established by a preponderance of the evidence that: (a) A reasonable person would not believe that the signal to stop was given by a police officer; and (b) driving after the signal to stop was reasonable under the circumstances.

(3) The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing

Under RCW 46.61.024(2)(B) it would have been reasonable under the circumstances not to stop as I had committed no crime. And the officers had unlawfully committed unlawful search and seizure. However, I was trying to stop before the officer attempted to kill. It only takes 1-2 minutes to get from Hwy7 to the interchange of 512 and I-5. I was not sure he was after me until he tried to kill me. The attorney does not raise the issue of the police officer bad faith in an attempt to cover up the officers mistakes is what me allegedly hitting his car is all about. For which I was found not guilty. These cases apply to this case in that it is a false arrest. The officer had an obligation to do a proper accident report and did not make one just made up some allegation of me hitting him. The defense attorney objects to the accident report in the court record. **Daniels v. Williams, 474 U.S. 327 (1986)**. See also, **Zinermon v. Burch, 494 U.S. 113, 132 (1990)**. **Hudson v. Palmer, 468 U.S. 517, 533 (1984)** **Graham v. Connor, 490 U.S. 386, 394 (1989)** **County of Sacramento v. Lewis, 523 U.S. 833 (1998)** **Albright v. Oliver, 510 U.S. 266, 271-272**, The Court did not "discuss the relative disclosure obligations of police" in *Brady* or *Kyles*. *Walker v. City of New York, 974 F.2d 293, 299 (2d Cir. 1992)*, cert. denied, **507 U.S. 961 (1993)**. In *Kyles v. Whitley*, the Supreme Court extended *Brady* by imposing an affirmative duty on a prosecutor to "learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police." **514 U.S. 419, 437 (1995)**

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., *Jean v. Collins*, 221 F.3d 656,663 (4th Cir. 2000) (en banc), *cert. denied*, 531 U.S. 1076 (2001) (holding by an equally divided vote that a police officer who, acting in bad faith, intentionally withholds evidence, and thereby prevents a prosecutor from adhering to *Brady*, has violated the defendant's due process rights); *Walker*, 974 F.2d at 299 (ruling that the "police satisfy their obligation under *Brady* when they turn exculpatory evidence over to the prosecutors"). *Daniels v. Williams*, 474 U.S. 327, 328 (1986); *see also* *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 848-49 (1998) (stating that because the Court refuses to impose liability every time a state officer causes harm, "liability for negligently inflicted harm [will be] categorically beneath the threshold of constitutional due process"). *See Daniels*, 474 U.S. at 327; *see also Lewis*, 523 U.S. at 833.1 *United States v. Bagley*, 473 U.S. 667, 682 (1985) (holding that a *Brady* violation will be found "only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different"). *See Graham v. Baughman*, 772 F.2d 441, 446 (8th Cir. 1985)

4) A warrant is required to search and seize my car at no time did I ever see a warrant for my car or given the opportunity to challenge the officers for the PIT maneuver that is search and seizer. A PIT maneuver may not be done by the officer without a warrant. 4<sup>th</sup> amendment, Supreme Court has held that the Fourth Amendment proscription against unreasonable searches and seizures, *Mapp v. Ohio*, 367 U.S. 643 (1961), and the Sixth Amendment right to a speedy public trial, *Klopper v. North Carolina*, 386 U.S. 213 (1967), apply to the states. *State v. Snapp*, 2012 In its opinion, the court clearly held that the rights of Washingtonians to be free of warrantless searches trump the right of law enforcement not to be inconvenienced.

**Double Jeopardy**

5) The appellant was charged with under 46.61.525 with is a crime, notably reckless driving. That was dismissed in court. RCW 46.61.024 Attempting to elude police vehicle violates the rules of double jeopardy as well.

**Due Process I do wish to raise this issue.**

6) The State statute is too vague and is unconstitutional. As the words "Any driver of a motor vehicle who willfully fails or refuses to immediately." The statute relies on a time frame that is unknown. A statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law. *Connally v. General Construction Co.*, 269 U.S. 385, 391 (1926) The void for vagueness doctrine thus serves two purposes. First: All persons receive a fair notice of what is punishable and what is not. Second: The vagueness doctrine helps prevent arbitrary enforcement of the laws and **arbitrary prosecutions**. There is however no limit to the conduct that can be criminalized when the legislature does not set minimum guidelines to govern law enforcement. The statute fail the test, under *Skilling v. United States* (2010), it was held that a "penal statute must define the criminal offense (1) with sufficient definiteness that ordinary people



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can understand what conduct is prohibited and (2) in a manner that does not encourage arbitrary and discriminatory enforcement." the law gave arbitrary power to the police and, since people could not reasonably know what sort of conduct is forbidden under the law, could potentially criminalize innocuous everyday activities. *Franklin v. State*, 257 So.2d 21 (Fla. 1971), *Papachristou v. Jacksonville* 405 U.S. 156 (1972), *Kolender v. Lawson* 461 U.S. 352 (1983) *Johnson v. United States*, 135 S.Ct. 2551 (2015) *Coates v. Cincinnati*, 402 U.S. 611 (1971)

I will state that I was badly injured as a result of the officers illegal PIT maneuver this is the cause of the accident, I suffered a brain injury and the reading of my rights while I was unconscious and in the hospital is a clear violation of the 5<sup>th</sup> amendment. The state may not use anything I said while I was in the hospital and unconscious. The defense attorney does raise this issue in court and the court ignores what is a clear violation of the 5<sup>th</sup> amendment. It is the first part of the trial. I will challenge the state to find a warrant for my car anywhere in the record there is no warrant. It is my understanding this law was made for people who steal cars and have warrants. I question if I should have been charged with it at all or a gun is invalid in a crime. Even if there should be a warrant issued for the car it takes an officer very little time to get one.

7) Under WASPC model policy- vehicle pursuits, SSB 5165 2003, officer Betts violates all of these rules as I can understand the rules. Notably page 2 seriousness of offense arguing with a clerk is not a crime. There is no proof I was speeding, As I remember I was keeping up with traffic. Please do take into consideration my arguments and what the defense attorney objected to. I do know that the courts in Washington state do give any weight to the people who stand up for their rights and the rights of others.

Kevin Stanfield

8/30/2018 Amended 9/15/2018

